UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
ONE HUNDRED FOURTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2016

AND

PROCLAMATIONS

VOLUME 130

IN THREE PARTS

PART 1

PUBLIC LAWS 114–116 THROUGH 114–254

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PUBLIC LAWS

ENACTED DURING

SECOND SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Friday, January 4, 2016, adjourned sine die on Friday, January 3, 2017. BARACK H. OBAMA, *President;* JOSEPH R. BIDEN, JR., *Vice President;* PAUL D. RYAN, *Speaker of the House of Representatives.*

Public Law 114–116
114th Congress

An Act

To require special packaging for liquid nicotine containers, and for other purposes.

Jan. 28, 2016
[S. 142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Child Nicotine Poisoning Prevention Act of 2015.
15 USC 1471 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nicotine Poisoning Prevention Act of 2015".

Commerce and trade.
Exports and imports.
15 USC 1472a.

SEC. 2. SPECIAL PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) REQUIREMENT.—Notwithstanding section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) and section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)), any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States shall be packaged in accordance with the standards provided in section 1700.15 of title 16, Code of Federal Regulations, as determined through testing in accordance with the method described in section 1700.20 of title 16, Code of Federal Regulations, and any subsequent changes to such sections adopted by the Commission.

(b) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this Act shall be construed to limit or otherwise affect the authority of the Secretary of Health and Human Services to regulate, issue guidance, or take action regarding the manufacture, marketing, sale, distribution, importation, or packaging, including child-resistant packaging, of nicotine, liquid nicotine, liquid nicotine containers, electronic cigarettes, electronic nicotine delivery systems or other similar products that contain or dispense liquid nicotine, or any other nicotine-related products, including—

(A) authority under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31) and the amendments made by such Act; and

(B) authority for the rulemaking entitled "Deeming Tobacco Products to Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; regulations on the Sale and Distribution of Tobacco Products and the Required Warning Statements for Tobacco Products" (April 2014) (FDA–2014–N–0189), the rulemaking entitled "Nicotine Exposure Warnings and Child-Resistant Packaging for Liquid Nicotine, Nicotine-Containing E-Liquid(s), and Other Tobacco Products" (June 2015) (FDA–2015–N–1514),

and subsequent actions by the Secretary regarding packaging of liquid nicotine containers.

(2) CONSULTATION.—If the Secretary of Health and Human Services adopts, maintains, enforces, or imposes or continues in effect any packaging requirement for liquid nicotine containers, including a child-resistant packaging requirement, the Secretary shall consult with the Commission, taking into consideration the expertise of the Commission in implementing and enforcing this Act and the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.).

(c) APPLICABILITY.—Notwithstanding section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)) and section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), the requirement of subsection (a) shall be treated as a standard for the special packaging of a household substance established under section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)).

(d) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) LIQUID NICOTINE CONTAINER.—

(A) IN GENERAL.—Notwithstanding section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) and section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)), the term "liquid nicotine container" means a package (as defined in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471))—

(i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and

(ii) that is used to hold soluble nicotine in any concentration.

(B) EXCLUSION.—The term "liquid nicotine container" does not include a sealed, pre-filled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(3) NICOTINE.—The term "nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

SEC. 3. EFFECTIVE DATE.

15 USC 1472a note.

This Act shall take effect on the date that is 180 days after the date of the enactment of this Act.

Approved January 28, 2016.

LEGISLATIVE HISTORY—S. 142 (H.R. 3242):

HOUSE REPORTS: No. 114–394 (Comm. on Energy and Commerce) accompanying H.R. 3242.

SENATE REPORTS: No. 114–12 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 161 (2015): Dec. 10, considered and passed Senate.

Vol. 162 (2016): Jan. 11, considered and passed House.

Public Law 114–117
114th Congress

An Act

Jan. 28, 2016
[S. 1115]

To close out expired grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Grants Oversight and New Efficiency Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grants Oversight and New Efficiency Act" or the "GONE Act".

SEC. 2. IDENTIFYING AND CLOSING OUT EXPIRED FEDERAL GRANT AWARDS.

(a) EXPIRED FEDERAL GRANT AWARD REPORT.—

Coordination.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall instruct the head of each agency, in coordination with the Secretary, to submit to Congress and the Secretary a report, not later than December 31 of the first calendar year beginning after the date of the enactment of this Act, that—

List.

(A) lists each Federal grant award held by such agency;

(B) provides the total number of Federal grant awards, including the number of grants—

(i) by time period of expiration;

(ii) with zero dollar balances; and

(iii) with undisbursed balances;

(C) for an agency with Federal grant awards, describes the challenges leading to delays in grant closeout; and

(D) for the 30 oldest Federal grant awards of an agency, explains why each Federal grant award has not been closed out.

(2) USE OF DATA SYSTEMS.—An agency may use existing multiagency data systems in order to submit the report required under paragraph (1).

(3) EXPLANATION OF MISSING INFORMATION.—If the head of an agency is unable to submit all of the information required to be included in the report under paragraph (1), the report shall include an explanation of why the information was not available, including any shortcomings with and plans to improve existing grant systems, including data systems.

Deadlines.

(b) NOTICE FROM AGENCIES.—

(1) IN GENERAL.—Not later than 1 year after the date on which the head of an agency submits the report required under subsection (a), the head of such agency shall provide notice to the Secretary specifying whether the head of the agency has closed out grant awards associated with all of

the Federal grant awards in the report and which Federal grant awards in the report have not been closed out.

(2) NOTICE TO CONGRESS.—Not later than 90 days after the date on which all of the notices required pursuant to paragraph (1) have been provided or March 31 of the calendar year following the calendar year described in subsection (a)(1), whichever is sooner, the Secretary shall compile the notices submitted pursuant to paragraph (1) and submit to Congress a report on such notices. Reports.

(c) INSPECTOR GENERAL REVIEW.—Not later than 1 year after the date on which the head of an agency provides notice to Congress under subsection (b)(2), the Inspector General of an agency with more than $500,000,000 in annual grant funding shall conduct a risk assessment to determine if an audit or review of the agency's grant closeout process is warranted. Deadline. Risk assessment. Determination.

(d) REPORT ON ACCOUNTABILITY AND OVERSIGHT.—Not later than 6 months after the date on which the second report is submitted pursuant to subsection (b)(2), the Director of Office of Management and Budget, in consultation with the Secretary, shall submit to Congress a report on recommendations, if any, for legislation to improve accountability and oversight in grants management, including the timely closeout of a Federal grant award. Consultation. Recommendations.

(e) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code.

(2) CLOSEOUT.—The term "closeout" means a closeout of a Federal grant award conducted in accordance with part 200 of title 2, Code of Federal Regulations, including sections 200.16 and 200.343 of such title, or any successor thereto.

(3) FEDERAL GRANT AWARD.—The term "Federal grant award" means a Federal grant award (as defined in section 200.38(a)(1) of title 2, Code of Federal Regulations, or any successor thereto), including a cooperative agreement, in an agency cash payment management system held by the United States Government for which—

(A) the grant award period of performance, including any extensions, has been expired for more than 2 years; and

(B) closeout has not yet occurred in accordance with section 200.343 of title 2, Code of Federal Regulations, or any successor thereto.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

Approved January 28, 2016.

LEGISLATIVE HISTORY—S. 1115 (H.R. 3089):

HOUSE REPORTS: No. 114–264 (Comm. on Oversight and Government Reform) accompanying H.R. 3089.
SENATE REPORTS: No. 114–169 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 18, considered and passed Senate.
Vol. 162 (2016): Jan. 11, considered and passed House.

Public Law 114–118
114th Congress

An Act

To revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes.

Jan. 28, 2016
[S. 1629]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015".

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) AUTHORIZATION TO COLLECT DEBTS AND ERRONEOUS PAYMENTS FROM EMPLOYEES.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 11, District of Columbia Official Code, is amended by adding at the end the following:

"§ 11–1733. Collection, compromise, and waiver of employee debts and erroneous payments

"(a) COLLECTION OF DEBTS AND ERRONEOUS PAYMENTS MADE TO EMPLOYEES.—

"(1) AUTHORITY TO COLLECT.—If the Executive Officer determines that an employee or former employee of the District of Columbia Courts is indebted to the District of Columbia Courts because of an erroneous payment made to or on behalf of the employee or former employee, or any other debt, the Executive Officer may collect the amount of the debt in accordance with this subsection.

"(2) TIMING OF COLLECTION.—The Executive Officer may collect a debt from an employee under this subsection in monthly installments or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay of the employee.

"(3) SOURCE OF DEDUCTIONS.—The Executive Officer may make a deduction under paragraph (2) from any wages, salary, compensation, remuneration for services, or other authorized pay, including incentive pay, back pay, and lump sum leave payments, but not including retirement pay.

"(4) LIMIT ON AMOUNT.—In making deductions under paragraph (2) with respect to an employee, the Executive Officer—

"(A) except as provided in subparagraph (B), may not deduct more than 20 percent of the disposable pay of the employee for any period; and

"(B) upon consent of the employee, may deduct more than 20 percent of the disposable pay of the employee for any period.

"(5) COLLECTIONS AFTER EMPLOYMENT.—If the employment of an employee ends before the Executive Officer completes the collection of the amount of the employee's debt under this subsection, deductions may be made—

"(A) from later non-periodic government payments of any nature due the former employee, except retirement pay; and

"(B) without regard to the limit under paragraph (4)(A).

"(b) NOTICE AND HEARING REQUIRED.—

"(1) IN GENERAL.—Except as provided in paragraph (3), prior to initiating any proceeding under subsection (a) to collect any debt from an individual, the Executive Officer shall provide the individual with—

Deadline.

"(A) written notice, not later than 30 days before the date on which the Executive Officer initiates the proceeding, that informs the individual of—

"(i) the nature and amount of the debt determined by the District of Columbia Courts to be due;

"(ii) the intention of the Courts to initiate a proceeding to collect the debt through deductions from pay; and

"(iii) an explanation of the rights of the individual under this section;

"(B) an opportunity to inspect and copy Court records relating to the debt;

"(C) an opportunity to enter into a written agreement with the Courts, under terms agreeable to the Executive Officer, to establish a schedule for the repayment of the debt; and

"(D) an opportunity for a hearing in accordance with paragraph (2) on the determination of the Courts—

"(i) concerning the existence or amount of the debt; and

"(ii) in the case of an individual whose repayment schedule is established other than by a written agreement under subparagraph (C), concerning the terms of the repayment schedule.

"(2) PROCEDURES FOR HEARINGS.—

Deadline.

"(A) AVAILABILITY OF HEARING UPON REQUEST.—Except as provided in paragraph (3), the Executive Officer shall provide a hearing under this paragraph if an individual, not later than 15 days after the date on which the individual receives a notice under paragraph (1)(A), and in accordance with any procedures that the Executive Officer prescribes, files a petition requesting the hearing.

"(B) BASIS FOR HEARING.—A hearing under this paragraph shall be on the written submissions unless the hearing officer determines that the existence or amount of the debt—

"(i) turns on an issue of credibility or veracity; or

"(ii) cannot be resolved by a review of the documentary evidence.

"(C) STAY OF COLLECTION PROCEEDINGS.—The timely filing of a petition for a hearing under subparagraph (A) shall stay the commencement of collection proceedings under this section.

"(D) INDEPENDENT OFFICER.—An independent hearing officer appointed in accordance with regulations promulgated under subsection (e) shall conduct a hearing under this paragraph.

"(E) DEADLINE FOR DECISION.—The hearing officer shall issue a final decision regarding the questions covered by the hearing at the earliest practicable date, and not later than 60 days after the date of the hearing.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to a routine intra-Courts adjustment of pay that is attributable to a clerical or administrative error or delay in processing pay documents that occurred within the 4 pay periods preceding the adjustment or to any adjustment that amounts to not more than $50, if at the time of the adjustment, or as soon thereafter as practical, the Executive Officer provides the individual— Time period.

"(A) written notice of the nature and amount of the adjustment; and Notice.

"(B) a point of contact for contesting the adjustment.

"(c) COMPROMISE.—

"(1) AUTHORITY TO COMPROMISE CLAIMS.—The Executive Officer may—

"(A) compromise a claim to collect a debt under this section if the amount involved is not more than $100,000; and

"(B) suspend or end collection action on a claim described in subparagraph (A) if the Executive Officer determines that—

"(i) no person liable on the claim has the present or prospective ability to pay a significant amount of the claim; or

"(ii) the cost of collecting the claim is likely to be more than the amount recovered.

"(2) EFFECT OF COMPROMISE.—A compromise under this subsection shall be final and conclusive unless obtained by fraud, misrepresentation, presenting a false claim, or mutual mistake of fact.

"(3) NO LIABILITY OF OFFICIAL RESPONSIBLE FOR COMPROMISE.—An accountable official shall not be liable for an amount paid or for the value of property lost or damaged if the amount or value is not recovered because of a compromise under this subsection.

"(d) WAIVER OF CLAIM.—

"(1) AUTHORITY TO WAIVE CLAIMS.—Upon application from a person liable on a claim to collect a debt under this section, the Executive Officer may, with written justification, waive the claim if collection would be—

"(A) against equity;

"(B) against good conscience; and

"(C) not in the best interests of the District of Columbia Courts.

"(2) LIMITATIONS ON AUTHORITY.—The Executive Officer may not waive a claim under this subsection if the Executive Officer—

"(A) determines that there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, the former employee, or any other person that has an interest in obtaining a waiver of the claim; or

Time period.

"(B) receives the application for waiver later than 3 years after the later of the date on which the erroneous payment was discovered or the date of enactment of this section, unless the claim involves money owed for Federal health benefits, Federal life insurance, or Federal retirement benefits.

"(3) DENIAL OF APPLICATION FOR WAIVER.—A decision by the Executive Officer to deny an application for a waiver under this subsection shall be the final administrative decision of the District government.

Deadline.

"(4) REFUND OF AMOUNTS ALREADY COLLECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—If the Executive Officer waives a claim against an employee or former employee under this section after the District of Columbia Courts have been reimbursed for the claim in whole or in part, the Executive Officer shall provide the employee or former employee a refund of the amount of the reimbursement upon application for the refund, if the Executive Officer receives the application not later than 2 years after the effective date of the waiver.

"(5) EFFECT ON ACCOUNTS OF COURTS.—In the audit and settlement of accounts of any accountable official, full credit shall be given for any amounts with respect to which collection by the District of Columbia Courts is waived under this subsection.

"(6) VALIDITY OF PAYMENTS.—An erroneous payment or debt, the collection of which is waived under this subsection, shall be a valid payment for all purposes.

"(7) NO EFFECT ON OTHER AUTHORITIES.—Nothing in this subsection shall be construed to affect the authority of the District of Columbia under any other statute to litigate, settle, compromise, or waive any claim of the District of Columbia.

"(e) REGULATIONS.—The authority of the Executive Officer under this section shall be subject to regulations promulgated by the Joint Committee.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia Official Code, is amended by adding at the end the following:

"11–1733. Collection, compromise, and waiver of employee debts and erroneous payments.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any erroneous payment made or debt incurred before, on, or after the date of enactment of this Act.

(b) AUTHORIZATION TO PURCHASE UNIFORMS FOR PERSONNEL.—Section 11–1742(b), District of Columbia Official Code, is amended by adding at the end the following: "In carrying out the authority under the preceding sentence, the Executive Officer may purchase uniforms to be worn by nonjudicial employees of the District of

Columbia Courts whose responsibilities warrant the wearing of uniforms if the cost of furnishing a uniform to an employee during a year does not exceed the amount applicable for the year under section 5901(a)(1) of title 5, United States Code (relating to the uniform allowance for employees of the Government of the United States).".

SEC. 3. AUTHORITIES OF COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) AUTHORITY TO DEVELOP AND OPERATE PROGRAMMATIC INCENTIVES FOR SENTENCED OFFENDERS.—Section 11233(b)(2)(F) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b)(2)(F), D.C. Official Code) is amended by striking "sanctions" and inserting "sanctions and incentives".

(b) PERMANENT AUTHORITY TO ACCEPT GIFTS.—Section 11233(b)(3)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b)(3)(A), D.C. Official Code) is amended to read as follows:

> "(A) AUTHORITY TO ACCEPT GIFTS.—The Director may accept, solicit, and use on behalf of the Agency any monetary or nonmonetary gift, donation, bequest, or use of facilities, property, or services for the purpose of aiding or facilitating the work of the Agency.".

(c) PERMANENT AUTHORITY TO ACCEPT AND USE REIMBURSEMENTS FROM DISTRICT GOVERNMENT.—Section 11233(b)(4) of such Act (sec. 24–133(b)(4)) is amended by striking "During fiscal years 2006 through 2008, the Director" and inserting "The Director".

SEC. 4. AUTHORITIES OF PUBLIC DEFENDER SERVICE.

(a) ACCEPTANCE AND USE OF SERVICES OF VOLUNTEERS.—Section 307(b) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607(b), D.C. Official Code) is amended by striking "the Service may accept public grants and private contributions made to assist it" and inserting "the Service may accept and use public grants, private contributions, and voluntary and uncompensated (gratuitous) services to assist it".

(b) TREATMENT OF MEMBERS OF BOARD OF TRUSTEES AS EMPLOYEES OF SERVICE FOR PURPOSES OF LIABILITY.—

> (1) IN GENERAL.—Section 303(d) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1603(d), D.C. Official Code) is amended by striking "employees of the District of Columbia" and inserting "employees of the Service".
>
> (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the

District of Columbia Courts and Justice Technical Corrections Act of 1998 (Public Law 105–274; 112 Stat. 2419).

Approved January 28, 2016.

LEGISLATIVE HISTORY—S. 1629:

HOUSE REPORTS: No. 114–368 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–110 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Sept. 10, considered and passed Senate.
Vol. 162 (2016): Jan. 11, considered and passed House.

Public Law 114–119
114th Congress

An Act

To protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

Feb. 8, 2016
[H.R. 515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders.
42 USC 16901 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

42 USC 16935.

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

Megan Nicole Kanka.

(2) In 1996, Congress adopted Megan's Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,8000,000 children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

42 USC 16935a.

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTER.—The term "Center" means the Angel Watch Center established pursuant to section 4(a).

(2) CONVICTED.—The term "convicted" has the meaning given the term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(3) COVERED SEX OFFENDER.—Except as otherwise provided, the term "covered sex offender" means an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.

(4) DESTINATION COUNTRY.—The term "destination country" means a destination or transit country.

(5) INTERPOL.—The term "INTERPOL" means the International Criminal Police Organization.

(6) JURISDICTION.—The term "jurisdiction" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) to the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927), a Federally recognized Indian tribe.

(7) MINOR.—The term "minor" means an individual who has not attained the age of 18 years.

(8) NATIONAL SEX OFFENDER REGISTRY.—The term "National Sex Offender Registry" means the National Sex Offender Registry established by section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(9) SEX OFFENDER UNDER SORNA.—The term "sex offender under SORNA" has the meaning given the term "sex offender" in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(10) SEX OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—The term "sex offense against a minor" means a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(B) OTHER OFFENSES.—The term "sex offense against a minor" includes a sex offense described in section 111(5)(A) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)(A)) that is a specified offense against a minor, as defined in paragraph (7) of

such section, or an attempt or conspiracy to commit such an offense.

(C) FOREIGN CONVICTIONS; OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)) shall apply with respect to a sex offense against a minor for purposes of this Act to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006. Applicability.

SEC. 4. ANGEL WATCH CENTER. 42 USC 16935b.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of U.S. Immigrations and Customs Enforcement a Center, to be known as the "Angel Watch Center", to carry out the activities specified in subsection (e). Deadline.

(b) INCOMING NOTIFICATION.—

(1) IN GENERAL.—The Center may receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

(2) NOTIFICATION.—Upon receiving an incoming notification under paragraph (1), the Center shall—

(A) immediately share all information received relating to the individual with the Department of Justice; and

(B) share all relevant information relating to the individual with other Federal, State, and local agencies and entities, as appropriate.

(3) COLLABORATION.—The Secretary of Homeland Security shall collaborate with the Attorney General to establish a process for the receipt, dissemination, and categorization of information relating to individuals and specific offenses provided herein.

(c) LEADERSHIP.—The Center shall be headed by the Assistant Secretary of U.S. Immigration and Customs Enforcement, in collaboration with the Commissioner of U.S. Customs and Border Protection and in consultation with the Attorney General and the Secretary of State. Collaboration. Consultation.

(d) MEMBERS.—The Center shall consist of the following:

(1) The Assistant Secretary of U.S. Immigration and Customs Enforcement.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) Individuals who are designated as analysts in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) Individuals who are designated as program managers in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(e) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Center shall, using all relevant databases, systems and sources of information, not later than 48 hours before scheduled departure, or as soon as practicable before scheduled departure— Deadline.

Determination.

(A) determine if individuals traveling abroad are listed on the National Sex Offender Registry;

Review.

(B) review the United States Marshals Service's National Sex Offender Targeting Center case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel to identify any individual who meets the criteria described in subparagraph (A) and is not in a system reviewed pursuant to this subparagraph; and

List.
Determination.

(C) provide a list of individuals identified under subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center to determine compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

Deadlines.

(2) PROVISION OF INFORMATION TO CENTER.—Twenty-four hours before the intended travel, or thereafter, not later than 72 hours after the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall provide, to the Angel Watch Center, information pertaining to any sex offender described in subparagraph (C) of paragraph (1).

(3) ADVANCE NOTICE TO DESTINATION COUNTRY.—

(A) IN GENERAL.—The Center may transmit relevant information to the destination country about a sex offender if—

(i) the individual is identified by a review conducted under paragraph (1)(B) as having provided advanced notice of international travel; or

(ii) after completing the activities described in paragraph (1), the Center receives information pertaining to a sex offender under paragraph (2).

(B) EXCEPTIONS.—The Center may immediately transmit relevant information on a sex offender to the destination country if—

(i) the Center becomes aware that a sex offender is traveling outside of the United States within 24 hours of intended travel, and simultaneously completes the activities described in paragraph (1); or

(ii) the Center has not received a transmission pursuant to paragraph (2), provided it is not more than 24 hours before the intended travel.

(C) CORRECTIONS.—Upon receiving information that a notification sent by the Center regarding an individual was inaccurate, the Center shall immediately—

(i) send a notification of correction to the destination country notified;

(ii) correct all data collected pursuant to paragraph (6); and

(iii) if applicable, notify the Secretary of State for purposes of the passport review and marking processes described in section 240 of Public Law 110–457.

(D) FORM.—The notification under this paragraph may be transmitted through such means as are determined appropriate by the Center, including through U.S. Immigration and Customs Enforcement attaches.

Deadline.

(4) MEMORANDUM OF AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary

of Homeland Security shall enter into a Memorandum of Agreement with the Attorney General to facilitate the activities of the Angel Watch Center in collaboration with the United States Marshals Service's National Sex Offender Targeting Center, including the exchange of information, the sharing of personnel, access to information and databases in accordance with paragraph (1)(B), and the establishment of a process to share notifications from the international community in accordance with subsection (b)(1).

(5) PASSPORT APPLICATION REVIEW.—

(A) IN GENERAL.—The Center shall provide a written determination to the Department of State regarding the status of an individual as a covered sex offender (as defined in section 240 of Public Law 110–457) when appropriate. Determination.

(B) EFFECTIVE DATE.—Subparagraph (A) shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General that the process developed and reported to the appropriate congressional committees under section 9 has been successfully implemented. Certification.

(6) COLLECTION OF DATA.—The Center shall collect all relevant data, including—

(A) a record of each notification sent under paragraph (3);

(B) the response of the destination country to notifications under paragraph (3), where available;

(C) any decision not to transmit a notification abroad, to the extent practicable;

(D) the number of transmissions made under subparagraphs (A),(B), and (C) of paragraph (3) and the countries to which they are transmitted, respectively;

(E) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(F) any other information deemed necessary and appropriate by the Secretary of Homeland Security.

(7) COMPLAINT REVIEW.—

(A) IN GENERAL.—The Center shall—

(i) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(ii) ensure that any complaint is promptly reviewed; and

(iii) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(B) RESPONSE TO COMPLAINTS.—The Center shall, as applicable—

(i) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(ii) take action to ensure that a notification or information regarding the individual is not erroneously

transmitted to a destination country in the future; and

(iii) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the Center has taken or is taking under clause (ii).

(C) PUBLIC AWARENESS.—The Center shall make publicly available information on how an individual may submit a complaint under this section.

(D) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(i) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under paragraph (3); and

(ii) the actions taken to prevent similar errors from occurring in the future.

Coordination.

(8) ANNUAL REVIEW PROCESS.—The Center shall establish, in coordination with the Attorney General, the Secretary of State, and INTERPOL, an annual review process to ensure that there is appropriate coordination and collaboration, including consistent procedures governing the activities authorized under this Act, in carrying out this Act.

(9) INFORMATION REQUIRED.—The Center shall make available to the United States Marshals Service's National Sex Offender Targeting Center information on travel by sex offenders in a timely manner.

(f) DEFINITION.—In this section, the term "sex offender" means—

(1) a covered sex offender; or

(2) an individual required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry, on the basis of an offense against a minor.

42 USC 16935c.

SEC. 5. NOTIFICATION BY THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center may—

(1) transmit notification of international travel of a sex offender to the destination country of the sex offender, including to the visa-issuing agent or agents in the United States of the country;

(2) share information relating to traveling sex offenders with other Federal, State, local, and foreign agencies and entities, as appropriate;

(3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature and shall share the information received immediately with the Department of Homeland Security; and

(4) perform such other functions at the Attorney General or the Director of the United States Marshals Service may direct.

(b) CONSISTENT NOTIFICATION.—In making notifications under subsection (a)(1), the United States Marshals Service's National Sex Offender Targeting Center shall, to the extent feasible and appropriate, ensure that the destination country is consistently notified in advance about sex offenders under SORNA identified through their inclusion in sex offender registries of jurisdictions or the National Sex Offender Registry.

(c) INFORMATION REQUIRED.—For purposes of carrying out this Act, the United States Marshals Service's National Sex Offender Targeting Center shall—

(1) make the case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel available to the Angel Watch Center;

(2) provide the Angel Watch Center a determination of compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) for the list of individuals transmitted under section 4(e)(1)(C); Determination.

(3) make available to the Angel Watch Center information on travel by sex offenders in a timely manner; and

(4) consult with the Department of State regarding operation of the international notification program authorized under this Act. Consultation.

(d) CORRECTIONS.—Upon receiving information that a notification sent by the United States Marshals Service's National Sex Offender Targeting Center regarding an individual was inaccurate, the United States Marshals Service's National Sex Offender Targeting Center shall immediately—

(1) send a notification of correction to the destination country notified;

(2) correct all data collected in accordance with subsection (f); and

(3) if applicable, send a notification of correction to the Angel Watch Center.

(e) FORM.—The notification under this section may be transmitted through such means as are determined appropriate by the United States Marshals Service's National Sex Offender Targeting Center, including through the INTERPOL notification system and through Federal Bureau of Investigation Legal attaches.

(f) COLLECTION OF DATA.—The Attorney General shall collect all relevant data, including—

(1) a record of each notification sent under subsection (a);

(2) the response of the destination country to notifications under paragraphs (1) and (2) of subsection (a), where available;

(3) any decision not to transmit a notification abroad, to the extent practicable;

(4) the number of transmissions made under paragraphs (1) and (2) of subsection (a) and the countries to which they are transmitted;

(5) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(6) any other information deemed necessary and appropriate by the Attorney General.

(g) COMPLAINT REVIEW.—

(1) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center shall—

(A) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(B) ensure that any complaint is promptly reviewed; and

(C) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(2) RESPONSE TO COMPLAINTS.—The United States Marshals Service's National Sex Offender Targeting Center shall, as applicable—

(A) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(B) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(C) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the United States Marshals Service's National Sex Offender Targeting Center has taken or is taking under subparagraph (B).

(3) PUBLIC AWARENESS.—The United States Marshals Service's National Sex Offender Targeting Center shall make publicly available information on how an individual may submit a complaint under this section.

(4) REPORTING REQUIREMENT.—The Attorney General shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(A) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under subsection (a); and

(B) the actions taken to prevent similar errors from occurring in the future.

(h) DEFINITION.—In this section, the term "sex offender" means—

(1) a sex offender under SORNA; or

(2) a person required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry.

SEC. 6. INTERNATIONAL TRAVEL.

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE INTERNATIONAL TRAVEL RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—Section 114 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16914) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (8); and;

(B) by inserting after paragraph (6) the following:

"(7) Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and

flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General."; and

(2) by adding at the end the following:

"(c) TIME AND MANNER.—A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.".

(b) CONFORMING AMENDMENTS TO SECTION 2250 OF TITLE 18, UNITED STATES CODE.—Section 2250 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

"(b) INTERNATIONAL TRAVEL REPORTING VIOLATIONS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

"(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

"(3) engages or attempts to engage in the intended travel in foreign commerce;

shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsections (c) and (d), as redesignated, by striking "subsection (a)" each place it appears and inserting "subsection (a) or (b)".

(c) IMPLEMENTATION.—In carrying out this Act, and the amendments made by this Act, the Attorney General may use the resources and capacities of any appropriate agencies of the Department of Justice, including the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the United States Marshals Service, INTERPOL Washington-U.S. National Central Bureau, the Federal Bureau of Investigation, the Criminal Division, and the United States Attorneys' Offices. 42 USC 16935d.

SEC. 7. RECIPROCAL NOTIFICATIONS. 42 USC 16935e.

It is the sense of Congress that the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, should seek reciprocal international agreements or arrangements to further the purposes of this Act and the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.). Such agreements or arrangements may establish mechanisms and undertakings to receive and transmit notices concerning international travel by sex offenders, through the Angel Watch Center, the INTERPOL notification system, and such other means as may be appropriate, including notification by the United States to other countries relating to the travel of sex offenders from the United States, reciprocal notification by other countries to the United States relating to the travel of sex offenders to the United States, and mechanisms to correct and, as applicable, remove from any other records, any inaccurate information transmitted through such notifications.

SEC. 8. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

(a) AMENDMENT TO PUBLIC LAW 110–457.—Title II of Public Law 110–457 is amended by adding at the end the following:

22 USC 212b.

"SEC. 240. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

"(a) IN GENERAL.—Immediately after receiving a written determination from the Angel Watch Center that an individual is a covered sex offender, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, the Secretary of State shall take appropriate action under subsection (b).

"(b) AUTHORITY TO USE UNIQUE PASSPORT IDENTIFIERS.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary of State shall not issue a passport to a covered sex offender unless the passport contains a unique identifier, and may revoke a passport previously issued without such an identifier of a covered sex offender.

"(2) AUTHORITY TO REISSUE.—Notwithstanding paragraph (1), the Secretary of State may reissue a passport that does not include a unique identifier if an individual described in subsection (a) reapplies for a passport and the Angel Watch Center provides a written determination, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, to the Secretary of State that the individual is no longer required to register as a covered sex offender.

"(c) DEFINED TERMS.—In this section—

"(1) the term 'covered sex offender' means an individual who—

"(A) is a sex offender, as defined in section 4(f) of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders; and

"(B) is currently required to register under the sex offender registration program of any jurisdiction;

"(2) the term 'unique identifier' means any visual designation affixed to a conspicuous location on the passport indicating that the individual is a covered sex offender; and

"(3) the term 'passport' means a passport book or passport card.

"(d) PROHIBITION.—The Secretary of State, the Secretary of Homeland Security, and the Attorney General, and their agencies, officers, employees, and agents, shall not be liable to any person for any action taken under this section.

"(e) DISCLOSURE.—In furtherance of this section, the Secretary of State may require a passport applicant to disclose that they are a registered sex offender.

Certification.

"(f) EFFECTIVE DATE.—This section shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that the process developed and reported to the appropriate congressional committees under section 9 of the International Megan's Law to Prevent Child Exploitation

and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders has been successfully implemented.".

SEC. 9. IMPLEMENTATION PLAN.

Deadlines.
42 USC 16935f.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall develop a process by which to implement section 4(e)(5) and the provisions of section 240 of Public Law 110–457, as added by section 8 of this Act.

Consultation.
Timeline.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall jointly submit a report to, and shall consult with, the appropriate congressional committees on the process developed under subsection (a), which shall include a description of the proposed process and a timeline and plan for implementation of that process, and shall identify the resources required to effectively implement that process.

(c) "APPROPRIATE CONGRESSIONAL COMMITTEES" DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Foreign Affairs of the House of Representatives;

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

(4) the Committee on Homeland Security of the House of Representatives;

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

(6) the Committee on the Judiciary of the House of Representatives;

(7) the Committee on Appropriations of the Senate; and

(8) the Committee on Appropriations of the House of Representatives.

SEC. 10. TECHNICAL ASSISTANCE.

Consultation.
42 USC 16935g.

The Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

42 USC 16935h.

There are authorized to be appropriated to carry out this Act $6,000,000 for each of fiscal years 2017 and 2018.

SEC. 12. RULE OF CONSTRUCTION.

42 USC 16935i.

Nothing in this Act shall be construed to limit international information sharing or law enforcement cooperation relating to any person pursuant to any authority of the Department of Justice,

the Department of Homeland Security, or any other department or agency.

Approved February 8, 2016.

LEGISLATIVE HISTORY—H.R. 515:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Jan. 26, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Vol. 162 (2016): Feb. 1, House concurred in Senate amendments.

Public Law 114–120
114th Congress

An Act

To authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

Feb. 8, 2016
[H.R. 4188]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coast Guard Authorization Act of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2015".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

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

"PART III—COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS

14 USC 2701 prec.

"CHAPTER 27—AUTHORIZATIONS

14 USC 2701 prec.

"§ 2702. Authorization of appropriations

14 USC 2702.

"Funds are authorized to be appropriated for each of fiscal years 2016 and 2017 for necessary expenses of the Coast Guard as follows:

"(1) For the operation and maintenance of the Coast Guard, not otherwise provided for—

"(A) $6,981,036,000 for fiscal year 2016; and

"(B) $6,981,036,000 for fiscal year 2017.

"(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

"(A) $1,945,000,000 for fiscal year 2016; and

"(B) $1,945,000,000 for fiscal year 2017.

"(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services—

"(A) $140,016,000 for fiscal year 2016; and

"(B) $140,016,000 for fiscal year 2017.

"(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 19 of this title—

"(A) $16,701,000 for fiscal year 2016; and

"(B) $16,701,000 for fiscal year 2017.

"(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

"(A) $19,890,000 for fiscal year 2016; and

"(B) $19,890,000 for fiscal year 2017.

"§ 2704. Authorized levels of military strength and training

14 USC 2704.

"(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 43,000 for each of fiscal years 2016 and 2017.

"(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2016 and 2017 as follows:

"(1) For recruit and special training, 2,500 student years.

"(2) For flight training, 165 student years.

"(3) For professional training in military and civilian institutions, 350 student years.

"(4) For officer acquisition, 1,200 student years.

14 USC 2901 prec.

"CHAPTER 29—REPORTS

"Sec.

"2904. Manpower requirements plan.

14 USC 2904.

"§ 2904. Manpower requirements plan

"(a) IN GENERAL.—On the date on which the President submits to the Congress a budget for fiscal year 2017 under section 1105 of title 31, on the date on which the President submits to the Congress a budget for fiscal year 2019 under such section, and every 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a manpower requirements plan.

Time period.

"(b) SCOPE.—A manpower requirements plan submitted under subsection (a) shall include for each mission of the Coast Guard—

Assessment.

"(1) an assessment of all projected mission requirements for the upcoming fiscal year and for each of the 3 fiscal years thereafter;

"(2) the number of active duty, reserve, and civilian personnel assigned or available to fulfill such mission requirements—

"(A) currently; and

"(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter;

"(3) the number of active duty, reserve, and civilian personnel required to fulfill such mission requirements—

"(A) currently; and

"(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter;

"(4) an identification of any capability gaps between mission requirements and mission performance caused by deficiencies in the numbers of personnel available—

"(A) currently; and

"(B) as projected for the upcoming fiscal year and each of the 3 fiscal years thereafter; and

"(5) an identification of the actions the Commandant will take to address capability gaps identified under paragraph (4).

"(c) CONSIDERATION.—In composing a manpower requirements plan for submission under subsection (a), the Commandant shall consider—

"(1) the marine safety strategy required under section 2116 of title 46;

"(2) information on the adequacy of the acquisition workforce included in the most recent report under section 2903 of this title; and

"(3) any other Federal strategic planning effort the Commandant considers appropriate.".

(b) REQUIREMENT FOR PRIOR AUTHORIZATION OF APPROPRIATIONS.—Section 662 of title 14, United States Code, is amended—

14 USC 2701.

(1) by redesignating such section as section 2701;

(2) by transferring such section to appear before section 2702 of such title (as added by subsection (a) of this section); and

(3) by striking paragraphs (1) through (5) and inserting the following:

"(1) For the operation and maintenance of the Coast Guard, not otherwise provided for.

"(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment.

"(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services.

"(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 19 of this title.

"(5) For research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard.

"(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program.".

(c) AUTHORIZATION OF PERSONNEL END STRENGTHS.—Section 661 of title 14, United States Code, is amended—

(1) by redesignating such section as section 2703; and 14 USC 2703.

(2) by transferring such section to appear before section 2704 of such title (as added by subsection (a) of this section).

(d) REPORTS.—

(1) TRANSMISSION OF ANNUAL COAST GUARD AUTHORIZATION REQUEST.—Section 662a of title 14, United States Code, is amended—

(A) by redesignating such section as section 2901; 14 USC 2901.

(B) by transferring such section to appear before section 2904 of such title (as added by subsection (a) of this section); and

(C) in subsection (b)—

(i) in paragraph (1) by striking "described in section 661" and inserting "described in section 2703"; and

(ii) in paragraph (2) by striking "described in section 662" and inserting "described in section 2701".

(2) CAPITAL INVESTMENT PLAN.—Section 663 of title 14, United States Code, is amended—

(A) by redesignating such section as section 2902; and 14 USC 2902.

(B) by transferring such section to appear after section 2901 of such title (as so redesignated and transferred by paragraph (1) of this subsection).

(3) MAJOR ACQUISITIONS.—Section 569a of title 14, United States Code, is amended—

(A) by redesignating such section as section 2903; 14 USC 2903.

(B) by transferring such section to appear after section 2902 of such title (as so redesignated and transferred by paragraph (2) of this subsection); and

(C) in subsection (c)(2) by striking "of this subchapter".

(e) ICEBREAKERS.—

(1) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2016 and 2017, the Commandant of the Coast Guard may use funds made available pursuant to section 2702(2) of title 14, United States Code (as added by subsection (a) of this section) for the selection of a design for and the construction of an icebreaker that is capable of buoy tending to enhance icebreaking capacity on the Great Lakes.

(2) POLAR ICEBREAKING.—Of the amounts authorized to be appropriated under section 2702(2) of title 14, United States Code, as amended by subsection (a), there is authorized to be appropriated to the Coast Guard $4,000,000 for fiscal year 2016 and $10,000,000 for fiscal year 2017 for preacquisition activities for a new polar icebreaker, including initial specification development and feasibility studies.

14 USC 569 note.

(f) ADDITIONAL SUBMISSIONS.—The Commandant of the Coast Guard shall submit to the Committee on Homeland Security of the House of Representatives—

(1) each plan required under section 2904 of title 14, United States Code, as added by subsection (a) of this section;

(2) each plan required under section 2903(e) of title 14, United States Code, as added by section 206 of this Act;

(3) each plan required under section 2902 of title 14, United States Code, as redesignated by subsection (d) of this section; and

(4) each mission need statement required under section 569 of title 14, United States Code.

SEC. 102. CONFORMING AMENDMENTS.

(a) ANALYSIS FOR TITLE 14.—The analysis for title 14, United States Code, is amended by adding after the item relating to part II the following:

14 USC 1 prec.

"III. Coast Guard Authorizations and Reports to Congress ..... 2701".

(b) ANALYSIS FOR CHAPTER 15.—The analysis for chapter 15 of title 14, United States Code, is amended by striking the item relating to section 569a.

14 USC 561 prec.

(c) ANALYSIS FOR CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, is amended by striking the items relating to sections 661, 662, 662a, and 663.

14 USC 631 prec.

(d) ANALYSIS FOR CHAPTER 27.—The analysis for chapter 27 of title 14, United States Code, as added by section 101(a) of this Act, is amended by inserting—

14 USC 2701 prec.

(1) before the item relating to section 2702 the following:

"2701. Requirement for prior authorization of appropriations.";

and

(2) before the item relating to section 2704 the following:

"2703. Authorization of personnel end strengths.".

(e) ANALYSIS FOR CHAPTER 29.—The analysis for chapter 29 of title 14, United States Code, as added by section 101(a) of this Act, is amended by inserting before the item relating to section 2904 the following:

14 USC 2901 prec.

"2901. Transmission of annual Coast Guard authorization request.
"2902. Capital investment plan.
"2903. Major acquisitions.".

(f) MISSION NEED STATEMENT.—Section 569(b) of title 14, United States Code, is amended—

(1) in paragraph (2) by striking "in section 569a(e)" and inserting "in section 2903"; and

(2) in paragraph (3) by striking "under section 663(a)(1)" and inserting "under section 2902(a)(1)".

TITLE II—COAST GUARD

SEC. 201. VICE COMMANDANT.

(a) GRADES AND RATINGS.—Section 41 of title 14, United States Code, is amended by striking "an admiral," and inserting "admirals (two);".

(b) VICE COMMANDANT; APPOINTMENT.—Section 47 of title 14, United States Code, is amended by striking "vice admiral" and inserting "admiral".

(c) CONFORMING AMENDMENT.—Section 51 of title 14, United States Code, is amended—

(1) in subsection (a) by inserting "admiral or" before "vice admiral,";

(2) in subsection (b) by inserting "admiral or" before "vice admiral," each place it appears; and

(3) in subsection (c) by inserting "admiral or" before "vice admiral,".

SEC. 202. VICE ADMIRALS.

Section 50 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) The President may— President.

"(A) designate, within the Coast Guard, no more than five positions of importance and responsibility that shall be held by officers who, while so serving—

"(i) shall have the grade of vice admiral, with the pay and allowances of that grade; and

"(ii) shall perform such duties as the Commandant may prescribe, except that if the President designates five such positions, one position shall be the Chief of Staff of the Coast Guard; and

"(B) designate, within the executive branch, other than within the Coast Guard or the National Oceanic and Atmospheric Administration, positions of importance and responsibility that shall be held by officers who, while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade."; and

(B) in paragraph (3)(A) by striking "under paragraph (1)" and inserting "under paragraph (1)(A)"; and

(2) in subsection (b)(2)—

(A) in subparagraph (B) by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) at the discretion of the Secretary, while awaiting orders after being relieved from the position, beginning on Effective date. Time period.

the day the officer is relieved from the position, but not for more than 60 days; and".

SEC. 203. COAST GUARD REMISSION OF INDEBTEDNESS.

(a) EXPANSION OF AUTHORITY TO REMIT INDEBTEDNESS.—Section 461 of title 14, United States Code, is amended to read as follows:

"§ 461. Remission of indebtedness

"The Secretary may have remitted or cancelled any part of a person's indebtedness to the United States or any instrumentality of the United States if—

"(1) the indebtedness was incurred while the person served on active duty as a member of the Coast Guard; and

Determination.

"(2) the Secretary determines that remitting or cancelling the indebtedness is in the best interest of the United States.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 461 and inserting the following:

"461. Remission of indebtedness.".

SEC. 204. ACQUISITION REFORM.

(a) MINIMUM PERFORMANCE STANDARDS.—Section 572(d)(3) of title 14, United States Code, is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

"(B) the performance data to be used to determine whether the key performance parameters have been resolved;"; and

(4) by inserting after subparagraph (C), as redesignated by paragraph (2) of this subsection, the following:

"(D) the results during test and evaluation that will be required to demonstrate that a capability, asset, or subsystem meets performance requirements;".

(b) CAPITAL INVESTMENT PLAN.—Section 2902 of title 14, United States Code, as redesignated and otherwise amended by this Act, is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking "completion;" and inserting "completion based on the proposed appropriations included in the budget;"; and

(B) in subparagraph (D), by striking "at the projected funding levels;" and inserting "based on the proposed appropriations included in the budget;"; and

(2) by redesignating subsection (b) as subsection (c), and inserting after subsection (a) the following:

"(b) NEW CAPITAL ASSETS.—In the fiscal year following each fiscal year for which appropriations are enacted for a new capital asset, the report submitted under subsection (a) shall include—

Cost estimate.

"(1) an estimated life-cycle cost estimate for the new capital asset;

Assessment.

"(2) an assessment of the impact the new capital asset will have on—

"(A) delivery dates for each capital asset;

"(B) estimated completion dates for each capital asset;

"(C) the total estimated cost to complete each capital asset; and

"(D) other planned construction or improvement projects; and

"(3) recommended funding levels for each capital asset necessary to meet the estimated completion dates and total estimated costs included in the such asset's approved acquisition program baseline."; and

(3) by amending subsection (c), as so redesignated, to read as follows:

"(c) DEFINITIONS.—In this section— 14 USC 93 note.

"(1) the term 'unfunded priority' means a program or mission requirement that—

"(A) has not been selected for funding in the applicable proposed budget;

"(B) is necessary to fulfill a requirement associated with an operational need; and

"(C) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted; and

"(2) the term 'new capital asset' means—

"(A) an acquisition program that does not have an approved acquisition program baseline; or

"(B) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.".

(c) DAYS AWAY FROM HOMEPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall— Deadline.

(1) implement a standard for tracking operational days at sea for Coast Guard cutters that does not include days during which such cutters are undergoing maintenance or repair; and Standard.

(2) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the standard implemented under paragraph (1). Notification.

(d) FIXED WING AIRCRAFT FLEET MIX ANALYSIS.—Not later than September 30, 2016, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a revised fleet mix analysis of Coast Guard fixed wing aircraft. Deadline.

(e) LONG-TERM MAJOR ACQUISITIONS PLAN.—Section 2903 of title 14, United States Code, as redesignated and otherwise amended by this Act, is further amended—

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

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

"(e) LONG-TERM MAJOR ACQUISITIONS PLAN.—Each report under subsection (a) shall include a plan that describes for the upcoming fiscal year, and for each of the 20 fiscal years thereafter— Time period.

"(1) the numbers and types of cutters and aircraft to be decommissioned;

"(2) the numbers and types of cutters and aircraft to be acquired to—

"(A) replace the cutters and aircraft identified under paragraph (1); or

"(B) address an identified capability gap; and

"(3) the estimated level of funding in each fiscal year required to—

"(A) acquire the cutters and aircraft identified under paragraph (2);

"(B) acquire related command, control, communications, computer, intelligence, surveillance, and reconnaissance systems; and

"(C) acquire, construct, or renovate shoreside infrastructure.

"(f) QUARTERLY UPDATES ON RISKS OF PROGRAMS.—

Deadline.
Assessment.

"(1) IN GENERAL.—Not later than 15 days after the end of each fiscal year quarter, the Commandant of the Coast Guard shall submit to the committees of Congress specified in subsection (a) an update setting forth a current assessment of the risks associated with all current major acquisition programs.

"(2) ELEMENTS.—Each update under this subsection shall set forth, for each current major acquisition program, the following:

"(A) The top five current risks to such program.

"(B) Any failure of such program to demonstrate a key performance parameter or threshold during operational test and evaluation conducted during the fiscal year quarter preceding such update.

"(C) Whether there has been any decision during such fiscal year quarter to order full-rate production before all key performance parameters or thresholds are met.

"(D) Whether there has been any breach of major acquisition program cost (as defined by the Major Systems Acquisition Manual) during such fiscal year quarter.

"(E) Whether there has been any breach of major acquisition program schedule (as so defined) during such fiscal year quarter.".

SEC. 205. AUXILIARY JURISDICTION.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended—

(1) by striking "The purpose" and inserting the following: "(a) IN GENERAL.—The purpose"; and

(2) by adding at the end the following:

"(b) LIMITATION.—The Auxiliary may conduct a patrol of a waterway, or a portion thereof, only if—

"(1) the Commandant has determined such waterway, or portion thereof, is navigable for purposes of the jurisdiction of the Coast Guard; or

"(2) a State or other proper authority has requested such patrol pursuant to section 141 of this title or section 13109 of title 46.".

(b) NOTIFICATION.—The Commandant of the Coast Guard shall—

Review.
Determination.

(1) review the waterways patrolled by the Coast Guard Auxiliary in the most recently completed fiscal year to determine whether such waterways are eligible or ineligible for

patrol under section 822(b) of title 14, United States Code (as added by subsection (a)); and

(2) not later than 180 days after the date of the enactment of this Act, provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notification of— Deadline.

(A) any waterways determined ineligible for patrol under paragraph (1); and

(B) the actions taken by the Commandant to ensure Auxiliary patrols do not occur on such waterways.

SEC. 206. COAST GUARD COMMUNITIES.

Section 409 of the Coast Guard Authorization Act of 1998 (14 U.S.C. 639 note) is amended in the second sentence by striking "90 days" and inserting "30 days".

SEC. 207. POLAR ICEBREAKERS.

(a) INCREMENTAL FUNDING AUTHORITY FOR POLAR ICEBREAKERS.—In fiscal year 2016 and each fiscal year thereafter, the Commandant of the Coast Guard may enter into a contract or contracts for the acquisition of polar icebreakers and associated equipment using incremental funding. Contracts. 14 USC 87 note.

(b) "POLAR SEA" MATERIEL CONDITION ASSESSMENT AND SERVICE LIFE EXTENSION.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213; 126 Stat. 1560) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—Not later than 1 year after the date of the enactment of the Coast Guard Authorization Act of 2015, the Secretary of the department in which the Coast Guard is operating shall— Deadline.

"(1) complete a materiel condition assessment with respect to the Polar Sea; Assessment.

"(2) make a determination of whether it is cost effective to reactivate the Polar Sea compared with other options to provide icebreaking services as part of a strategy to maintain polar icebreaking services; and Determination.

"(3) submit to the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) the assessment required under paragraph (1); and

"(B) written notification of the determination required under paragraph (2).";

(2) in subsection (b) by striking "analysis" and inserting "written notification";

(3) by striking subsection (c);

(4) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively;

(5) in subsection (c) (as redesignated by paragraph (4) of this section)—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking "based on the analysis required"; and

(ii) in subparagraph (C) by striking "analysis" and inserting "written notification";

(B) in paragraph (2)—

(i) by striking "analysis" each place it appears and inserting "written notification";

(ii) by striking "subsection (a)" and inserting "subsection (a)(3)(B)";

(iii) by striking "subsection (c)" each place it appears and inserting "that subsection"; and

(iv) by striking "under subsection (a)(5)"; and

(C) in paragraph (3)—

(i) by striking "in the analysis submitted under this section";

(ii) by striking "(a)(5)" and inserting "(a)";

(iii) by striking "then" and all that follows through "(A)" and inserting "then";

(iv) by striking "; or" and inserting a period; and

(v) by striking subparagraph (B); and

(6) in subsection (d) (as redesignated by paragraph (4) of this subsection) by striking "in subsection (d)" and inserting "in subsection (c)".

SEC. 208. AIR FACILITY CLOSURES.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 676 the following:

14 USC 676a.

"§ 676a. Air facility closures

"(a) PROHIBITION.—

"(1) IN GENERAL.—The Coast Guard may not—

"(A) close a Coast Guard air facility that was in operation on November 30, 2014; or

"(B) retire, transfer, relocate, or deploy an aviation asset from an air facility described in subparagraph (A) for the purpose of closing such facility.

"(2) SUNSET.—Paragraph (1) shall have no force or effect beginning on the later of—

"(A) January 1, 2018; or

"(B) the date on which the Secretary submits to the Committee on Transportation and Infrastructure of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, rotary wing strategic plans prepared in accordance with section 208(b) of the Coast Guard Authorization Act of 2015.

"(b) CLOSURES.—

Effective date.

"(1) IN GENERAL.—Beginning on January 1, 2018, the Secretary may not close a Coast Guard air facility, except as specified by this section.

"(2) DETERMINATIONS.—The Secretary may not propose closing or terminating operations at a Coast Guard air facility unless the Secretary determines that—

"(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the air facility;

"(B) regional or local prevailing weather and marine conditions, including water temperatures or unusual tide and current conditions, do not require continued operation of the air facility; and

"(C) Coast Guard search and rescue standards related to search and response times are met.

"(3) PUBLIC NOTICE AND COMMENT.—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

"(4) NOTICE TO CONGRESS.—Prior to closure, cessation of operations, or any significant reduction in personnel and use of a Coast Guard air facility that is in operation on or after December 31, 2015, the Secretary shall—

"(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 for the fiscal year in which the action will be carried out; and Proposal.

"(B) not later than 7 days after the date a proposal for an air facility is submitted pursuant to subparagraph (A), provide written notice of such proposal to each of the following: Deadline.

"(i) Each member of the House of Representatives who represents a district in which the air facility is located.

"(ii) Each member of the Senate who represents a State in which the air facility is located.

"(iii) Each member of the House of Representatives who represents a district in which assets of the air facility conduct search and rescue operations.

"(iv) Each member of the Senate who represents a State in which assets of the air facility conduct search and rescue operations.

"(v) The Committee on Appropriations of the House of Representatives.

"(vi) The Committee on Transportation and Infrastructure of the House of Representatives.

"(vii) The Committee on Appropriations of the Senate.

"(viii) The Committee on Commerce, Science, and Transportation of the Senate.

"(c) OPERATIONAL FLEXIBILITY.—The Secretary may implement any reasonable management efficiencies within the air station and air facility network, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide.".

(b) ROTARY WING STRATEGIC PLANS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall prepare the plans specified in paragraph (2) to adequately address contingencies arising from potential future aviation casualties or the planned or unplanned retirement of rotary wing airframes to avoid to the greatest extent practicable any substantial gap or diminishment in Coast Guard operational capabilities.

(2) ROTARY WING STRATEGIC PLANS.—

(A) ROTARY WING CONTINGENCY PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Transportation and Infrastructure of the House of Representatives Deadline.

and the Committee on Commerce, Science, and Transportation of the Senate a contingency plan—

(i) to address the planned or unplanned losses of rotary wing airframes;

(ii) to reallocate resources as necessary to ensure the safety of the maritime public nationwide; and

(iii) to ensure the operational posture of Coast Guard units.

(B) ROTARY WING REPLACEMENT CAPITAL INVESTMENT PLAN.—

Deadline.

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a capital investment plan for the acquisition of new rotary wing airframes to replace the Coast Guard's legacy helicopters and fulfil all existing mission requirements.

(ii) REQUIREMENTS.—The plan developed under this subparagraph shall provide—

Estimated cost.

(I) a total estimated cost for completion;

Timetable.

(II) a timetable for completion of the acquisition project and phased in transition to new airframes; and

(III) projected annual funding levels for each fiscal year.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

14 USC 631 prec.

(1) ANALYSIS FOR CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

"676a. Air facility closures.".

(2) REPEAL OF PROHIBITION.—Section 225 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3022) is amended—

(A) by striking subsection (b); and

(B) by striking "(a) IN GENERAL.—".

SEC. 209. TECHNICAL CORRECTIONS TO TITLE 14, UNITED STATES CODE.

Title 14, United States Code, as amended by this Act, is further amended—

14 USC 1 prec.

(1) in the analysis for part I, by striking the item relating to chapter 19 and inserting the following:

"19. Environmental Compliance and Restoration Program ..... 690";

(2) in section 46(a), by striking "subsection" and inserting "section";

(3) in section 47, in the section heading by striking "**commandant**" and inserting "**Commandant**";

(4) in section 93(f), by striking paragraph (2) and inserting the following:

Contracts.

"(2) LIMITATION.—The Commandant may lease submerged lands and tidelands under paragraph (1) only if—

"(A) the lease is for cash exclusively;

"(B) the lease amount is equal to the fair market value of the use of the leased submerged lands or tidelands for the period during which such lands are leased, as determined by the Commandant;

"(C) the lease does not provide authority to or commit the Coast Guard to use or support any improvements to such submerged lands and tidelands, or obtain goods and services from the lessee; and

"(D) proceeds from the lease are deposited in the Coast Guard Housing Fund established under section 687.";

(5) in the analysis for chapter 9, by striking the item relating to section 199 and inserting the following: 14 USC 181 prec.

"199. Marine safety curriculum.";

(6) in section 427(b)(2), by striking "this chapter" and inserting "chapter 61 of title 10";

(7) in the analysis for chapter 15 before the item relating to section 571, by striking the following: 14 USC 561 prec.

"Sec.";

(8) in section 581(5)(B), by striking "$300,000,0000," and inserting "$300,000,000,";

(9) in section 637(c)(3), in the matter preceding subparagraph (A) by inserting "it is" before "any";

(10) in section 641(d)(3), by striking "Guard, installation" and inserting "Guard installation";

(11) in section 691(c)(3), by striking "state" and inserting "State";

(12) in the analysis for chapter 21— 14 USC 701 prec.

(A) by striking the item relating to section 709 and inserting the following:

"709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.";

and

(B) by striking the item relating to section 740 and inserting the following:

"740. Failure of selection and removal from an active status.";

(13) in section 742(c), by striking "subsection" and inserting "subsections";

(14) in section 821(b)(1), by striking "Chapter 26" and inserting "Chapter 171"; and

(15) in section 823a(b)(1), by striking "Chapter 26" and inserting "Chapter 171".

SEC. 210. DISCONTINUANCE OF AN AID TO NAVIGATION. 14 USC 81 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a process for the discontinuance of an aid to navigation (other than a seasonal or temporary aid) established, maintained, or operated by the Coast Guard. Deadline.

(b) REQUIREMENT.—The process established under subsection (a) shall include procedures to notify the public of any discontinuance of an aid to navigation described in that subsection. Procedures. Notification. Public information.

(c) CONSULTATION.—In establishing a process under subsection (a), the Secretary shall consult with and consider any recommendations of the Navigation Safety Advisory Council.

Deadline.

(d) NOTIFICATION.—Not later than 30 days after establishing a process under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the process established.

Deadline. Assessment.

SEC. 211. MISSION PERFORMANCE MEASURES.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the efficacy of the Coast Guard's Standard Operational Planning Process with respect to annual mission performance measures.

6 USC 194 note.

SEC. 212. COMMUNICATIONS.

Determination.

(a) IN GENERAL.—If the Secretary of Homeland Security determines that there are at least two communications systems described under paragraph (1)(B) and certified under paragraph (2), the Secretary shall establish and carry out a pilot program across not less than three components of the Department of Homeland Security to assess the effectiveness of a communications system that—

(1) provides for—

(A) multiagency collaboration and interoperability; and

(B) wide-area, secure, and peer-invitation- and-acceptance-based multimedia communications;

(2) is certified by the Department of Defense Joint Interoperability Test Center; and

(3) is composed of commercially available, off-the-shelf technology.

Deadline.

(b) ASSESSMENT.—Not later than 6 months after the date on which the pilot program is completed, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee Homeland Security and Governmental Affairs of the Senate an assessment of the pilot program, including the impacts of the program with respect to interagency and Coast Guard response capabilities.

(c) STRATEGY.—The pilot program shall be consistent with the strategy required by the Department of Homeland Security Interoperable Communications Act (Public Law 114–29).

(d) TIMING.—The pilot program shall commence within 90 days after the date of the enactment of this Act or within 60 days after the completion of the strategy required by the Department of Homeland Security Interoperable Communications Act (Public Law 114–29), whichever is later.

Deadline. 14 USC 470 note.

SEC. 213. COAST GUARD GRADUATE MARITIME OPERATIONS EDUCATION.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish an education program, for members and employees of the Coast Guard, that—

(1) offers a master's degree in maritime operations;

(2) is relevant to the professional development of such members and employees;

(3) provides resident and distant education options, including the ability to utilize both options; and

(4) to the greatest extent practicable, is conducted using existing academic programs at an accredited public academic institution that—

(A) is located near a significant number of Coast Guard, maritime, and other Department of Homeland Security law enforcement personnel; and

(B) has an ability to simulate operations normally conducted at a command center.

SEC. 214. PROFESSIONAL DEVELOPMENT.

(a) MULTIRATER ASSESSMENT.—

(1) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 428 the following:

"§ 429. Multirater assessment of certain personnel

14 USC 429.

"(a) MULTIRATER ASSESSMENT OF CERTAIN PERSONNEL.—

"(1) IN GENERAL.—Commencing not later than one year after the date of the enactment of the Coast Guard Authorization Act of 2015, the Commandant of the Coast Guard shall develop and implement a plan to conduct every two years a multirater assessment for each of the following:

Effective date. Deadlines. Plan.

"(A) Each flag officer of the Coast Guard.

"(B) Each member of the Senior Executive Service of the Coast Guard.

"(C) Each officer of the Coast Guard nominated for promotion to the grade of flag officer.

"(2) POST-ASSESSMENT ELEMENTS.—Following an assessment of an individual pursuant to paragraph (1), the individual shall be provided appropriate post-assessment counseling and leadership coaching.

"(b) MULTIRATER ASSESSMENT DEFINED.—In this section, the term 'multirater assessment' means a review that seeks opinion from members senior to the reviewee and the peers and subordinates of the reviewee.".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item related to section 428 the following:

14 USC 211 prec.

"429. Multirater assessment of certain personnel.".

(b) TRAINING COURSE ON WORKINGS OF CONGRESS.—

14 USC 60.

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

Deadline. Consultation.

"§ 60. Training course on workings of Congress

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2015, the Commandant, in consultation with the Superintendent of the Coast Guard Academy and such other individuals and organizations as the Commandant considers appropriate, shall develop a training course on the workings of the Congress and offer that training course at least once each year.

"(b) COURSE SUBJECT MATTER.—The training course required by this section shall provide an overview and introduction to the Congress and the Federal legislative process, including—

"(1) the history and structure of the Congress and the committee systems of the House of Representatives and the Senate, including the functions and responsibilities of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(2) the documents produced by the Congress, including bills, resolutions, committee reports, and conference reports, and the purposes and functions of those documents;

"(3) the legislative processes and rules of the House of Representatives and the Senate, including similarities and differences between the two processes and rules, including—

"(A) the congressional budget process;

"(B) the congressional authorization and appropriation processes;

"(C) the Senate advice and consent process for Presidential nominees;

"(D) the Senate advice and consent process for treaty ratification;

"(4) the roles of Members of Congress and congressional staff in the legislative process; and

"(5) the concept and underlying purposes of congressional oversight within our governance framework of separation of powers.

"(c) LECTURERS AND PANELISTS.—

"(1) OUTSIDE EXPERTS.—The Commandant shall ensure that not less than 60 percent of the lecturers, panelists, and other individuals providing education and instruction as part of the training course required by this section are experts on the Congress and the Federal legislative process who are not employed by the executive branch of the Federal Government.

"(2) AUTHORITY TO ACCEPT PRO BONO SERVICES.—In satisfying the requirement under paragraph (1), the Commandant shall seek, and may accept, educational and instructional services of lecturers, panelists, and other individuals and organizations provided to the Coast Guard on a pro bono basis.

Deadlines.

"(d) COMPLETION OF REQUIRED TRAINING.—

"(1) CURRENT FLAG OFFICERS AND EMPLOYEES.—A Coast Guard flag officer appointed or assigned to a billet in the National Capital Region on the date of the enactment of this section, and a Coast Guard Senior Executive Service employee employed in the National Capital Region on the date of the enactment of this section, shall complete a training course that meets the requirements of this section within 60 days after the date on which the Commandant completes the development of the training course.

"(2) NEW FLAG OFFICERS AND EMPLOYEES.—A Coast Guard flag officer who is newly appointed or assigned to a billet in the National Capital Region, and a Coast Guard Senior Executive Service employee who is newly employed in the National Capital Region, shall complete a training course that meets the requirements of this section not later than 60 days after reporting for duty.".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following: 14 USC 41 prec.

"60. Training course on workings of Congress.".

(c) REPORT ON LEADERSHIP DEVELOPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on Coast Guard leadership development.

(2) CONTENTS.—The report shall include the following: Assessments.

(A) An assessment of the feasibility of—

(i) all officers (other than officers covered by section 429(a) of title 14, United States Code, as amended by this section) completing a multirater assessment;

(ii) all members (other than officers covered by such section) in command positions completing a multirater assessment;

(iii) all enlisted members in a supervisory position completing a multirater assessment; and

(iv) members completing periodic multirater assessments.

(B) Such recommendations as the Commandant considers appropriate for the implementation or expansion of a multirater assessment in the personnel development programs of the Coast Guard. Recommendations.

(C) An overview of each of the current leadership development courses of the Coast Guard, an assessment of the feasibility of the expansion of any such course, and a description of the resources, if any, required to expand such courses.

(D) An assessment on the state of leadership training in the Coast Guard, and recommendations on the implementation of a policy to prevent leadership that has adverse effects on subordinates, the organization, or mission performance, including—

(i) a description of methods that will be used by the Coast Guard to identify, monitor, and counsel individuals whose leadership may have adverse effects on subordinates, the organization, or mission performance;

(ii) the implementation of leadership recognition training to recognize such leadership in one's self and others;

(iii) the establishment of procedures for the administrative separation of leaders whose leadership may have adverse effects on subordinates, the organization, or mission performance; and

(iv) a description of the resources needed to implement this subsection.

SEC. 215. SENIOR ENLISTED MEMBER CONTINUATION BOARDS.

(a) IN GENERAL.—Section 357 of title 14, United States Code, is amended—

(1) by striking subsections (a) through (h) and subsection (j); and

(2) in subsection (i), by striking "(i)".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

"§ 357. Retirement of enlisted members: increase in retired pay"

(2) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 11 of such title is amended by striking the item relating to such section and inserting the following:

14 USC 211 prec.

"357. Retirement of enlisted members: increase in retired pay.".

SEC. 216. COAST GUARD MEMBER PAY.

(a) ANNUAL AUDIT OF PAY AND ALLOWANCES OF MEMBERS UNDERGOING PERMANENT CHANGE OF STATION.—

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

14 USC 519.

"§ 519. Annual audit of pay and allowances of members undergoing permanent change of station

"The Commandant shall conduct each calendar year an audit of member pay and allowances for the members who transferred to new units during such calendar year. The audit for a calendar year shall be completed by the end of the calendar year.".

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

14 USC 461 prec.

"519. Annual audit of pay and allowances of members undergoing permanent change of station.".

Assessments.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on alternative methods for notifying members of the Coast Guard of their monthly earnings. The report shall include—

(1) an assessment of the feasibility of providing members a monthly notification of their earnings, categorized by pay and allowance type; and

(2) a description and assessment of mechanisms that may be used to provide members with notification of their earnings, categorized by pay and allowance type.

10 USC 1085 note.

SEC. 217. TRANSFER OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) TRANSFER REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, United States Code, the Secretary of Homeland Security shall transfer to the Secretary of Defense an amount that represents the actuarial valuation of treatment or care—

(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible

Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

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

(b) AMOUNT.—The amount transferred under subsection (a) shall be—

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

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

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

(4) transferred during the fiscal year in which treatment or care is provided; and

(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the amount transferred is determined excessive or insufficient based on the services actually provided.

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

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

SEC. 218. PARTICIPATION OF THE COAST GUARD ACADEMY IN FEDERAL, STATE, OR OTHER EDUCATIONAL RESEARCH GRANTS.

Section 196 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by adding at the end the following:

"(b) QUALIFIED ORGANIZATIONS.—

"(1) IN GENERAL.—The Commandant of the Coast Guard may—

"(A) enter into a contract, cooperative agreement, lease, or licensing agreement with a qualified organization; Contracts.

"(B) allow a qualified organization to use, at no cost, personal property of the Coast Guard; and

"(C) notwithstanding section 93, accept funds, supplies, and services from a qualified organization.

"(2) SOLE-SOURCE BASIS.—Notwithstanding chapter 65 of title 31 and chapter 137 of title 10, the Commandant may enter into a contract or cooperative agreement under paragraph (1)(A) on a sole-source basis.

"(3) MAINTAINING FAIRNESS, OBJECTIVITY, AND INTEGRITY.—The Commandant shall ensure that contributions under this subsection do not—

"(A) reflect unfavorably on the ability of the Coast Guard, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

"(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

"(4) LIMITATION.—For purposes of this subsection, employees or personnel of a qualified organization shall not be employees of the United States.

"(5) QUALIFIED ORGANIZATION DEFINED.—In this subsection the term 'qualified organization' means an organization—

"(A) described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; and

"(B) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting academic research and applying for and administering Federal, State, or other educational research grants on behalf of the Coast Guard Academy.".

SEC. 219. NATIONAL COAST GUARD MUSEUM.

Section 98(b) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking "any appropriated Federal funds for" and insert "any funds appropriated to the Coast Guard on"; and

(2) in paragraph (2), by striking "artifacts." and inserting "artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.".

SEC. 220. INVESTIGATIONS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by adding at the end the following:

14 USC 430.

"§ 430. Investigations of flag officers and Senior Executive Service employees

"In conducting an investigation into an allegation of misconduct by a flag officer or member of the Senior Executive Service serving in the Coast Guard, the Inspector General of the Department of Homeland Security shall—

"(1) conduct the investigation in a manner consistent with Department of Defense policies for such an investigation; and

Consultation.

"(2) consult with the Inspector General of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by inserting after the item related to section 429 the following:

14 USC 211 prec.

"430. Investigations of flag officers and Senior Executive Service employees.".

10 USC 1413a note.

SEC. 221. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF THE COAST GUARD FOR COMBAT-RELATED SPECIAL COMPENSATION.

(a) CONSIDERATION OF ELIGIBILITY.—

Deadline. Procedures. Criteria. Determination.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department is which the Coast Guard is operating shall issue procedures and criteria to use in determining whether the disability of a member of the Coast Guard is a combat-related disability for purposes of the eligibility of such member for combat-related special compensation under section 1413a of title 10, United States Code. Such procedures and criteria shall include the procedures and criteria prescribed by the Secretary of Defense

pursuant to subsection (e)(2) of such section. Such procedures and criteria shall apply in determining whether the disability of a member of the Coast Guard is a combat-related disability for purposes of determining the eligibility of such member for combat-related special compensation under such section. Applicability.

(2) DISABILITY FOR WHICH A DETERMINATION IS MADE.—For the purposes of this section, and in the case of a member of the Coast Guard, a disability under section 1413a(e)(2)(B) of title 10, United States Code, includes a disability incurred during aviation duty, diving duty, rescue swimmer or similar duty, and hazardous service duty onboard a small vessel (such as duty as a surfman)—

(A) in the performance of duties for which special or incentive pay was paid pursuant to section 301, 301a, 304, 307, 334, or 351 of title 37, United States Code;

(B) in the performance of duties related to a statutory mission of the Coast Guard under paragraph (1) or paragraph (2) of section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)), including—

(i) law enforcement, including drug or migrant interdiction;

(ii) defense readiness; or

(iii) search and rescue; or

(C) while engaged in a training exercise for the performance of a duty described in subparagraphs (A) and (B).

(b) APPLICABILITY OF PROCEDURES AND CRITERIA.—The procedures and criteria issued pursuant to subsection (a) shall apply to disabilities described in that subsection that are incurred on or after the effective date provided in section 636(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2574; 10 U.S.C. 1413a note). Effective date.

(c) REAPPLICATION FOR COMPENSATION.—Any member of the Coast Guard who was denied combat-related special compensation under section 1413a of title 10, United States Code, during the period beginning on the effective date specified in subsection (b) and ending on the date of the issuance of the procedures and criteria required by subsection (a) may reapply for combat-related special compensation under such section on the basis of such procedures and criteria in accordance with such procedures as the Secretary of the department in which the Coast Guard is operating shall specify. Time period.

SEC. 222. LEAVE POLICIES FOR THE COAST GUARD.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 430 the following:

"§ 431. Leave policies for the Coast Guard 14 USC 431.

"Not later than 1 year after the date on which the Secretary of the Navy promulgates a new rule, policy, or memorandum pursuant to section 704 of title 10, United States Code, with respect to leave associated with the birth or adoption of a child, the Secretary of the department in which the Coast Guard is operating shall promulgate a similar rule, policy, or memorandum that provides leave to officers and enlisted members of the Coast Guard that is equal in duration and compensation to that provided by the Secretary of the Navy.". Deadline. Regulations.

14 USC 211 prec.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by inserting after the item related to section 430 the following:

"431. Leave policies for the Coast Guard.".

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. SURVIVAL CRAFT.

(a) IN GENERAL.—Section 3104 of title 46, United States Code, is amended to read as follows:

"§ 3104. Survival craft

"(a) REQUIREMENT TO EQUIP.—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

Deadline.

"(1) such vessel is built or undergoes a major conversion after January 1, 2016; and

"(2) operates in cold waters as determined by the Secretary.

"(b) HIGHER STANDARD OF SAFETY.—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of the enactment of the Coast Guard Authorization Act of 2015.

"(c) INNOVATIVE AND NOVEL DESIGNS.—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2015, allow a passenger vessel to be equipped with a life-saving appliance or arrangement of an innovative or novel design that—

"(1) ensures no part of an individual is immersed in water; and

"(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of the enactment.

"(d) BUILT DEFINED.—In this section, the term 'built' has the meaning that term has under section 4503(e).".

46 USC 3104 note.

(b) REVIEW; REVISION OF REGULATIONS.—

Deadline.

(1) REVIEW.—Not later than December 31, 2016, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of—

Time period.

(A) the number of casualties for individuals with disabilities, children, and the elderly as a result of immersion in water, reported to the Coast Guard over the preceding 30-year period, by vessel type and area of operation;

(B) the risks to individuals with disabilities, children, and the elderly as a result of immersion in water, by passenger vessel type and area of operation;

(C) the effect that carriage of survival craft that ensure that no part of an individual is immersed in water has on—

(i) passenger vessel safety, including stability and safe navigation;

(ii) improving the survivability of individuals, including individuals with disabilities, children, and the elderly; and

(iii) the costs, the incremental cost difference to vessel operators, and the cost effectiveness of requiring the carriage of such survival craft to address the risks to individuals with disabilities, children, and the elderly;

(D) the efficacy of alternative safety systems, devices, or measures in improving survivability of individuals with disabilities, children, and the elderly; and

(E) the number of small businesses and nonprofit vessel operators that would be affected by requiring the carriage of such survival craft on passenger vessels to address the risks to individuals with disabilities, children, and the elderly.

(2) SCOPE.—In conducting the review under paragraph (1), the Secretary shall include an examination of passenger vessel casualties that have occurred in the waters of other nations. Examination.

(3) UPDATES.—The Secretary shall update the review required under paragraph (1) every 5 years. Deadline.

(4) REVISION.—Based on the review conducted under paragraph (1), including updates thereto, the Secretary shall revise regulations concerning the carriage of survival craft under section 3104(c) of title 46, United States Code. Regulations.

(c) GAO STUDY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report to determine any adverse or positive changes in public safety after the implementation of the amendments and requirements under this section and section 3104 of title 46, United States Code. Deadline. Reports. Determination.

(2) REQUIREMENTS.—In completing the report under paragraph (1), the Comptroller General shall examine— Examination.

(A) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of the 10 most recent fiscal years for which such data are available;

(B) data for each fiscal year on—

(i) vessel safety, including stability and safe navigation; and

(ii) survivability of individuals, including individuals with disabilities, children, and the elderly;

(C) the efficacy of alternative safety systems, devices, or measures; and

(D) any available data on the costs of the amendments and requirements under this section and section 3104 of title 46, United States Code.

SEC. 302. VESSEL REPLACEMENT.

(a) LOANS AND GUARANTEES.—Chapter 537 of title 46, United States Code, is amended—

(1) in section 53701—

(A) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

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

Definition.

"(8) HISTORICAL USES.—The term 'historical uses' includes—

"(A) refurbishing, repairing, rebuilding, or replacing equipment on a fishing vessel, without materially increasing harvesting capacity;

"(B) purchasing a used fishing vessel;

"(C) purchasing, constructing, expanding, or reconditioning a fishery facility;

"(D) refinancing existing debt;

"(E) reducing fishing capacity; and

"(F) making upgrades to a fishing vessel, including upgrades in technology, gear, or equipment, that improve—

"(i) collection and reporting of fishery-dependent data;

"(ii) bycatch reduction or avoidance;

"(iii) gear selectivity;

"(iv) adverse impacts caused by fishing gear; or

"(v) safety."; and

(2) in section 53702(b), by adding at the end the following:

"(3) MINIMUM OBLIGATIONS AVAILABLE FOR HISTORIC USES.—Of the direct loan obligations issued by the Secretary under this chapter, the Secretary shall make a minimum of $59,000,000 available each fiscal year for historic uses.

"(4) USE OF OBLIGATIONS IN LIMITED ACCESS FISHERIES.—In addition to the other eligible purposes and uses of direct loan obligations provided for in this chapter, the Secretary may issue direct loan obligations for the purpose of—

"(A) financing the construction or reconstruction of a fishing vessel in a fishery managed under a limited access system; or

"(B) financing the purchase of harvesting rights in a fishery that is federally managed under a limited access system.".

(b) LIMITATION ON APPLICATION TO CERTAIN FISHING VESSELS OF PROHIBITION UNDER VESSEL CONSTRUCTION PROGRAM.—Section 302(b)(2) of the Fisheries Financing Act (title III of Public Law 104–297; 46 U.S.C. 53706 note) is amended—

(1) in the second sentence—

(A) by striking "or in" and inserting ", in"; and

(B) by inserting before the period the following: ", in fisheries that are under the jurisdiction of the North Pacific Fishery Management Council and managed under a fishery management plan issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or in the Pacific whiting fishery that is under the jurisdiction of the Pacific Fishery Management Council and managed under a fishery management plan issued under that Act"; and

(2) by adding at the end the following: "Any fishing vessel operated in fisheries under the jurisdiction of the North Pacific Fishery Management Council and managed under a fishery management plan issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or in the Pacific whiting fishery under the jurisdiction of the

Pacific Fishery Management Council and managed under a fishery management plan issued under that Act, and that is replaced by a vessel that is constructed or rebuilt with a loan or loan guarantee provided by the Federal Government may not be used to harvest fish in any fishery under the jurisdiction of any regional fishery management council, other than a fishery under the jurisdiction of the North Pacific Fishery Management Council or the Pacific Fishery Management Council.".

SEC. 303. MODEL YEARS FOR RECREATIONAL VESSELS.

(a) IN GENERAL.—Section 4302 of title 46, United States Code is amended by adding at the end the following:

"(e)(1) Under this section, a model year for recreational vessels and associated equipment shall, except as provided in paragraph (2)—

"(A) begin on June 1 of a year and end on July 31 of the following year; and

"(B) be designated by the year in which it ends.

Effective date. Termination date.

"(2) Upon the request of a recreational vessel manufacturer to which this chapter applies, the Secretary may alter a model year for a model of recreational vessel of the manufacturer and associated equipment, by no more than 6 months from the model year described in paragraph (1).".

(b) APPLICATION.—This section shall only apply with respect to recreational vessels and associated equipment constructed or manufactured, respectively, on or after the date of enactment of this Act.

46 USC 4302 note.

SEC. 304. MERCHANT MARINER CREDENTIAL EXPIRATION HARMONIZATION.

Deadlines. 46 USC 7302 note.

(a) IN GENERAL.—Except as provided in subsection (c) and not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a process to harmonize the expiration dates of merchant mariner credentials, mariner medical certificates, and radar observer endorsements for individuals applying to the Secretary for a new merchant mariner credential or for renewal of an existing merchant mariner credential.

(b) REQUIREMENTS.—The Secretary shall ensure that the process established under subsection (a)—

(1) does not require an individual to renew a merchant mariner credential earlier than the date on which the individual's current credential expires; and

(2) results in harmonization of expiration dates for merchant mariner credentials, mariner medical certificates, and radar observer endorsements for all individuals by not later than 6 years after the date of the enactment of this Act.

Deadline.

(c) EXCEPTION.—The process established under subsection (a) does not apply to individuals—

(1) holding a merchant mariner credential with—

(A) an active Standards of Training, Certification, and Watchkeeping endorsement; or

(B) Federal first-class pilot endorsement; or

(2) who have been issued a time-restricted medical certificate.

Deadline.
33 USC 1231 note.

SEC. 305. SAFETY ZONES FOR PERMITTED MARINE EVENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish and implement a process to—

(1) account for the number of safety zones established for permitted marine events;

(2) differentiate whether the event sponsor who requested a permit for such an event is—

(A) an individual;

(B) an organization; or

(C) a government entity; and

(3) account for Coast Guard resources utilized to enforce safety zones established for permitted marine events, including for—

(A) the number of Coast Guard or Coast Guard Auxiliary vessels used; and

(B) the number of Coast Guard or Coast Guard Auxiliary patrol hours required.

SEC. 306. TECHNICAL CORRECTIONS.

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

(1) in section 103, by striking "(33 U.S.C. 151)." and inserting "(33 U.S.C. 151(b)).";

(2) in section 2118—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "title," and inserting "subtitle,"; and

(B) in subsection (b), by striking "title" and inserting "subtitle";

46 USC 3501 prec.

(3) in the analysis for chapter 35—

(A) by adding a period at the end of the item relating to section 3507; and

(B) by adding a period at the end of the item relating to section 3508;

(4) in section 3715(a)(2), by striking "; and" and inserting a semicolon;

(5) in section 4506, by striking "(a)";

(6) in section 8103(b)(1)(A)(iii), by striking "Academy." and inserting "Academy; and";

(7) in section 11113(c)(1)(A)(i), by striking "under this Act";

46 USC 70101 prec.

(8) in the analysis for chapter 701—

(A) by adding a period at the end of the item relating to section 70107A;

(B) in the item relating to section 70112, by striking "security advisory committees." and inserting "Security Advisory Committees."; and

(C) in the item relating to section 70122, by striking "watch program." and inserting "Watch Program.";

(9) in section 70105(c)—

(A) in paragraph (1)(B)(xv)—

(i) by striking "18, popularly" and inserting "18 (popularly"; and

(ii) by striking "Act" and inserting "Act)"; and

(B) in paragraph (2), by striking "(D) paragraph" and inserting "(D) of paragraph";

(10) in section 70107—

(A) in subsection (b)(2), by striking "5121(j)(8))," and inserting "5196(j)(8)),"; and

(B) in subsection (m)(3)(C)(iii), by striking "that is" and inserting "that the applicant";

(11) in section 70122, in the section heading, by striking "**watch program**" and inserting "**Watch Program**"; and

(12) in the analysis for chapter 705, by adding a period at the end of the item relating to section 70508. 46 USC 70501 prec.

(b) GENERAL BRIDGE STATUTES.—

(1) ACT OF MARCH 3, 1899.—The Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899, is amended—

(A) in section 9 (33 U.S.C. 401), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating"; and

(B) in section 18 (33 U.S.C. 502), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating".

(2) ACT OF MARCH 23, 1906.—The Act of March 23, 1906, popularly known as the Bridge Act of 1906, is amended—

(A) in the first section (33 U.S.C. 491), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating";

(B) in section 4 (33 U.S.C. 494), by striking "Secretary of Homeland Security" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating"; and

(C) in section 5 (33 U.S.C. 495), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating".

(3) ACT OF AUGUST 18, 1894.—Section 5 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499) is amended by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating".

(4) ACT OF JUNE 21, 1940.—The Act of June 21, 1940, popularly known as the Truman-Hobbs Act, is amended—

(A) in section 1 (33 U.S.C. 511), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating";

(B) in section 4 (33 U.S.C. 514), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating";

(C) in section 7 (33 U.S.C. 517), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating"; and

(D) in section 13 (33 U.S.C. 523), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating".

(5) GENERAL BRIDGE ACT OF 1946.—The General Bridge Act of 1946 is amended—

(A) in section 502(b) (33 U.S.C. 525(b)), by striking "Secretary of Transportation" and inserting "Secretary of

the department in which the Coast Guard is operating"; and

(B) in section 510 (33 U.S.C. 533), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating".

(6) INTERNATIONAL BRIDGE ACT OF 1972.—The International Bridge Act of 1972 is amended—

(A) in section 5 (33 U.S.C. 535c), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating";

(B) in section 8 (33 U.S.C. 535e), by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating"; and

(C) by striking section 11 (33 U.S.C. 535h).

Notification.

SEC. 307. RECOMMENDATIONS FOR IMPROVEMENTS OF MARINE CASUALTY REPORTING.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the actions the Commandant will take to implement recommendations on improvements to the Coast Guard's marine casualty reporting requirements and procedures included in—

(1) the Department of Homeland Security Office of Inspector General report entitled "Marine Accident Reporting, Investigations, and Enforcement in the United States Coast Guard", released on May 23, 2013; and

(2) the Towing Safety Advisory Committee report entitled "Recommendations for Improvement of Marine Casualty Reporting", released on March 26, 2015.

Deadline. Regulations.

SEC. 308. RECREATIONAL VESSEL ENGINE WEIGHTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue regulations amending table 4 to subpart H of part 183 of title 33, Code of Federal Regulations (relating to Weights (Pounds) of Outboard Motor and Related Equipment for Various Boat Horsepower Ratings) as appropriate to reflect "Standard 30–Outboard Engine and Related Equipment Weights" published by the American Boat and Yacht Council, as in effect on the date of the enactment of this Act.

SEC. 309. MERCHANT MARINER MEDICAL CERTIFICATION REFORM.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

46 USC 7509.

"§ 7509. Medical certification by trusted agents

"(a) IN GENERAL.—Notwithstanding any other provision of law and pursuant to regulations prescribed by the Secretary, a trusted agent may issue a medical certificate to an individual who—

"(1) must hold such certificate to qualify for a license, certificate of registry, or merchant mariner's document, or endorsement thereto under this part; and

"(2) is qualified as to sight, hearing, and physical condition to perform the duties of such license, certificate, document, or endorsement, as determined by the trusted agent.

"(b) PROCESS FOR ISSUANCE OF CERTIFICATES BY SECRETARY.—A final rule implementing this section shall include a process for— Regulations.

"(1) the Secretary of the department in which the Coast Guard is operating to issue medical certificates to mariners who submit applications for such certificates to the Secretary; and

"(2) a trusted agent to defer to the Secretary the issuance of a medical certificate.

"(c) TRUSTED AGENT DEFINED.—In this section the term 'trusted agent' means a medical practitioner certified by the Secretary to perform physical examinations of an individual for purposes of a license, certificate of registry, or merchant mariner's document under this part.".

(b) DEADLINE.—Not later than 5 years after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing section 7509 of title 46, United States Code, as added by this section. Regulations. 46 USC 7509 note.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following: 46 USC 7501 prec.

"7509. Medical certification by trusted agents.".

SEC. 310. ATLANTIC COAST PORT ACCESS ROUTE STUDY. Deadlines.

(a) ATLANTIC COAST PORT ACCESS ROUTE STUDY.—Not later than April 1, 2016, the Commandant of the Coast Guard shall conclude the Atlantic Coast Port Access Route Study and submit the results of such study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NANTUCKET SOUND.—Not later than December 1, 2016, the Commandant of the Coast Guard shall complete and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a port access route study of Nantucket Sound using the standards and methodology of the Atlantic Coast Port Access Route Study, to determine whether the Coast Guard should revise existing regulations to improve navigation safety in Nantucket Sound due to factors such as increased vessel traffic, changing vessel traffic patterns, weather conditions, or navigational difficulty in the vicinity. Determination.

SEC. 311. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS. Deadlines. Regulations. 46 USC 12105 note.

Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue regulations that—

(1) make certificates of documentation for recreational vessels effective for 5 years; and Time period.

(2) require the owner of such a vessel—

(A) to notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation is based, that occurs before the expiration of the certificate; and Notification.

(B) apply for a new certificate of documentation for such a vessel if there is any such change.

Deadline.
33 USC 1503 note.

SEC. 312. PROGRAM GUIDELINES.

Not later than 180 days after the date of the enactment this Act, the Secretary of Transportation shall—

(1) develop guidelines to implement the program authorized under section 304(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241), including specific actions to ensure the future availability of able and credentialed United States licensed and unlicensed seafarers including—

(A) incentives to encourage partnership agreements with operators of foreign-flag vessels that carry liquified natural gas, that provide no less than one training billet per vessel for United States merchant mariners in order to meet minimum mandatory sea service requirements;

(B) development of appropriate training curricula for use by public and private maritime training institutions to meet all United States merchant mariner license, certification, and document laws and requirements under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; and

(C) steps to promote greater outreach and awareness of additional job opportunities for sea service veterans of the United States Armed Forces; and

(2) submit such guidelines to the Committee Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 313. REPEALS.

(a) REPEALS, MERCHANT MARINE ACT, 1936.—Sections 601 through 606, 608 through 611, 613 through 616, 802, and 809 of the Merchant Marine Act, 1936 (46 U.S.C. 53101 note) are repealed.

(b) CONFORMING AMENDMENTS.—Chapter 575 of title 46, United States Code, is amended—

(1) in section 57501, by striking "titles V and VI" and inserting "title V"; and

(2) in section 57531(a), by striking "titles V and VI" and inserting "title V".

(c) TRANSFER FROM MERCHANT MARINE ACT, 1936.—

(1) IN GENERAL.—Section 801 of the Merchant Marine Act, 1936 (46 U.S.C. 53101 note) is—

(A) redesignated as section 57522 of title 46, United States Code, and transferred to appear after section 57521 of such title; and

(B) as so redesignated and transferred, is amended—

(i) by striking so much as precedes the first sentence and inserting the following:

"§ 57522. Books and records, balance sheets, and inspection and auditing";

(ii) by striking "the provision of title VI or VII of this Act" and inserting "this chapter"; and

(iii) by striking ": *Provided,* That" and all that follows through "Commission".

(2) CLERICAL AMENDMENT.—The analysis for chapter 575, of title 46, United States Code, is amended by inserting after the item relating to section 57521 the following: 46 USC 57501 prec.

"57522. Books and records, balance sheets, and inspection and auditing.".

(d) REPEALS, TITLE 46, U.S.C.—Section 8103 of title 46, United States Code, is amended in subsections (c) and (d) by striking "or operating" each place it appears.

SEC. 314. MARITIME DRUG LAW ENFORCEMENT.

(a) PROHIBITIONS.—Section 70503(a) of title 46, United States Code, is amended to read as follows:

"(a) PROHIBITIONS.—While on board a covered vessel, an individual may not knowingly or intentionally—

"(1) manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance;

"(2) destroy (including jettisoning any item or scuttling, burning, or hastily cleaning a vessel), or attempt or conspire to destroy, property that is subject to forfeiture under section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)); or

"(3) conceal, or attempt or conspire to conceal, more than $100,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, or compartment of or aboard the covered vessel if that vessel is outfitted for smuggling.".

(b) COVERED VESSEL DEFINED.—Section 70503 of title 46, United States Code, is amended by adding at the end the following:

"(e) COVERED VESSEL DEFINED.—In this section the term 'covered vessel' means—

"(1) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

"(2) any other vessel if the individual is a citizen of the United States or a resident alien of the United States.".

(c) PENALTIES.—Section 70506 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "A person violating section 70503" and inserting "A person violating paragraph (1) of section 70503(a)"; and

(2) by adding at the end the following:

"(d) PENALTY.—A person violating paragraph (2) or (3) of section 70503(a) shall be fined in accordance with section 3571 of title 18, imprisoned not more than 15 years, or both.".

(d) SEIZURE AND FORFEITURE.—Section 70507(a) of title 46, United States Code, is amended by striking "section 70503" and inserting "section 70503 or 70508".

(e) CLERICAL AMENDMENTS.—

(1) The heading of section 70503 of title 46, United States Code, is amended to read as follows:

"§ 70503. Prohibited acts"

(2) The analysis for chapter 705 of title 46, United States Code, is further amended by striking the item relating to section 70503 and inserting the following: 46 USC 70501 prec.

"70503. Prohibited acts.".

SEC. 315. EXAMINATIONS FOR MERCHANT MARINER CREDENTIALS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Chapter 75 of title 46, United States Code, is further amended by adding at the end the following:

46 USC 7510.

"§ 7510. Examinations for merchant mariner credentials

"(a) DISCLOSURE NOT REQUIRED.—Notwithstanding any other provision of law, the Secretary is not required to disclose to the public—

"(1) a question from any examination for a merchant mariner credential;

"(2) the answer to such a question, including any correct or incorrect answer that may be presented with such question; and

"(3) any quality or characteristic of such a question, including—

"(A) the manner in which such question has been, is, or may be selected for an examination;

"(B) the frequency of such selection; and

"(C) the frequency that an examinee correctly or incorrectly answered such question.

"(b) EXCEPTION FOR CERTAIN QUESTIONS.—Notwithstanding subsection (a), the Secretary may, for the purpose of preparation by the general public for examinations required for merchant mariner credentials, release an examination question and answer that the Secretary has retired or is not presently on or part of an examination, or that the Secretary determines is appropriate for release.

"(c) EXAM REVIEW.—

Deadlines. Establishment.

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Coast Guard Authorization Act of 2015, and once every two years thereafter, the Commandant of the Coast Guard shall commission a working group to review new questions for inclusion in examinations required for merchant mariner credentials, composed of—

"(A) 1 subject matter expert from the Coast Guard;

"(B) representatives from training facilities and the maritime industry, of whom—

"(i) one-half shall be representatives from approved training facilities; and

"(ii) one-half shall be representatives from the appropriate maritime industry;

"(C) at least 1 representative from the Merchant Marine Personnel Advisory Committee;

"(D) at least 2 representatives from the State maritime academies, of whom one shall be a representative from the deck training track and one shall be a representative of the engine license track;

"(E) representatives from other Coast Guard Federal advisory committees, as appropriate, for the industry segment associated with the subject examinations;

"(F) at least 1 subject matter expert from the Maritime Administration; and

"(G) at least 1 human performance technology representative.

"(2) INCLUSION OF PERSONS KNOWLEDGEABLE ABOUT EXAMINATION TYPE.—The working group shall include representatives knowledgeable about the examination type under review.

"(3) LIMITATION.—The requirement to convene a working group under paragraph (1) does not apply unless there are new examination questions to review.

"(4) BASELINE REVIEW.—

"(A) IN GENERAL.—Within 1 year after the date of the enactment of the Coast Guard Authorization Act of 2015, the Secretary shall convene the working group to complete a baseline review of the Coast Guard's Merchant Mariner Credentialing Examination, including review of— Deadline.

"(i) the accuracy of examination questions;

"(ii) the accuracy and availability of examination references;

"(iii) the length of merchant mariner examinations; and

"(iv) the use of standard technologies in administering, scoring, and analyzing the examinations.

"(B) PROGRESS REPORT.—The Coast Guard shall provide a progress report to the appropriate congressional committees on the review under this paragraph.

"(5) FULL MEMBERSHIP NOT REQUIRED.—The Coast Guard may convene the working group without all members present if any non-Coast-Guard representative is present.

"(6) NONDISCLOSURE AGREEMENT.—The Secretary shall require all members of the working group to sign a nondisclosure agreement with the Secretary.

"(7) TREATMENT OF MEMBERS AS FEDERAL EMPLOYEES.—A member of the working group who is not a Federal Government employee shall not be considered a Federal employee in the service or the employment of the Federal Government, except that such a member shall be considered a special government employee, as defined in section 202(a) of title 18 for purposes of sections 203, 205, 207, 208, and 209 of such title and shall be subject to any administrative standards of conduct applicable to an employee of the department in which the Coast Guard is operating.

"(8) FORMAL EXAM REVIEW.—The Secretary shall ensure that the Coast Guard Performance Technology Center—

"(A) prioritizes the review of examinations required for merchant mariner credentials; and

"(B) not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2015, completes a formal review, including an appropriate analysis, of the topics and testing methodology employed by the National Maritime Center for merchant seamen licensing. Deadlines. Analysis.

"(9) FACA.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to any working group created under this section to review the Coast Guard's merchant mariner credentialing examinations.

"(d) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term 'merchant mariner credential' means a merchant seaman license, certificate, or document that the Secretary is authorized to issue pursuant to this title.".

46 USC 7501 prec.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

"7510. Examinations for merchant mariner credentials.".

(b) EXAMINATIONS FOR MERCHANT MARINER CREDENTIALS.—

(1) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following:

46 USC 7116.

"§ 7116. Examinations for merchant mariner credentials

"(a) REQUIREMENT FOR SAMPLE EXAMS.—The Secretary shall develop a sample merchant mariner credential examination and outline of merchant mariner examination topics on an annual basis.

"(b) PUBLIC AVAILABILITY.—Each sample examination and outline of topics developed under subsection (a) shall be readily available to the public.

"(c) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term 'merchant mariner credential' has the meaning that term has in section 7510.".

46 USC 7101 prec.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"7116. Examinations for merchant mariner credentials.".

46 USC 7510 note.

(c) DISCLOSURE TO CONGRESS.—Nothing in this section may be construed to authorize the withholding of information from an appropriate inspector general, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 316. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Subsection (a) of section 710 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2986) is amended to read as follows:

Applicability. Washington.

"(a) HIGHER VOLUME PORTS.—Notwithstanding any other provision of law, the requirements of subparts D, F, and G of part 155 of title 33, Code of Federal Regulations, that apply to the higher volume port area for the Strait of Juan de Fuca at Port Angeles, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound, shall apply, in the same manner, and to the same extent, to the Strait of Juan de Fuca at Cape Flattery, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound.".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking "the modification of the higher volume port area definition required by subsection (a)." and inserting "higher volume port requirements made applicable under subsection (a).".

SEC. 317. RECOGNITION OF PORT SECURITY ASSESSMENTS CONDUCTED BY OTHER ENTITIES.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

"(f) RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.—

"(1) CERTIFICATION AND TREATMENT OF ASSESSMENTS.—For the purposes of this section and section 70109, the Secretary may treat an assessment that a foreign government (including, for the purposes of this subsection, an entity of or operating

under the auspices of the European Union) or international organization has conducted as an assessment that the Secretary has conducted for the purposes of subsection (a), provided that the Secretary certifies that the foreign government or international organization has—

"(A) conducted the assessment in accordance with subsection (b); and

"(B) provided the Secretary with sufficient information pertaining to its assessment (including, but not limited to, information on the outcome of the assessment).

"(2) AUTHORIZATION TO ENTER INTO AN AGREEMENT.—For the purposes of this section and section 70109, the Secretary, in consultation with the Secretary of State, may enter into an agreement with a foreign government (including, for the purposes of this subsection, an entity of or operating under the auspices of the European Union) or international organization, under which parties to the agreement— Consultation.

"(A) conduct an assessment, required under subsection (a);

"(B) share information pertaining to such assessment (including, but not limited to, information on the outcome of the assessment); or

"(C) both.

"(3) LIMITATIONS.—Nothing in this subsection shall be construed to—

"(A) require the Secretary to recognize an assessment that a foreign government or an international organization has conducted; or

"(B) limit the discretion or ability of the Secretary to conduct an assessment under this section.

"(4) NOTIFICATION TO CONGRESS.—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the proposed terms of such agreement or arrangement.". Deadline.

SEC. 318. FISHING VESSEL AND FISH TENDER VESSEL CERTIFICATION.

(a) ALTERNATIVE SAFETY COMPLIANCE PROGRAMS.—Section 4503 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "this section" and inserting "this subsection";

(2) in subsection (b), by striking "This section" and inserting "Except as provided in subsection (d), subsection (a)";

(3) in subsection (c)—

(A) by striking "This section" and inserting "(1) Except as provided in paragraph (2), subsection (a)"; and

(B) by adding at the end the following:

"(2) Subsection (a) does not apply to a fishing vessel or fish tender vessel to which section 4502(b) of this title applies, if the vessel—

"(A) is at least 50 feet overall in length, and not more than 79 feet overall in length as listed on the vessel's certificate of documentation or certificate of number; and

"(B)(i) is built after the date of the enactment of the Coast Guard Authorization Act of 2015; and

"(ii) complies with—

"(I) the requirements described in subsection (e); or

"(II) the alternative requirements established by the Secretary under subsection (f).''; and

(4) by redesignating subsection (e) as subsection (g), and inserting after subsection (d) the following:

"(e) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

"(1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

"(2) Construction of the vessel is overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.

"(3) The vessel—

"(A) completes a stability test performed by a qualified individual;

"(B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

"(C) has an assigned loading mark.

"(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

Time period. "(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

Time period. "(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

Time period. "(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

Records. Compliance. "(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

Deadline. Reports. Analysis. "(f)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2015, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (e) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (e).

Determination. "(2) If the report required under this subsection includes a determination that the safety requirements under subsection (e) are not adequate or that additional safety measures are necessary,

that the Secretary may establish an alternative safety compliance program for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (e).

"(3) The alternative safety compliance program established under this subsection shall include requirements for— Requirements.

"(A) vessel construction;

"(B) a vessel stability test;

"(C) vessel stability and loading instructions;

"(D) an assigned vessel loading mark;

"(E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys; Time period. Survey.

"(F) an out-of-water vessel survey at least once every 5 years; Time periods. Survey.

"(G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and Records.

"(H) such other aspects of vessel safety as the Secretary considers appropriate.".

(b) GAO REPORT ON COMMERCIAL FISHING VESSEL SAFETY.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on commercial fishing vessel safety. The report shall include—

(A) national and regional trends that can be identified with respect to rates of marine casualties, human injuries, and deaths aboard or involving fishing vessels greater than 79 feet in length that operate beyond the 3-nautical-mile demarcation line;

(B) a comparison of United States regulations for classification of fishing vessels to those established by other countries, including the vessel length at which such regulations apply;

(C) the additional costs imposed on vessel owners as a result of the requirement in section 4503(a) of title 46, United States Code, and how the those costs vary in relation to vessel size and from region to region;

(D) savings that result from the application of the requirement in section 4503(a) of title 46, United States Code, including reductions in insurance rates or reduction in the number of fishing vessels or fish tender vessels lost to major safety casualties, nationally and regionally;

(E) a national and regional comparison of the additional costs and safety benefits associated with fishing vessels or fish tender vessels that are built and maintained to class through a classification society to the additional costs and safety benefits associated with fishing vessels or fish tender vessels that are built to standards equivalent to classification society construction standards and maintained to standards equivalent to classification society standards with verification by independent surveyors; and

(F) the impact on the cost of production and availability of qualified shipyards, nationally and regionally, resulting

from the application of the requirement in section 4503(a) of title 46, United States Code.

(2) CONSULTATION REQUIREMENT.—In preparing the report under paragraph (1), the Comptroller General shall—

(A) consult with owners and operators of fishing vessels or fish tender vessels, classification societies, shipyards, the National Institute for Occupational Safety and Health, the National Transportation Safety Board, the Coast Guard, academics, naval architects, and marine safety non-governmental organizations; and

(B) obtain relevant data from the Coast Guard including data collected from enforcement actions, boardings, investigations of marine casualties, and serious marine incidents.

(3) TREATMENT OF DATA.—In preparing the report under paragraph (1), the Comptroller General shall—

(A) disaggregate data regionally for each of the regions managed by the regional fishery management councils established under section 302 of the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. 1852), the Atlantic States Marine Fisheries Commission, the Pacific States Marine Fisheries Commission, and the Gulf States Marine Fisheries Commission; and

(B) include qualitative data on the types of fishing vessels or fish tender vessels included in the report.

SEC. 319. INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.

(a) IN GENERAL.—Section 7001(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(3)) is amended—

(1) by striking "Minerals Management Service" and inserting "Bureau of Safety and Environmental Enforcement, the Bureau of Ocean Energy Management,"; and

(2) by inserting "the United States Arctic Research Commission," after "National Aeronautics and Space Administration,".

(b) TECHNICAL AMENDMENTS.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) in subsection (b)(2), in the matter preceding subparagraph (A), by striking "Department of Transportation" and inserting "department in which the Coast Guard is operating"; and

(2) in subsection (c)(8)(A), by striking "(1989)" and inserting "(2010)".

SEC. 320. INTERNATIONAL PORT AND FACILITY INSPECTION COORDINATION.

Section 825(a) of the Coast Guard Authorization Act of 2010 (6 U.S.C. 945 note; Public Law 111–281) is amended in the matter preceding paragraph (1)—

(1) by striking "the department in which the Coast Guard is operating" and inserting "Homeland Security"; and

(2) by striking "they are integrated and conducted by the Coast Guard" and inserting "the assessments are coordinated between the Coast Guard and Customs and Border Protection".

TITLE IV—FEDERAL MARITIME COMMISSION

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title 46, United States Code, is amended by adding at the end the following:

"§ 308. Authorization of appropriations

46 USC 308.

"There is authorized to be appropriated to the Federal Maritime Commission $24,700,000 for each of fiscal years 2016 and 2017 for the activities of the Commission authorized under this chapter and subtitle IV.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 46, United States Code, is amended by adding at the end the following:

46 USC 301 prec.

"308. Authorization of appropriations.".

SEC. 402. DUTIES OF THE CHAIRMAN.

Section 301(c)(3)(A) of title 46, United States Code, is amended—

(1) in clause (ii) by striking "units, but only after consultation with the other Commissioners;" and inserting "units (with such appointments subject to the approval of the Commission);";

(2) in clause (iv) by striking "and" at the end;

(3) in clause (v) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(vi) prepare and submit to the President and the Congress requests for appropriations for the Commission (with such requests subject to the approval of the Commission).".

SEC. 403. PROHIBITION ON AWARDS.

Section 307 of title 46, United States Code, is amended—

(1) by striking "The Federal Maritime Commission" and inserting the following:

"(a) IN GENERAL.—The Federal Maritime Commission"; and

(2) by adding at the end the following:

"(b) PROHIBITION.—Notwithstanding subsection (a), the Federal Maritime Commission may not expend any funds appropriated or otherwise made available to it to a non-Federal entity to issue an award, prize, commendation, or other honor that is not related to the purposes set forth in section 40101.".

TITLE V—CONVEYANCES

Subtitle A—Miscellaneous Conveyances

SEC. 501. CONVEYANCE OF COAST GUARD PROPERTY IN POINT REYES STATION, CALIFORNIA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall convey to the County of Marin, California all right, title,

and interest of the United States in and to the covered property—

(A) for fair market value, as provided in paragraph (2);

(B) subject to the conditions required by this section; and

(C) subject to any other term or condition that the Commandant considers appropriate and reasonable to protect the interests of the United States.

(2) FAIR MARKET VALUE.—The fair market value of the covered property shall be—

(A) determined by a real estate appraiser who has been selected by the County and is licensed to practice in California; and

(B) approved by the Commandant.

(3) PROCEEDS.—The Commandant shall deposit the proceeds from a conveyance under paragraph (1) in the Coast Guard Housing Fund established by section 687 of title 14, United States Code.

(b) CONDITION OF CONVEYANCE.—As a condition of any conveyance of the covered property under this section, the Commandant shall require that all right, title, and interest in and to the covered property shall revert to the United States if the covered property or any part thereof ceases to be used for affordable housing, as defined by the County and the Commandant at the time of conveyance, or to provide a public benefit approved by the County.

(c) SURVEY.—The exact acreage and legal description of the covered property shall be determined by a survey satisfactory to the Commandant.

(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(e) COVERED PROPERTY DEFINED.—In this section, the term "covered property" means the approximately 32 acres of real property (including all improvements located on the property) that are—

(1) located in Point Reyes Station in the County of Marin, California;

(2) under the administrative control of the Coast Guard; and

(3) described as "Parcel A, Tract 1", "Parcel B, Tract 2", "Parcel C", and "Parcel D" in the Declaration of Taking (Civil No. C 71–1245 SC) filed June 28, 1971, in the United States District Court for the Northern District of California.

(f) EXPIRATION.—The authority to convey the covered property under this section shall expire on the date that is four years after the date of the enactment of this Act.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN TOK, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard may convey to the Tanana Chiefs' Conference all right, title, and interest of the United States in and to the covered property, upon payment to the United States of the fair market value of the covered property.

(b) SURVEY.—The exact acreage and legal description of the covered property shall be determined by a survey satisfactory to the Commandant.

(c) FAIR MARKET VALUE.—The fair market value of the covered property shall be—

(1) determined by appraisal; and

(2) subject to the approval of the Commandant.

(d) COSTS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with a conveyance under this section shall be determined by the Commandant and the purchaser. Determination.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with a conveyance under this section as the Commandant considers appropriate and reasonable to protect the interests of the United States.

(f) DEPOSIT OF PROCEEDS.—Any proceeds received by the United States from a conveyance under this section shall be deposited in the Coast Guard Housing Fund established under section 687 of title 14, United States Code.

(g) COVERED PROPERTY DEFINED.—

(1) IN GENERAL.—In this section, the term "covered property" means the approximately 3.25 acres of real property (including all improvements located on the property) that are—

(A) located in Tok, Alaska;

(B) under the administrative control of the Coast Guard; and

(C) described in paragraph (2).

(2) DESCRIPTION.—The property described in this paragraph is the following:

(A) Lots 11, 12 and 13, block "G", Second Addition to Hartsell Subdivision, Section 20, Township 18 North, Range 13 East, Copper River Meridian, Alaska as appears by Plat No. 72–39 filed in the Office of the Recorder for the Fairbanks Recording District of Alaska, bearing seal dated 25 September 1972, all containing approximately 1.25 acres and commonly known as 2–PLEX – Jackie Circle, Units A and B.

(B) Beginning at a point being the SE corner of the SE ¼ of the SE ¼ Section 24, Township 18 North, Range 12 East, Copper River Meridian, Alaska; thence running westerly along the south line of said SE ¼ of the NE ¼ 260 feet; thence northerly parallel to the east line of said SE ¼ of the NE ¼ 335 feet; thence easterly parallel to the south line 260 feet; then south 335 feet along the east boundary of Section 24 to the point of beginning; all containing approximately 2.0 acres and commonly known as 4–PLEX – West "C" and Willow, Units A, B, C and D.

(h) EXPIRATION.—The authority to convey the covered property under this section shall expire on the date that is 4 years after the date of the enactment of this Act. Time period.

Pribilof Island Transition Completion Act of 2015.
16 USC 1151 note.

Subtitle B—Pribilof Islands

SEC. 521. SHORT TITLE.

This subtitle may be cited as the "Pribilof Island Transition Completion Act of 2015".

SEC. 522. TRANSFER AND DISPOSITION OF PROPERTY.

(a) TRANSFER.—To further accomplish the settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Secretary of Commerce shall, subject to paragraph (2), and notwithstanding section 105(a) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562), convey all right, title, and interest in the following property to the Alaska native village corporation for St. Paul Island:

(1) Lots 4, 5, and 6A, Block 18, Tract A, U.S. Survey 4943, Alaska, the plat of which was Officially Filed on January 20, 2004, aggregating 13,006 square feet (0.30 acres).

(2) On the termination of the license described in subsection (b)(3), T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 43, the plat of which was Officially Filed on May 14, 1986, containing 84.88 acres.

(b) FEDERAL USE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may operate, maintain, keep, locate, inspect, repair, and replace any Federal aid to navigation located on the property described in subsection (a) as long as the aid is needed for navigational purposes.

(2) ADMINISTRATION.—In carrying out subsection (a), the Secretary may enter the property, at any time for as long as the aid is needed for navigational purposes, without notice to the extent that it is not practicable to provide advance notice.

(3) LICENSE.—The Secretary of the Department in which the Coast Guard is operating may maintain a license in effect on the date of the enactment of this Act with respect to the real property and improvements under subsection (a) until the termination of the license.

(4) REPORTS.—Not later than 2 years after the date of the enactment of this Act and not less than once every 2 years thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(A) efforts taken to remediate contaminated soils on tract 43 described in subsection (a)(2);

(B) a schedule for the completion of contaminated soil remediation on tract 43; and

(C) any use of tract 43 to carry out Coast Guard navigation activities.

(c) AGREEMENT ON TRANSFER OF OTHER PROPERTY ON ST. PAUL ISLAND.—

Deadline.

(1) IN GENERAL.—In addition to the property transferred under subsection (a), not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce and the presiding officer of the Alaska native village corporation

for St. Paul Island shall enter into an agreement to exchange of property on Tracts 50 and 38 on St. Paul Island and to finalize the recording of deeds, to reflect the boundaries and ownership of Tracts 50 and 38 as depicted on a survey of the National Oceanic and Atmospheric Administration, to be filed with the Office of the Recorder for the Department of Natural Resources for the State of Alaska.

(2) EASEMENTS.—The survey described in subsection (a) shall include respective easements granted to the Secretary and the Alaska native village corporation for the purpose of utilities, drainage, road access, and salt lagoon conservation.

SEC. 523. NOTICE OF CERTIFICATION.

Section 105 of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Notwithstanding paragraph (2) and effective beginning on the date the Secretary publishes the notice of certification required by subsection (b)(5), the Secretary"; Effective date.

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking "section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165)" and inserting "section 205(a) of the Fur Seal Act of 1966 (16 U.S.C. 1165(a))"; and

(B) by adding at the end the following:

"(5) NOTICE OF CERTIFICATION.—The Secretary shall promptly publish and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate notice that the certification described in paragraph (2) has been made."; and Publication.

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "makes the certification described in subsection (b)(2)" and inserting "publishes the notice of certification required by subsection (b)(5)"; and

(B) in paragraph (1), by striking "Section 205" and inserting "Subsections (a), (b), (c), and (d) of section 205";

(4) by redesignating subsection (e) as subsection (g); and

(5) by inserting after subsection (d) the following:

"(e) NOTIFICATIONS.— Deadlines.

"(1) IN GENERAL.—Not later than 30 days after the Secretary makes a determination under subsection (f) that land on St. Paul Island, Alaska, not specified for transfer in the document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions' or section 522 of the Pribilof Island Transition Completion Act of 2015 is in excess of the needs of the Secretary and the Federal Government, the Secretary shall notify the Alaska native village corporation for St. Paul Island of the determination.

"(2) ELECTION TO RECEIVE.—Not later than 60 days after the date receipt of the notification of the Secretary under subsection (a), the Alaska native village corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land.

"(3) TRANSFER.—If the Alaska native village corporation provides notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title and interest in the land or a portion of the land, the Secretary shall transfer all right, title, and interest in the land or portion to the Alaska native village corporation at no cost.

"(4) OTHER DISPOSITION.—If the Alaska native village corporation does not provide notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land, the Secretary may dispose of the land in accordance with other applicable law.

"(f) DETERMINATION.—

Deadlines.

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection and not less than once every 5 years thereafter, the Secretary shall determine whether property located on St. Paul Island and not transferred to the Natives of the Pribilof Islands is in excess of the smallest practicable tract enclosing land—

"(A) needed by the Secretary for the purposes of carrying out the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

"(B) in the case of land withdrawn by the Secretary on behalf of other Federal agencies, needed for carrying out the missions of those agencies for which land was withdrawn; or

"(C) actually used by the Federal Government in connection with the administration of any Federal installation on St. Paul Island.

"(2) REPORT OF DETERMINATION.—When a determination is made under subsection (a), the Secretary shall report the determination to—

"(A) the Committee on Natural Resources of the House of Representatives;

"(B) the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) the Alaska native village corporation for St. Paul Island.".

SEC. 524. REDUNDANT CAPABILITY.

(a) RULE OF CONSTRUCTION.—Except as provided in subsection (b), section 681 of title 14, United States Code, as amended by this Act, shall not be construed to prohibit any transfer or conveyance of lands under this subtitle or any actions that involve the dismantling or disposal of infrastructure that supported the former LORAN system that are associated with the transfer or conveyance of lands under section 522.

Deadline.
Time period.
Effective date.
Determination.

(b) REDUNDANT CAPABILITY.—If, within the 5-year period beginning on the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating determines that a facility on Tract 43, if transferred under this subtitle, is subsequently required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted, the Secretary may—

(1) operate, maintain, keep, locate, inspect, repair, and replace such facility; and

(2) in carrying out the activities described in paragraph (1), enter, at any time, the facility without notice to the extent that it is not possible to provide advance notice, for as long as such facility is needed to provide such capability.

Subtitle C—Conveyance of Coast Guard Property at Point Spencer, Alaska

SEC. 531. FINDINGS.

The Congress finds as follows:

(1) Major shipping traffic is increasing through the Bering Strait, the Bering and Chukchi Seas, and the Arctic Ocean, and will continue to increase whether or not development of the Outer Continental Shelf of the United States is undertaken in the future, and will increase further if such Outer Continental Shelf development is undertaken.

(2) There is a compelling national, State, Alaska Native, and private sector need for permanent infrastructure development and for a presence in the Arctic region of Alaska by appropriate agencies of the Federal Government, particularly in proximity to the Bering Strait, to support and facilitate search and rescue, shipping safety, economic development, oil spill prevention and response, protection of Alaska Native archaeological and cultural resources, port of refuge, arctic research, and maritime law enforcement on the Bering Sea, the Chukchi Sea, and the Arctic Ocean.

(3) The United States owns a parcel of land, known as Point Spencer, located between the Bering Strait and Port Clarence and adjacent to some of the best potential deepwater port sites on the coast of Alaska in the Arctic.

(4) Prudent and effective use of Point Spencer may be best achieved through marshaling the energy, resources, and leadership of the public and private sectors.

(5) It is in the national interest to develop infrastructure at Point Spencer that would aid the Coast Guard in performing its statutory duties and functions in the Arctic on a more permanent basis and to allow for public and private sector development of facilities and other infrastructure to support purposes that are of benefit to the United States.

SEC. 532. DEFINITIONS.

In this subtitle:

(1) ARCTIC.—The term "Arctic" has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(2) BSNC.—The term "BSNC" means the Bering Straits Native Corporation authorized under section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606).

(3) COUNCIL.—The term "Council" means the Port Coordination Council established under section 541.

(4) PLAN.—The term "Plan" means the Port Management Coordination Plan developed under section 541.

(5) POINT SPENCER.—The term "Point Spencer" means the land known as "Point Spencer" located in Townships 2, 3, and 4 South, Range 40 West, Kateel River Meridian, Alaska, between the Bering Strait and Port Clarence and withdrawn

by Public Land Order 2650 (published in the Federal Register on April 12, 1962).

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

(7) STATE.—The term "State" means the State of Alaska.

(8) TRACT.—The term "Tract" or "Tracts" means any of Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, or Tract 6, as appropriate, or any portion of such Tract or Tracts.

(9) TRACTS 1, 2, 3, 4, 5, AND 6.—The terms "Tract 1", "Tract 2", "Tract 3", "Tract 4", "Tract 5", and "Tract 6" each mean the land generally depicted as Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, or Tract 6, respectively, on the map entitled the "Point Spencer Land Retention and Conveyance Map", dated January 2015, and on file with the Department of Homeland Security and the Department of the Interior.

Deadlines.

SEC. 533. AUTHORITY TO CONVEY LAND IN POINT SPENCER.

Notification.

(a) AUTHORITY TO CONVEY TRACTS 1, 3, AND 4.—Within 1 year after the Secretary notifies the Secretary of the Interior that the Coast Guard no longer needs to retain jurisdiction of Tract 1, Tract 3, or Tract 4 and subject to section 534, the Secretary of the Interior shall convey to BSNC or the State, subject to valid existing rights, all right, title, and interest of the United States in and to the surface and subsurface estates of that Tract in accordance with subsection (d).

(b) AUTHORITY TO CONVEY TRACTS 2 AND 5.—Within 1 year after the date of the enactment of this section and subject to section 534, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest of the United States in and to the surface and subsurface estates of Tract 2 and Tract 5 in accordance with subsection (d).

(c) AUTHORITY TO TRANSFER TRACT 6.—Within one year after the date of the enactment of this Act and subject to sections 534 and 535, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest of the United States in and to the surface and subsurface estates of Tract 6 in accordance with subsection (e).

(d) ORDER OF OFFER TO CONVEY TRACT 1, 2, 3, 4, OR 5.—

(1) DETERMINATION AND OFFER.—

(A) TRACT 1, 3, OR 4.—If the Secretary makes the determination under subsection (a) and subject to section 534, the Secretary of the Interior shall offer Tract 1, Tract 3, or Tract 4 for conveyance to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(B) TRACT 2 AND 5.—Subject to section 534, the Secretary of the Interior shall offer Tract 2 and Tract 5 to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) OFFER TO BSNC.—

(A) ACCEPTANCE BY BSNC.—If BSNC chooses to accept an offer of conveyance of a Tract under paragraph (1), the Secretary of the Interior shall consider Tract 6 as within BSNC's entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) and shall convey such Tract to BSNC.

(B) DECLINE BY BSNC.—If BSNC declines to accept an offer of conveyance of a Tract under paragraph (1), the Secretary of the Interior shall offer such Tract for conveyance to the State under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85–508).

(3) OFFER TO STATE.—

(A) ACCEPTANCE BY STATE.—If the State chooses to accept an offer of conveyance of a Tract under paragraph (2)(B), the Secretary of the Interior shall consider such Tract as within the State's entitlement under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85–508) and shall convey such Tract to the State.

(B) DECLINE BY STATE.—If the State declines to accept an offer of conveyance of a Tract offered under paragraph (2)(B), such Tract shall be disposed of pursuant to applicable public land laws.

(e) ORDER OF OFFER TO CONVEY TRACT 6.—

(1) OFFER.—Subject to section 534, the Secretary of the Interior shall offer Tract 6 for conveyance to the State.

(2) OFFER TO STATE.—

(A) ACCEPTANCE BY STATE.—If the State chooses to accept an offer of conveyance of Tract 6 under paragraph (1), the Secretary of the Interior shall consider Tract 6 as within the State's entitlement under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85–508) and shall convey Tract 6 to the State.

(B) DECLINE BY STATE.—If the State declines to accept an offer of conveyance of Tract 6 under paragraph (1), the Secretary of the Interior shall offer Tract 6 for conveyance to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) OFFER TO BSNC.—

(A) ACCEPTANCE BY BSNC.—

(i) IN GENERAL.—Subject to clause (ii), if BSNC chooses to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall consider Tract 6 as within BSNC's entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) and shall convey Tract 6 to BSNC.

(ii) LEASE BY THE STATE.—The conveyance of Tract 6 to BSNC shall be subject to BSNC negotiating a lease of Tract 6 to the State at no cost to the State, if the State requests such a lease.

(B) DECLINE BY BSNC.—If BSNC declines to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall dispose of Tract 6 pursuant to the applicable public land laws.

SEC. 534. ENVIRONMENTAL COMPLIANCE, LIABILITY, AND MONITORING.

42 USC 9620 note.

(a) ENVIRONMENTAL COMPLIANCE.—Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any applicable

environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(b) LIABILITY.—A person to which a conveyance is made under this subtitle shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance of the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out before such date on the real property conveyed.

(c) MONITORING OF KNOWN CONTAMINATION.—

(1) IN GENERAL.—To the extent practicable and subject to paragraph (2), any contamination in a Tract to be conveyed to the State or BSNC under this subtitle that—

(A) is identified in writing prior to the conveyance; and

(B) does not pose an immediate or long-term risk to human health or the environment;

may be routinely monitored and managed by the State or BSNC, as applicable, through institutional controls.

(2) INSTITUTIONAL CONTROLS.—Institutional controls may be used if—

(A) the Administrator of the Environmental Protection Agency and the Governor of the State concur that such controls are protective of human health and the environment; and

(B) such controls are carried out in accordance with Federal and State law.

SEC. 535. EASEMENTS AND ACCESS.

(a) USE BY COAST GUARD.—The Secretary of the Interior shall make each conveyance of any relevant Tract under this subtitle subject to an easement granting the Coast Guard, at no cost to the Coast Guard—

(1) use of all existing and future landing pads, airstrips, runways, and taxiways that are located on such Tract; and

(2) the right to access such landing pads, airstrips, runways, and taxiways.

(b) USE BY STATE.—For any Tract conveyed to BSNC under this subtitle, BSNC shall provide to the State, if requested and pursuant to negotiated terms with the State, an easement granting to the State, at no cost to the State—

(1) use of all existing and future landing pads, airstrips, runways, and taxiways located on such Tract; and

(2) a right to access such landing pads, airstrips, runways, and taxiways.

Determination.
Consultation.

(c) RIGHT OF ACCESS OR RIGHT OF WAY.—If the State requests a right of access or right of way for a road from the airstrip to the southern tip of Point Spencer, the location of such right of access or right of way shall be determined by the State, in consultation with the Secretary and BSNC, so that such right of access or right of way is compatible with other existing or planned infrastructure development at Point Spencer.

(d) ACCESS EASEMENT ACROSS TRACTS 2, 5, AND 6.—In conveyance documents to the State and BSNC under this subtitle, the Coast Guard shall retain an access easement across Tracts 2, 5, and 6 reasonably necessary to afford the Coast Guard with access to Tracts 1, 3, and 4 for its operations.

(e) ACCESS.—Not later than 30 days after the date of the enactment of this Act, the Coast Guard shall provide to the State and BSNC, access to Tracts for planning, design, and engineering related to remediation and use of and construction on those Tracts. Deadline.

(f) PUBLIC ACCESS EASEMENTS.—No public access easements may be reserved to the United States under section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)) with respect to the land conveyed under this subtitle.

SEC. 536. RELATIONSHIP TO PUBLIC LAND ORDER 2650.

(a) TRACTS NOT CONVEYED.—Any Tract that is not conveyed under this subtitle shall remain withdrawn pursuant to Public Land Order 2650 (published in the Federal Register on April 12, 1962).

(b) TRACTS CONVEYED.—For any Tract conveyed under this subtitle, Public Land Order 2650 shall automatically terminate upon issuance of a conveyance document issued pursuant to this subtitle for such Tract. Termination.

SEC. 537. ARCHEOLOGICAL AND CULTURAL RESOURCES.

Conveyance of any Tract under this subtitle shall not affect investigations, criminal jurisdiction, and responsibilities regarding theft or vandalism of archeological or cultural resources located in or on such Tract that took place prior to conveyance under this subtitle.

SEC. 538. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior in consultation with the Secretary shall prepare maps and legal descriptions of Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and Tract 6. In doing so, the Secretary of the Interior may use metes and bounds legal descriptions based upon the official survey plats of Point Spencer accepted by the Bureau of Land Management on December 6, 1978, and on information provided by the Secretary. Consultation.

(b) SURVEY.—Not later than 5 years after the date of the enactment of this Act, the Secretary of the Interior shall survey Tracts conveyed under this subtitle and patent the Tracts in accordance with the official plats of survey. Deadline.

(c) LEGAL EFFECT.—The maps and legal descriptions prepared under subsection (a) and the surveys prepared under subsection (b) shall have the same force and effect as if the maps and legal descriptions were included in this Act.

(d) CORRECTIONS.—The Secretary of the Interior may correct any clerical and typographical errors in the maps and legal descriptions prepared under subsection (a) and the surveys prepared under subsection (b).

(e) AVAILABILITY.—Copies of the maps and legal descriptions prepared under subsection (a) and the surveys prepared under subsection (b) shall be available for public inspection in the appropriate offices of—

(1) the Bureau of Land Management; and

(2) the Coast Guard.

SEC. 539. CHARGEABILITY FOR LAND CONVEYED.

(a) CONVEYANCES TO ALASKA.—The Secretary of the Interior shall charge any conveyance of land conveyed to the State of Alaska

pursuant to this subtitle against the State's remaining entitlement under section 6(b) of the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act"; Public Law 85–508: 72 Stat. 339).

(b) CONVEYANCES TO BSNC.—The Secretary of the Interior shall charge any conveyance of land conveyed to BSNC pursuant to this subtitle, against BSNC's remaining entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)).

SEC. 540. REDUNDANT CAPABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), section 681 of title 14, United States Code, as amended by this Act, shall not be construed to prohibit any transfer or conveyance of lands under this subtitle or any actions that involve the dismantling or disposal of infrastructure that supported the former LORAN system that are associated with the transfer or conveyance of lands under this subtitle.

Determination. Deadline. Time period. Effective date.

(b) CONTINUED ACCESS TO AND USE OF FACILITIES.—If the Secretary of the department in which the Coast Guard is operating determines, within the 5-year period beginning on the date of the enactment of this Act, that a facility on any of Tract 1, Tract 3, or Tract 4 that is transferred under this subtitle is subsequently required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted, the Secretary may, for as long as such facility is needed to provide redundant capability—

(1) operate, maintain, keep, locate, inspect, repair, and replace such facility; and

(2) in carrying out the activities described in paragraph (1), enter, at any time, the facility without notice to the extent that it is not possible to provide advance notice.

SEC. 541. PORT COORDINATION COUNCIL FOR POINT SPENCER.

(a) ESTABLISHMENT.—There is established a Port Coordination Council for the Port of Point Spencer.

(b) MEMBERSHIP.—The Council shall consist of a representative appointed by each of the following:

(1) The State.

(2) BSNC.

(c) DUTIES.—The duties of the Council are as follows:

(1) To develop a Port Management Coordination Plan to help coordinate infrastructure development and operations at the Port of Point Spencer, that includes plans for—

(A) construction;

(B) funding eligibility;

(C) land use planning and development; and

(D) public interest use and access, emergency preparedness, law enforcement, protection of Alaska Native archaeological and cultural resources, and other matters that are necessary for public and private entities to function in proximity together in a remote location.

Deadlines.

(2) Update the Plan annually for the first 5 years after the date of the enactment of this Act and biennially thereafter.

(3) Facilitate coordination among BSNC, the State, and the Coast Guard, on the development and use of the land and coastline as such development relates to activities at the Port of Point Spencer.

(4) Assess the need, benefits, efficacy, and desirability of establishing in the future a port authority at Point Spencer under State law and act upon that assessment, as appropriate, including taking steps for the potential formation of such a port authority.

(d) PLAN.—In addition to the requirements under subsection (c)(1) to the greatest extent practicable, the Plan developed by the Council shall facilitate and support the statutory missions and duties of the Coast Guard and operations of the Coast Guard in the Arctic.

(e) COSTS.—Operations and management costs for airstrips, runways, and taxiways at Point Spencer shall be determined pursuant to provisions of the Plan, as negotiated by the Council.

TITLE VI—MISCELLANEOUS

SEC. 601. MODIFICATION OF REPORTS.

(a) DISTANT WATER TUNA FLEET.—Section 421(d) of the Coast Guard and Maritime Transportation Act of 2006 (46 U.S.C. 8103 note) is amended by striking "On March 1, 2007, and annually thereafter" and inserting "Not later than July 1 of each year".

(b) ANNUAL UPDATES ON LIMITS TO LIABILITY.—Section 603(c)(3) of the Coast Guard and Maritime Transportation Act of 2006 (33 U.S.C. 2704 note) is amended by striking "on an annual basis." and inserting "not later than January 30 of the year following each year in which occurs an oil discharge from a vessel or nonvessel source that results or is likely to result in removal costs and damages (as those terms are defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) that exceed liability limits established under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).".

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Secretary of the department in which the Coast Guard is operating a report detailing the specifications and capabilities for interoperable communications the Commandant determines are necessary to allow the Coast Guard to successfully carry out its missions that require communications with other Federal agencies, State and local governments, and nongovernmental entities.

SEC. 602. SAFE VESSEL OPERATION IN THE GREAT LAKES.

The Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281) is amended—

(1) in section 610, by— 16 USC 1431 note.

(A) striking the section enumerator and heading and inserting the following:

"SEC. 610. SAFE VESSEL OPERATION IN THE GREAT LAKES.";

(B) striking "existing boundaries and any future expanded boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve" and inserting "boundaries of any national marine sanctuary that preserves shipwrecks or maritime heritage in the Great Lakes"; and

(C) inserting before the period at the end the following: ", unless the designation documents for such sanctuary do not allow taking up or discharging ballast water in such sanctuary"; and

(2) in the table of contents in section 2, by striking the item relating to such section and inserting the following:

"Sec. 610. Safe vessel operation in the Great Lakes.".

SEC. 603. USE OF VESSEL SALE PROCEEDS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of funds credited in each fiscal year after fiscal year 2004 to the Vessel Operations Revolving Fund that are attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that were scrapped or sold under sections 57102, 57103, and 57104 of title 46, United States Code, including—

(1) a complete accounting of all vessel sale proceeds attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that were scrapped or sold under sections 57102, 57103, and 57104 of title 46, United States Code, in each fiscal year after fiscal year 2004;

(2) the annual apportionment of proceeds accounted for under paragraph (1) among the uses authorized under section 308704 of title 54, United States Code, in each fiscal year after fiscal year 2004, including—

(A) for National Maritime Heritage Grants, including a list of all annual National Maritime Heritage Grant grant and subgrant awards that identifies the respective grant and subgrant recipients and grant and subgrant amounts;

(B) for the preservation and presentation to the public of maritime heritage property of the Maritime Administration;

(C) to the United States Merchant Marine Academy and State maritime academies, including a list of annual awards; and

(D) for the acquisition, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet; and

(3) an accounting of proceeds, if any, attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that were scrapped or sold under sections 57102, 57103, and 57104 of title 46, United States Code, in each fiscal year after fiscal year 2004, that were expended for uses not authorized under section 308704 of title 54, United States Code.

Deadline.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment this Act, the Comptroller General shall submit the audit conducted in subsection (a) to the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 604. NATIONAL ACADEMY OF SCIENCES COST ASSESSMENT.

Contracts.
Deadline.

(a) COST ASSESSMENT.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences under which the Academy, by no later than 365 days after the date of the enactment of this Act, shall submit to the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate an assessment of the costs incurred by the Federal Government to carry out polar icebreaking missions. The assessment shall—

(1) describe current and emerging requirements for the Coast Guard's polar icebreaking capabilities, taking into account the rapidly changing ice cover in the Arctic environment, national security considerations, and expanding commercial activities in the Arctic and Antarctic, including marine transportation, energy development, fishing, and tourism;

(2) identify potential design, procurement, leasing, service contracts, crewing, and technology options that could minimize life-cycle costs and optimize efficiency and reliability of Coast Guard polar icebreaker operations in the Arctic and Antarctic; and

(3) examine—

(A) Coast Guard estimates of the procurement and operating costs of a Polar icebreaker capable of carrying out Coast Guard maritime safety, national security, and stewardship responsibilities including—

(i) economies of scale that might be achieved for construction of multiple vessels; and

(ii) costs of renovating existing polar class icebreakers to operate for a period of no less than 10 years.

(B) the incremental cost to augment the design of such an icebreaker for multiuse capabilities for scientific missions;

(C) the potential to offset such incremental cost through cost-sharing agreements with other Federal departments and agencies; and

(D) United States polar icebreaking capability in comparison with that of other Arctic nations, and with nations that conduct research in the Arctic.

(b) INCLUDED COSTS.—For purposes of subsection (a), the assessment shall include costs incurred by the Federal Government for—

(1) the lease or operation and maintenance of the vessel or vessels concerned;

(2) disposal of such vessels at the end of the useful life of the vessels;

(3) retirement and other benefits for Federal employees who operate such vessels; and

(4) interest payments assumed to be incurred for Federal capital expenditures.

(c) ASSUMPTIONS.—For purposes of comparing the costs of such alternatives, the Academy shall assume that—

(1) each vessel under consideration is—

(A) capable of breaking out McMurdo Station and conducting Coast Guard missions in the Antarctic, and in the United States territory in the Arctic (as that term is defined in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)); and

(B) operated for a period of 30 years;

(2) the acquisition of services and the operation of each vessel begins on the same date; and

(3) the periods for conducting Coast Guard missions in the Arctic are of equal lengths.

(d) USE OF INFORMATION.—In formulating cost pursuant to subsection (a), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard Polar class icebreakers or for the acquisition of a polar icebreaker for the Federal Government.

SEC. 605. COASTWISE ENDORSEMENTS.

(a) "ELETTRA III".—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132, of title 46, United States Code, and subject to paragraphs (2) and (3), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel M/V Elettra III (United States official number 694607).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued under paragraph (1) shall be limited to the carriage of passengers and equipment in association with the operation of the vessel in the Puget Sound region to support marine and maritime science education.

(3) TERMINATION OF EFFECTIVENESS OF CERTIFICATE.—A certificate of documentation issued under paragraph (1) shall expire on the earlier of—

(A) the date of the sale of the vessel or the entity that owns the vessel;

(B) the date any repairs or alterations are made to the vessel outside of the United States; or

(C) the date the vessel is no longer operated as a vessel in the Puget Sound region to support the marine and maritime science education.

(b) "F/V RONDYS".—Notwithstanding section 12132 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the F/V Rondys (O.N. 291085)

SEC. 606. INTERNATIONAL ICE PATROL.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report that describes the current operations to perform the International Ice Patrol mission and on alternatives for carrying out that mission, including satellite surveillance technology.

(b) ALTERNATIVES.—The report required by subsection (a) shall include whether an alternative—

(1) provides timely data on ice conditions with the highest possible resolution and accuracy;

(2) is able to operate in all weather conditions or any time of day; and

(3) is more cost effective than the cost of current operations.

SEC. 607. ASSESSMENT OF OIL SPILL RESPONSE AND CLEANUP ACTIVITIES IN THE GREAT LAKES.

Consultation. Determination.

(a) ASSESSMENT.—The Commandant of the Coast Guard, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the head of any other agency

the Commandant determines appropriate, shall conduct an assessment of the effectiveness of oil spill response activities specific to the Great Lakes. Such assessment shall include—

Evaluations.

(1) an evaluation of new research into oil spill impacts in fresh water under a wide range of conditions; and

(2) an evaluation of oil spill prevention and clean up contingency plans, in order to improve understanding of oil spill impacts in the Great Lakes and foster innovative improvements to safety technologies and environmental protection systems.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Congress a report on the results of the assessment required by subsection (a).

SEC. 608. REPORT ON STATUS OF TECHNOLOGY DETECTING PASSENGERS WHO HAVE FALLEN OVERBOARD.

Not later than 18 months after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) describes the status of technology for immediately detecting passengers who have fallen overboard;

(2) includes a recommendation to cruise lines on the feasibility of implementing technology that immediately detects passengers who have fallen overboard, factoring in cost and the risk of false positives;

Recommendation.

(3) includes data collected from cruise lines on the status of the integration of the technology described in paragraph (2) on cruise ships, including—

Data.

(A) the number of cruise ships that have the technology to capture images of passengers who have fallen overboard; and

(B) the number of cruise lines that have tested technology that can detect passengers who have fallen overboard; and

(4) includes information on any other available technologies that cruise ships could integrate to assist in facilitating the search and rescue of a passenger who has fallen overboard.

SEC. 609. VENUE.

Section 311(d) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(d)) is amended by striking the second sentence and inserting "In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam, and in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.".

SEC. 610. DISPOSITION OF INFRASTRUCTURE RELATED TO E-LORAN.

(a) DISPOSITION OF INFRASTRUCTURE.—

(1) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

14 USC 681.

"§ 681. Disposition of infrastructure related to E–LORAN

Notification. Determination.

"(a) IN GENERAL.—The Secretary may not carry out activities related to the dismantling or disposal of infrastructure comprising the LORAN–C system until the date on which the Secretary provides to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate notice of a determination by the Secretary that such infrastructure is not required to provide a positioning, navigation, and timing system to provide redundant capability in the event the Global Positioning System signals are disrupted.

"(b) EXCEPTION.—Subsection (a) does not apply to activities necessary for the safety of human life.

"(c) DISPOSITION OF PROPERTY.—

"(1) IN GENERAL.—On any date after the notification is made under subsection (a), the Administrator of General Services, acting on behalf of the Secretary, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the LORAN–C system, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

"(2) AVAILABILITY OF PROCEEDS.—

"(A) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard 'Environmental Compliance and Restoration' account and, without further appropriation, shall be available until expended for—

"(i) environmental compliance and restoration purposes associated with the LORAN–C system;

"(ii) the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement;

"(iii) the demolition of improvements on such real property; and

"(iv) the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration.

"(B) OTHER ENVIRONMENTAL COMPLIANCE AND RESTORATION ACTIVITIES.—After the completion of activities described in subparagraph (A), the unexpended balances of such proceeds shall be available for any other environmental compliance and restoration activities of the Coast Guard."

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

14 USC 631 prec.

"681. Disposition of infrastructure related to E–LORAN.".

(3) CONFORMING REPEALS.—

(A) Section 229 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–

281; 128 Stat. 3040), and the item relating to that section in section 2 of such Act, are repealed.

(B) Subsection 559(e) of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2180) is repealed.

(b) AGREEMENTS TO DEVELOP BACKUP POSITIONING, NAVIGATION, AND TIMING SYSTEM.—Section 93(a) of title 14, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting "; and", and by adding at the end the following the following: Contracts.

"(25) enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities, to develop a positioning, navigation, and timing system to provide redundant capability in the event Global Positioning System signals are disrupted, which may consist of an enhanced LORAN system.".

SEC. 611. PARKING.

Section 611(a) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3064) is amended by adding at the end the following:

"(3) REIMBURSEMENT.—Through September 30, 2017, additional parking made available under paragraph (2) shall be made available at no cost to the Coast Guard or members and employees of the Coast Guard.".

SEC. 612. INAPPLICABILITY OF LOAD LINE REQUIREMENTS TO CERTAIN UNITED STATES VESSELS TRAVELING IN THE GULF OF MEXICO.

Section 5102(b) of title 46, United States Code, is amended by adding at the end the following:

"(13) a vessel of the United States on a domestic voyage that is within the Gulf of Mexico and operating not more than 15 nautical miles seaward of the base line from which the territorial sea of the United States is measured between Crystal Bay, Florida and Hudson Creek, Florida.".

Approved February 8, 2016.

LEGISLATIVE HISTORY—H.R. 4188 (S. 1611):

SENATE REPORTS: No. 114–168 (Comm. on Commerce, Science, and Transportation) accompanying S. 1611.

CONGRESSIONAL RECORD:

Vol. 161 (2015): Dec. 10, considered and passed House.
Dec. 18, considered and passed Senate, amended.

Vol. 162 (2016): Feb. 1, House concurred in Senate amendment.

Public Law 114–121
114th Congress

An Act

To establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

Feb. 8, 2016
[S. 2152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Electrify Africa Act of 2015.
22 USC 2293 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electrify Africa Act of 2015".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage the efforts of countries in sub-Saharan Africa to improve access to affordable and reliable electricity in Africa in order to unlock the potential for inclusive economic growth, job creation, food security, improved health, education, and environmental outcomes, and poverty reduction.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to partner, consult, and coordinate with the governments of sub-Saharan African countries, international financial institutions, and African regional economic communities, cooperatives, and the private sector, in a concerted effort to—

(1) promote first-time access to power and power services for at least 50,000,000 people in sub-Saharan Africa by 2020 in both urban and rural areas;

(2) encourage the installation of at least 20,000 additional megawatts of electrical power in sub-Saharan Africa by 2020 using a broad mix of energy options to help reduce poverty, promote sustainable development, and drive inclusive economic growth;

(3) promote non-discriminatory reliable, affordable, and sustainable power in urban areas (including small urban areas) to promote economic growth and job creation;

(4) promote policies to facilitate public-private partnerships to provide non-discriminatory reliable, sustainable, and affordable electrical service to rural and underserved populations;

(5) encourage the necessary in-country reforms, including facilitating public-private partnerships specifically to support electricity access projects to make such expansion of power access possible;

(6) promote reforms of power production, delivery, and pricing, as well as regulatory reforms and transparency, to

support long-term, market-based power generation and distribution;

(7) promote policies to displace kerosene lighting with other technologies;

(8) promote an all-of-the-above energy development strategy for sub-Saharan Africa that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power, and other sources of energy; and

(9) promote and increase the use of private financing and seek ways to remove barriers to private financing and assistance for projects, including through charitable organizations.

SEC. 4. DEVELOPMENT OF COMPREHENSIVE, MULTIYEAR STRATEGY. President.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a comprehensive, integrated, multiyear strategy to encourage the efforts of countries in sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to sufficient reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation consistent with the policy stated in section 3.

(2) FLEXIBILITY AND RESPONSIVENESS.—The President shall ensure that the strategy required under paragraph (1) maintains sufficient flexibility for and remains responsive to concerns and interests of affected local communities and technological innovation in the power sector.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that contains the strategy required under subsection (a) and includes a discussion of the following elements:

(1) The objectives of the strategy and the criteria for determining the success of the strategy.

(2) A general description of efforts in sub-Saharan Africa to—

(A) increase power production;

(B) strengthen electrical transmission and distribution infrastructure;

(C) provide for regulatory reform and transparent and accountable governance and oversight;

(D) improve the reliability of power;

(E) maintain the affordability of power;

(F) maximize the financial sustainability of the power sector; and

(G) improve non-discriminatory access to power that is done in consultation with affected communities.

(3) A description of plans to support efforts of countries in sub-Saharan Africa to increase access to power in urban and rural areas, including a description of plans designed to address commercial, industrial, and residential needs.

(4) A description of plans to support efforts to reduce waste and corruption, ensure local community consultation, and improve existing power generation through the use of a broad

power mix, including fossil fuel and renewable energy, distributed generation models, energy efficiency, and other technological innovations, as appropriate.

Analysis. Recommendations.

(5) An analysis of existing mechanisms for ensuring, and recommendations to promote—

(A) commercial cost recovery;

(B) commercialization of electric service through distribution service providers, including cooperatives, to consumers;

(C) improvements in revenue cycle management, power pricing, and fees assessed for service contracts and connections;

(D) reductions in technical losses and commercial losses; and

(E) non-discriminatory access to power, including recommendations on the creation of new service provider models that mobilize community participation in the provision of power services.

(6) A description of the reforms being undertaken or planned by countries in sub-Saharan Africa to ensure the long-term economic viability of power projects and to increase access to power, including—

(A) reforms designed to allow third parties to connect power generation to the grid;

(B) policies to ensure there is a viable and independent utility regulator;

(C) strategies to ensure utilities become or remain creditworthy;

(D) regulations that permit the participation of independent power producers and private-public partnerships;

(E) policies that encourage private sector and cooperative investment in power generation;

(F) policies that ensure compensation for power provided to the electrical grid by on-site producers;

(G) policies to unbundle power services;

(H) regulations to eliminate conflicts of interest in the utility sector;

(I) efforts to develop standardized power purchase agreements and other contracts to streamline project development;

(J) efforts to negotiate and monitor compliance with power purchase agreements and other contracts entered into with the private sector; and

(K) policies that promote local community consultation with respect to the development of power generation and transmission projects.

(7) A description of plans to ensure meaningful local consultation, as appropriate, in the planning, long-term maintenance, and management of investments designed to increase access to power in sub-Saharan Africa.

(8) A description of the mechanisms to be established for—

(A) selection of partner countries for focused engagement on the power sector;

(B) monitoring and evaluating increased access to, and reliability and affordability of, power in sub-Saharan Africa;

(C) maximizing the financial sustainability of power generation, transmission, and distribution in sub-Saharan Africa;

(D) establishing metrics to demonstrate progress on meeting goals relating to access to power, power generation, and distribution in sub-Saharan Africa; and

(E) terminating unsuccessful programs.

(9) A description of how the President intends to promote trade in electrical equipment with countries in sub-Saharan Africa, including a description of how the government of each country receiving assistance pursuant to the strategy—

(A) plans to lower or eliminate import tariffs or other taxes for energy and other power production and distribution technologies destined for sub-Saharan Africa, including equipment used to provide energy access, including solar lanterns, solar home systems, and micro and mini grids; and

(B) plans to protect the intellectual property of companies designing and manufacturing products that can be used to provide energy access in sub-Saharan Africa.

Analysis.

(10) A description of how the President intends to encourage the growth of distributed renewable energy markets in sub-Saharan Africa, including off-grid lighting and power, that includes—

(A) an analysis of the state of distributed renewable energy in sub-Saharan Africa;

(B) a description of market barriers to the deployment of distributed renewable energy technologies both on- and off-grid in sub-Saharan Africa;

(C) an analysis of the efficacy of efforts by the Overseas Private Investment Corporation and the United States Agency for International Development to facilitate the financing of the importation, distribution, sale, leasing, or marketing of distributed renewable energy technologies; and

(D) a description of how bolstering distributed renewable energy can enhance the overall effort to increase power access in sub-Saharan Africa.

(11) A description of plans to ensure that small and medium enterprises based in sub-Saharan Africa can fairly compete for energy development and energy access opportunities associated with this Act.

(12) A description of how United States investments to increase access to energy in sub-Saharan Africa may reduce the need for foreign aid and development assistance in the future.

(13) A description of policies or regulations, both domestically and internationally, that create barriers to private financing of the projects undertaken in this Act.

(14) A description of the specific national security benefits to the United States that will be derived from increased energy access in sub-Saharan Africa.

(c) INTERAGENCY WORKING GROUP.—

(1) IN GENERAL.—The President may, as appropriate, establish an Interagency Working Group to coordinate the activities

of relevant United States Government departments and agencies involved in carrying out the strategy required under this section.

(2) FUNCTIONS.—The Interagency Working Group may, among other things—

(A) seek to coordinate the activities of the United States Government departments and agencies involved in implementing the strategy required under this section;

(B) ensure efficient and effective coordination between participating departments and agencies; and

(C) facilitate information sharing, and coordinate partnerships between the United States Government, the private sector, and other development partners to achieve the goals of the strategy.

SEC. 5. PRIORITIZATION OF EFFORTS AND ASSISTANCE FOR POWER PROJECTS IN SUB-SAHARAN AFRICA BY KEY UNITED STATES INSTITUTIONS.

(a) IN GENERAL.—In pursuing the policy goals described in section 3, the Administrator of the United States Agency for International Development, the Director of the Trade and Development Agency, the Overseas Private Investment Corporation, and the Chief Executive Officer and Board of Directors of the Millennium Challenge Corporation should, as appropriate, prioritize and expedite institutional efforts and assistance to facilitate the involvement of such institutions in power projects and markets, both on- and off-grid, in sub-Saharan Africa and partner with other investors and local institutions in sub-Saharan Africa, including private sector actors, to specifically increase access to reliable, affordable, and sustainable power in sub-Saharan Africa, including through—

(1) maximizing the number of people with new access to power and power services;

(2) improving and expanding the generation, transmission and distribution of power;

(3) providing reliable power to people and businesses in urban and rural communities;

(4) addressing the energy needs of marginalized people living in areas where there is little or no access to a power grid and developing plans to systematically increase coverage in rural areas;

(5) reducing transmission and distribution losses and improving end-use efficiency and demand-side management;

(6) reducing energy-related impediments to business productivity and investment; and

(7) building the capacity of countries in sub-Saharan Africa to monitor and appropriately and transparently regulate the power sector and encourage private investment in power production and distribution.

(b) EFFECTIVENESS MEASUREMENT.—In prioritizing and expediting institutional efforts and assistance pursuant to this section, as appropriate, such institutions shall use clear, accountable, and metric-based targets to measure the effectiveness of such guarantees and assistance in achieving the goals described in section 3.

(c) PROMOTION OF USE OF PRIVATE FINANCING AND ASSISTANCE.—In carrying out policies under this section, such institutions shall promote the use of private financing and assistance and seek

ways to remove barriers to private financing for projects and programs under this Act, including through charitable organizations.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize modifying or limiting the portfolio of the institutions covered by subsection (a) in other developing regions.

SEC. 6. LEVERAGING INTERNATIONAL SUPPORT.

In implementing the strategy described in section 4, the President should direct the United States representatives to appropriate international bodies to use the influence of the United States, consistent with the broad development goals of the United States, to advocate that each such body—

(1) commit to significantly increase efforts to promote investment in well-designed power sector and electrification projects in sub-Saharan Africa that increase energy access, in partnership with the private sector and consistent with the host countries' absorptive capacity;

(2) address energy needs of individuals and communities where access to an electricity grid is impractical or cost-prohibitive;

(3) enhance coordination with the private sector in sub-Saharan Africa to increase access to electricity;

(4) provide technical assistance to the regulatory authorities of sub-Saharan African governments to remove unnecessary barriers to investment in otherwise commercially viable projects; and

(5) utilize clear, accountable, and metric-based targets to measure the effectiveness of such projects.

SEC. 7. PROGRESS REPORT. President.

(a) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on progress made toward achieving the strategy described in section 4 that includes the following:

(1) A report on United States programs supporting implementation of policy and legislative changes leading to increased power generation and access in sub-Saharan Africa, including a description of the number, type, and status of policy, regulatory, and legislative changes initiated or implemented as a result of programs funded or supported by the United States in countries in sub-Saharan Africa to support increased power generation and access after the date of the enactment of this Act.

(2) A description of power projects receiving United States Government support and how such projects, including off-grid efforts, are intended to achieve the strategy described in section 4.

(3) For each project described in paragraph (2)—

(A) a description of how the project fits into, or encourages modifications of, the national energy plan of the country in which the project will be carried out, including encouraging regulatory reform in that county;

(B) an estimate of the total cost of the project to the consumer, the country in which the project will be carried out, and other investors; Cost estimate.

(C) the amount of financing provided or guaranteed by the United States Government for the project;

Project estimate.

(D) an estimate of United States Government resources for the project, itemized by funding source, including from the Overseas Private Investment Corporation, the United States Agency for International Development, the Department of the Treasury, and other appropriate United States Government departments and agencies;

Estimate.

(E) an estimate of the number and regional locations of individuals, communities, businesses, schools, and health facilities that have gained power connections as a result of the project, with a description of how the reliability, affordability, and sustainability of power has been improved as of the date of the report;

Assessment.

(F) an assessment of the increase in the number of people and businesses with access to power, and in the operating electrical power capacity in megawatts as a result of the project between the date of the enactment of this Act and the date of the report;

(G) a description of efforts to gain meaningful local consultation for projects associated with this Act and any significant estimated noneconomic effects of the efforts carried out pursuant to this Act; and

(H) a description of the participation by small and medium enterprises based in sub-Saharan Africa on projects associated with this Act.

Approved February 8, 2016.

LEGISLATIVE HISTORY—S. 2152:

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CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 18, considered and passed Senate.
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Public Law 114–122
114th Congress

An Act

To improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

Feb. 18, 2016
[H.R. 757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

North Korea Sanctions and Policy Enhancement Act of 2016.
Human rights.
22 USC 9201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "North Korea Sanctions and Policy Enhancement Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

22 USC 9201.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Government of North Korea—

(A) has repeatedly violated its commitments to the complete, verifiable, and irreversible dismantlement of its nuclear weapons programs; and

(B) has willfully violated multiple United Nations Security Council resolutions calling for North Korea to cease development, testing, and production of weapons of mass destruction.

(2) Based on its past actions, including the transfer of sensitive nuclear and missile technology to state sponsors of terrorism, North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and other illicit activities, including—

(A) prohibited arms sales;

(B) narcotics trafficking;

(C) the counterfeiting of United States currency;

(D) significant activities undermining cybersecurity; and

(E) the counterfeiting of intellectual property of United States persons.

(4) North Korea has—

(A) unilaterally withdrawn from the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the "Korean War Armistice Agreement"); and

(B) committed provocations against South Korea—

(i) by sinking the warship *Cheonan* and killing 46 of her crew on March 26, 2010;

(ii) by shelling Yeonpyeong Island and killing 4 South Korean civilians on November 23, 2010;

(iii) by its involvement in the "DarkSeoul" cyberattacks against the financial and communications interests of South Korea on March 20, 2013; and

(iv) by planting land mines near a guard post in the South Korean portion of the demilitarized zone that maimed 2 South Korean soldiers on August 4, 2015.

(5) North Korea maintains a system of brutal political prison camps that contain as many as 200,000 men, women, and children, who are—

(A) kept in atrocious living conditions with insufficient food, clothing, and medical care; and

(B) under constant fear of torture or arbitrary execution.

(6) North Korea has prioritized weapons programs and the procurement of luxury goods—

(A) in defiance of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013); and

(B) in gross disregard of the needs of the people of North Korea.

(7) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of such transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods—

(A) aid and abet North Korea's misuse of the international financial system; and

(B) violate the intent of the United Nations Security Council resolutions referred to in paragraph (6)(A).

(8) The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.

(9) The conduct of the Government of North Korea poses an imminent threat to—

(A) the security of the United States and its allies;

(B) the global economy;

(C) the safety of members of the United States Armed Forces;

(D) the integrity of the global financial system;

(E) the integrity of global nonproliferation programs; and

(F) the people of North Korea.

(10) The Government of North Korea has sponsored acts of international terrorism, including—

(A) attempts to assassinate defectors and human rights activists; and

(B) the shipment of weapons to terrorists and state sponsors of terrorism.

(b) PURPOSES.—The purposes of this Act are—

(1) to use nonmilitary means to address the crisis described in subsection (a);

(2) to provide diplomatic leverage to negotiate necessary changes in the conduct of the Government of North Korea;

(3) to ease the suffering of the people of North Korea; and

(4) to reaffirm the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

SEC. 3. DEFINITIONS. 22 USC 9202.

In this Act:

(1) APPLICABLE EXECUTIVE ORDER.—The term "applicable Executive order" means—

(A) Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters), Executive Order 13466 (50 U.S.C. 1701 note; relating to continuing certain restrictions with respect to North Korea and North Korean nationals), Executive Order 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order 13570 (50 U.S.C. 1701 note; relating to prohibiting certain transactions with respect to North Korea), Executive Order 13619 (50 U.S.C.

1701 note; relating to blocking property of persons threatening the peace, security, or stability of Burma), Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea), or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea; and

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION.—The term "applicable United Nations Security Council resolution" means—

(A) United Nations Security Council Resolution 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), or 2094 (2013); and

(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act that—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(4) DESIGNATED PERSON.—The term "designated person" means a person designated under subsection (a) or (b) of section 104 for purposes of applying 1 or more of the sanctions described in title I or II with respect to the person.

(5) GOVERNMENT OF NORTH KOREA.—The term "Government of North Korea" means the Government of North Korea and its agencies, instrumentalities, and controlled entities.

(6) HUMANITARIAN ASSISTANCE.—The term "humanitarian assistance" means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(7) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(8) LUXURY GOODS.—The term "luxury goods"—

(A) has the meaning given such term in section 746.4(b)(1) of title 15, Code of Federal Regulations; and

(B) includes the items listed in Supplement No. 1 to part 746 of such title, and any similar items.

(9) MONETARY INSTRUMENTS.—The term "monetary instruments" has the meaning given such term in section 5312(a) of title 31, United States Code.

(10) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(11) NORTH KOREAN FINANCIAL INSTITUTION.—The term "North Korean financial institution" means any financial institution that—

(A) is organized under the laws of North Korea or any jurisdiction within North Korea (including a foreign branch of such an institution);

(B) is located in North Korea, except for a financial institution that is excluded by the President in accordance with section 208(c);

(C) is owned or controlled by the Government of North Korea, regardless of location; or

(D) is owned or controlled by a financial institution described in subparagraph (A), (B), or (C), regardless of location.

(12) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term "significant activities undermining cybersecurity" includes—

(A) significant efforts to—

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

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

(B) significant destructive malware attacks;

(C) significant denial of service activities; and

(D) such other significant activities described in regulations promulgated to implement section 104.

(13) SOUTH KOREA.—The term "South Korea" means the Republic of Korea.

(14) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

22 USC 9211.

SEC. 101. STATEMENT OF POLICY.

In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary—

(1) to encourage all member states of the United Nations to fully and promptly implement United Nations Security Council Resolution 2094 (2013);

(2) to sanction the persons, including financial institutions, that facilitate proliferation, illicit activities, arms trafficking, cyberterrorism, imports of luxury goods, serious human rights abuses, cash smuggling, and censorship by the Government of North Korea;

(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and member states do not facilitate proliferation, arms trafficking, kleptocracy, or imports of luxury goods by the Government of North Korea;

(4) to deny the Government of North Korea access to the funds it uses to develop or obtain nuclear weapons, ballistic missiles, cyberwarfare capabilities, and luxury goods instead of providing for the needs of the people of North Korea; and

(5) to enforce sanctions in a manner that does not significantly hinder or delay the efforts of legitimate United States or foreign humanitarian organizations from providing assistance to meet the needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water, to prevent or alleviate human suffering.

President.
22 USC 9212.

SEC. 102. INVESTIGATIONS.

(a) INITIATION.—The President shall initiate an investigation into the possible designation of a person under section 104(a) upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 104(a).

(b) PERSONNEL.—The President may direct the Secretary of State, the Secretary of the Treasury, and the heads of other Federal departments and agencies as may be necessary to assign sufficient experienced and qualified investigators, attorneys, and technical personnel—

(1) to investigate the conduct described in subsections (a) and (b) of section 104; and

(2) to coordinate and ensure the effective enforcement of this Act.

22 USC 9213.

SEC. 103. REPORTING REQUIREMENTS.

(a) PRESIDENTIAL BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this Act.

(b) REPORT FROM SECRETARY OF STATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct, coordinate, and submit to Congress a comprehensive report on United States policy towards North Korea that—

(1) is based on a full and complete interagency review of current policies and possible alternatives, including with respect to North Korea's weapons of mass destruction and missile programs, human rights atrocities, and significant activities undermining cybersecurity; and

(2) includes recommendations for such legislative or administrative action as the Secretary considers appropriate based on the results of the review.

SEC. 104. DESIGNATION OF PERSONS.

President.
22 USC 9214.

(a) MANDATORY DESIGNATIONS.—Except as provided in section 208, the President shall designate under this subsection any person that the President determines—

(1) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any goods, services, or technology controlled for export by the United States because of the use of such goods, services, or technology for weapons of mass destruction or delivery systems for such weapons and materially contributes to the use, development, production, possession, or acquisition by any person of a nuclear, radiological, chemical, or biological weapon or any device or system designed in whole or in part to deliver such a weapon;

(2) knowingly, directly or indirectly, provides training, advice, or other services or assistance, or engages in significant financial transactions, relating to the manufacture, maintenance, or use of any such weapon, device, or system to be imported, exported, or reexported to, into, or from North Korea;

(3) knowingly, directly or indirectly, imports, exports, or reexports luxury goods to or into North Korea;

(4) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea;

(5) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea;

(6) knowingly, directly or indirectly, engages in money laundering, the counterfeiting of goods or currency, bulk cash smuggling, or narcotics trafficking that supports the Government of North Korea or any senior official or person acting for or on behalf of that Government;

(7) knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea;

(8) knowingly, directly or indirectly, sells, supplies, or transfers to or from the Government of North Korea or any person acting for or on behalf of that Government, a significant amount of precious metal, graphite, raw or semi-finished metals or aluminum, steel, coal, or software, for use by or in industrial processes directly related to weapons of mass destruction and delivery systems for such weapons, other proliferation activities, the Korean Workers' Party, armed forces, internal security, or intelligence activities, or the operation and maintenance of political prison camps or forced labor camps, including outside of North Korea;

(9) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any arms or related materiel; or

(10) knowingly attempts to engage in any of the conduct described in paragraphs (1) through (9).

(b) ADDITIONAL DISCRETIONARY DESIGNATIONS.—

(1) PROHIBITED CONDUCT DESCRIBED.—Except as provided in section 208, the President may designate under this subsection any person that the President determines—

(A) knowingly engages in, contributes to, assists, sponsors, or provides financial, material or technological support for, or goods and services in support of, any person designated pursuant to an applicable United Nations Security Council resolution;

(B) knowingly contributed to—

(i) the bribery of an official of the Government of North Korea or any person acting for on behalf of that official;

(ii) the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea or any person acting for or on behalf of that official; or

(iii) the use of any proceeds of any activity described in clause (i) or (ii); or

(C) knowingly and materially assisted, sponsored, or provided significant financial, material, or technological support for, or goods or services to or in support of, the activities described in subparagraph (A) or (B).

(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President may—

(A) apply the sanctions described in section 204, 205(c), or 206 to the person to the same extent and in the same manner as if the person were designated under subsection (a);

(B) apply any applicable special measures described in section 5318A of title 31, United States Code;

(C) prohibit any transactions in foreign exchange—

(i) that are subject to the jurisdiction of the United States; and

(ii) in which such person has any interest; and

(D) prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments—

(i) are subject to the jurisdiction of the United States; and

(ii) involve any interest of such person.

(c) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a designated person, the Government of North Korea, or the Workers' Party of Korea, if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) APPLICATION TO SUBSIDIARIES AND AGENTS.—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall apply with respect to a person who is determined to be owned or controlled

by, or to have acted or purported to have acted for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.

(e) TRANSACTION LICENSING.—The President shall deny or revoke any license for any transaction that the President determines to lack sufficient financial controls to ensure that such transaction will not facilitate any activity described in subsection (a) or (b).

(f) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition of this section, or an order or regulation prescribed under this section, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of such Act (50 U.S.C. 1705(a)).

SEC. 105. FORFEITURE OF PROPERTY.

(a) AMENDMENT TO PROPERTY SUBJECT TO FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(I) Any property, real or personal, that is involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a prohibition imposed pursuant to section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016.".

(b) AMENDMENT TO DEFINITION OF CIVIL FORFEITURE STATUTE.—Section 983(i)(2)(D) of title 18, United States Code, is amended to read as follows:

"(D) the Trading with the Enemy Act (50 U.S.C. 4301 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the North Korea Sanctions Enforcement Act of 2016; or".

(c) AMENDMENT TO DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking "or section 92 of" and inserting "section 92 of"; and

(2) by adding at the end the following: ", or section 104(a) of the North Korea Sanctions Enforcement Act of 2016 (relating to prohibited activities with respect to North Korea);".

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES

SEC. 201. DETERMINATIONS WITH RESPECT TO NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.

22 USC 9221.

(a) FINDINGS.—Congress makes the following findings:

(1) The Under Secretary of the Treasury for Terrorism and Financial Intelligence, who is responsible for safeguarding the financial system against illicit use, money laundering, terrorist financing, and the proliferation of weapons of mass

destruction, and has repeatedly expressed concern about North Korea's misuse of the international financial system—

(A) in 2006—

(i) stated, "Given [North Korea's] counterfeiting of U.S. currency, narcotics trafficking and use of accounts world-wide to conduct proliferation-related transactions, the line between illicit and licit North Korean money is nearly invisible."; and

(ii) urged financial institutions worldwide to "think carefully about the risks of doing any North Korea-related business";

(B) in 2011, stated that North Korea—

(i) "remains intent on engaging in proliferation, selling arms as well as bringing in material"; and

(ii) was "aggressively pursuing the effort to establish front companies."; and

(C) in 2013, stated—

(i) in reference to North Korea's distribution of high-quality counterfeit United States currency, that "North Korea is continuing to try to pass a supernote into the international financial system"; and

(ii) the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

(2) The Financial Action Task Force, an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing, has repeatedly—

(A) expressed concern at deficiencies in North Korea's regimes to combat money laundering and terrorist financing;

(B) urged North Korea to adopt a plan of action to address significant deficiencies in those regimes and the serious threat those deficiencies pose to the integrity of the international financial system;

(C) urged all jurisdictions to apply countermeasures to protect the international financial system from ongoing and substantial money laundering and terrorist financing risks emanating from North Korea;

(D) urged all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with North Korea, including North Korean companies and financial institutions; and

(E) called on all jurisdictions—

(i) to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices; and

(ii) to take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their respective jurisdictions.

(3) On March 7, 2013, the United Nations Security Council unanimously adopted Resolution 2094, which—

(A) welcomed the Financial Action Task Force's—

(i) recommendation on financial sanctions related to proliferation; and

(ii) guidance on the implementation of such sanctions;

(B) decided that United Nations member states should apply enhanced monitoring and other legal measures to prevent the provision of financial services or the transfer of property that could contribute to activities prohibited by applicable United Nations Security Council resolutions; and

(C) called upon United Nations member states to prohibit North Korean financial institutions from establishing or maintaining correspondent relationships with financial institutions in their respective jurisdictions to prevent the provision of financial services if such member states have information that provides reasonable grounds to believe that such activities could contribute to—

(i) activities prohibited by an applicable United Nations Security Council resolution; or

(ii) the evasion of such prohibitions.

(b) SENSE OF CONGRESS REGARDING THE DESIGNATION OF NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on, and to require the enhanced monitoring of, transactions involving North Korean financial institutions that could contribute to sanctioned activities;

(2) urges the President, in the strongest terms—

(A) to immediately designate North Korea as a jurisdiction of primary money laundering concern; and

(B) to adopt stringent special measures to safeguard the financial system against the risks posed by North Korea's willful evasion of sanctions and its illicit activities; and

(3) urges the President to seek the prompt implementation by other countries of enhanced monitoring and due diligence to prevent North Korea's misuse of the international financial system, including by sharing information about activities, transactions, and property that could contribute to—

(A) activities sanctioned by applicable United Nations Security Council resolutions; or

(B) the evasion of such sanctions.

(c) DETERMINATIONS REGARDING NORTH KOREA.— Consultations.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, and in accordance with section 5318A of title 31, United States Code, shall determine whether reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern. Deadline.

(2) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—If the Secretary of the Treasury determines under paragraph (1) that reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose 1 or more of the special measures described in section 5318A(b) of title

31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary of the Treasury makes a determination under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains the reasons for such determination.

(B) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

22 USC 9222.

SEC. 202. ENSURING THE CONSISTENT ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS AND FINANCIAL RESTRICTIONS ON NORTH KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) All member states of the United Nations are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by blocking the property of, and ensuring that any property is prevented from being made available to, persons designated for the blocking of property by the Security Council under applicable United Nations Security Council resolutions.

(2) As of May 2015, 158 of the 193 member states of the United Nations had not submitted reports on measures taken to implement North Korea-specific United Nations Security Council resolutions 1718, 1874, and 2094.

(3) A recent report by the Government Accountability Office (GAO–15–485)—

(A) finds that officials of the United States and representatives of the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), which monitors and facilitates implementation of United Nations sanctions on North Korea, "agree that the lack of detailed reports from all member states is an impediment to the UN's effective implementation of its sanctions"; and

(B) notes that "many member states lack the technical capacity to enforce sanctions and prepare reports" on the implementation of United Nations sanctions on North Korea.

(4) All member states share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea.

(5) The United States dollar and the euro are the world's principal reserve currencies, and the United States and the European Union are primarily responsible for the protection of the international financial system from the risks described in paragraph (4).

(6) The cooperation of the People's Republic of China, as North Korea's principal trading partner, is essential to—

(A) the enforcement of applicable United Nations Security Council resolutions; and

(B) the protection of the international financial system.

(7) The report of the Panel of Experts expressed concern about the ability of banks to detect and prevent illicit transfers

involving North Korea if such banks are located in member states with less effective regulators or member states that are unable to afford effective compliance.

(8) North Korea has historically exploited inconsistencies between jurisdictions in the interpretation and enforcement of financial regulations and applicable United Nations Security Council resolutions to circumvent sanctions and launder the proceeds of illicit activities.

(9) Amroggang Development Bank, Bank of East Land, and Tanchon Commercial Bank have been designated by the Secretary of the Treasury, the United Nations Security Council, and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(10) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(11) The Foreign Trade Bank of North Korea has been designated by the Secretary of the Treasury for facilitating transactions on behalf of persons linked to its proliferation network and for serving as "a key financial node".

(12) Daedong Credit Bank has been designated by the Secretary of the Treasury for activities prohibited by applicable United Nations Security Council resolutions, including the use of deceptive financial practices to facilitate transactions on behalf of persons linked to North Korea's proliferation network.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should intensify diplomatic efforts in appropriate international fora, such as the United Nations, and bilaterally, to develop and implement a coordinated, consistent, multilateral strategy for protecting the global financial system against risks emanating from North Korea, including—

(1) the cessation of any financial services the continuation of which is inconsistent with applicable United Nations Security Council resolutions;

(2) the cessation of any financial services to persons, including financial institutions, that present unacceptable risks of facilitating money laundering and illicit activity by the Government of North Korea;

(3) the blocking by all member states, in accordance with the legal process of the state in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions;

(4) the blocking of any property derived from illicit activity, or from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea;

(5) the blocking of any property involved in significant activities undermining cybersecurity by the Government of North Korea, directly or indirectly, against United States persons, or the theft of intellectual property by the Government of North Korea, directly or indirectly from United States persons; and

(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses by the Government of North Korea.

President. Coordination.

(c) STRATEGY TO IMPROVE INTERNATIONAL IMPLEMENTATION AND ENFORCEMENT OF UNITED NATIONS NORTH KOREA-SPECIFIC SANCTIONS.—The President shall direct the Secretary of State, in coordination with other Federal departments and agencies, as appropriate, to develop a strategy to improve international implementation and enforcement of United Nations North Korea-specific sanctions. The strategy should include elements—

(1) to increase the number of countries submitting reports to the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), including developing a list of targeted countries where effective implementation and enforcement of United Nations sanctions would reduce the threat from North Korea;

(2) to encourage member states of the United Nations to cooperate and share information with the panel in order to help facilitate investigations;

(3) to expand cooperation with the Panel of Experts;

(4) to provide technical assistance to member states to implement United Nations sanctions, including developing the capacity to enforce sanctions through improved export control regulations, border security, and customs systems;

(5) to harness existing United States Government initiatives and assistance programs, as appropriate, to improve sanctions implementation and enforcement; and

(6) to increase outreach to the people of North Korea, and to support the engagement of independent, non-governmental journalistic, humanitarian, and other institutions in North Korea.

(d) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that describes the actions undertaken to implement the strategy required by subsection (c).

22 USC 9223.

SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) EXPORT OF CERTAIN GOODS OR TECHNOLOGY.—A validated license shall be required for the export to North Korea of any goods or technology otherwise covered under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)). No defense exports may be approved for the Government of North Korea.

(b) TRANSACTIONS IN LETHAL MILITARY EQUIPMENT.—

(1) IN GENERAL.—The President shall withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of any country that provides lethal military equipment to the Government of North Korea.

(2) APPLICABILITY.—The prohibition under paragraph (1) with respect to a government shall terminate on the date that is 1 year after the date on which the prohibition under paragraph (1) is applied to that government.

(c) WAIVER.—Notwithstanding any other provision of law, the Secretary of State may waive the prohibitions under this section with respect to a country if the Secretary—

Determination.

(1) determines that such waiver is in the national interest of the United States; and

Reports.

(2) submits a written report to the appropriate congressional committees that describes—

(A) the steps that the relevant agencies are taking to curtail the trade described in subsection (b)(1); and

(B) why such waiver is in the national interest of the United States.

(d) EXCEPTION.—The prohibitions under this section shall not apply to the provision of assistance for human rights, democracy, rule of law, or emergency humanitarian purposes.

SEC. 204. PROCUREMENT SANCTIONS. 22 USC 9224.

(a) IN GENERAL.—Except as provided in this section, the head of an executive agency may not procure, or enter into any contract for the procurement of, any goods or services from any person designated under section 104(a).

(b) FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require that each person that is a prospective contractor submit a certification that such person does not engage in any activity described in section 104(a). Certification.

(2) APPLICABILITY.—The revision required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) REMEDIES.—

(1) INCLUSION ON LIST.—The Administrator of General Services shall include, on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subsection (b).

(2) CONTRACT TERMINATION; SUSPENSION.—If the head of an executive agency determines that a person has submitted a false certification under subsection (b) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this section, the head of such executive agency shall— Determination.

(A) terminate any contract with such person; and

(B) debar or suspend such person from eligibility for Federal contracts for a period of not longer than 2 years.

(3) APPLICABLE PROCEDURES.—Any debarment or suspension under paragraph (2)(B) shall be subject to the procedures that apply to debarment and suspension under subpart 9.4 of the Federal Acquisition Regulation.

(d) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies specified in subsection (c) shall not apply with respect to the procurement of any eligible product (as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)) of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(e) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (b).

(f) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given such term in section 133 of title 41, United States Code.

22 USC 9225.

SEC. 205. ENHANCED INSPECTION AUTHORITIES.

President.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that identifies foreign ports and airports at which inspections of ships, aircraft, and conveyances originating in North Korea, carrying North Korean property, or operated by the Government of North Korea are not sufficient to effectively prevent the facilitation of any of the activities described in section 104(a).

(b) ENHANCED CUSTOMS INSPECTION REQUIREMENTS.—The Secretary of Homeland Security may require enhanced inspections of any goods entering the United States that have been transported through a port or airport identified by the President under subsection (a).

(c) SEIZURE AND FORFEITURE.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) under the jurisdiction of the United States may be seized and forfeited under—

(1) chapter 46 of title 18, United States Code; or

(2) title V of the Tariff Act of 1930 (19 U.S.C. 1501 et seq.).

22 USC 9226.

SEC. 206. TRAVEL SANCTIONS.

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny entry into the United States of, any alien who is—

(1) a designated person;

(2) a corporate officer of a designated person; or

(3) a principal shareholder with a controlling interest in a designated person.

22 USC 9227.

SEC. 207. TRAVEL RECOMMENDATIONS FOR UNITED STATES CITIZENS TO NORTH KOREA.

The Secretary of State shall expand the scope and frequency of issuance of travel warnings for all United States citizens to North Korea. The expanded travel warnings, which should be issued or updated not less frequently than every 90 days, should include—

Time period.

(1) publicly released or credible open source information regarding the detention of United States citizens by North Korean authorities, including available information on circumstances of arrest and detention, duration, legal proceedings, and conditions under which a United States citizen has been, or continues to be, detained by North Korean authorities, including present-day cases and cases occurring during the 10-year period ending on the date of the enactment of this Act;

(2) publicly released or credible open source information on the past and present detention and abduction or alleged abduction of citizens of the United States, South Korea, or Japan by North Korean authorities;

(3) unclassified information about the nature of the North Korean regime, as described in congressionally mandated reports and annual reports issued by the Department of State and the United Nations, including information about North

Korea's weapons of mass destruction programs, illicit activities, international sanctions violations, and human rights situation; and

(4) any other information that the Secretary deems useful to provide United States citizens with a comprehensive picture of the nature of the North Korean regime.

SEC. 208. EXEMPTIONS, WAIVERS, AND REMOVALS OF DESIGNATION.

President.
22 USC 9228.

(a) EXEMPTIONS.—The following activities shall be exempt from sanctions under sections 104, 206, 209, and 304:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(3) Any activities incidental to the POW/MIA accounting mission in North Korea, including activities by the Defense POW/MIA Accounting Agency and other governmental or nongovernmental organizations tasked with identifying or recovering the remains of members of the United States Armed Forces in North Korea.

(b) HUMANITARIAN WAIVER.—

Time period.
Determination.

(1) IN GENERAL.—The President may waive, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for humanitarian assistance or to carry out the humanitarian purposes set forth section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(2) CONTENT OF WRITTEN DETERMINATION.—A written determination submitted under paragraph (1) with respect to a waiver shall include a description of all notification and accountability controls that have been employed in order to ensure that the activities covered by the waiver are humanitarian assistance or are carried out for the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802) and do not entail any activities in North Korea or dealings with the Government of North Korea not reasonably related to humanitarian assistance or such purposes.

(3) CLARIFICATION OF PERMITTED ACTIVITIES UNDER WAIVER.—An internationally recognized humanitarian organization shall not be subject to sanctions under section 104, 204, 205, 206, 209(b), or 304(b) for—

(A) engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes pursuant to a waiver issued under paragraph (1);

(B) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes pursuant to such a waiver; or

(C) having merely incidental contact, in the course of providing humanitarian assistance or aid for humanitarian purposes pursuant to such a waiver, with individuals who are under the control of a foreign person subject to sanctions under this Act.

Time period. Determination.

(c) WAIVER.—The President may waive, on a case-by-case basis, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 201(c)(2), 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver—

(1) is important to the national security interests of the United States; or

(2) will further the enforcement of this Act or is for an important law enforcement purpose.

Regulations.

(d) FINANCIAL SERVICES FOR HUMANITARIAN AND CONSULAR ACTIVITIES.—The President may promulgate such regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not a North Korean financial institution in support of activities conducted pursuant to an exemption or waiver under this section.

President. 22 USC 9229.

SEC. 209. REPORT ON AND IMPOSITION OF SANCTIONS TO ADDRESS PERSONS RESPONSIBLE FOR KNOWINGLY ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees a report that describes significant activities undermining cybersecurity aimed against the United States Government or any United States person and conducted by the Government of North Korea, or a person owned or controlled, directly or indirectly, by the Government of North Korea or any person acting for or on behalf of that Government.

(2) INFORMATION.—The report required under paragraph (1) shall include—

(A) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to conduct significant activities undermining cybersecurity described in paragraph (1);

(B) a description of the conduct engaged in by each person identified;

Assessment.

(C) an assessment of the extent to which a foreign government has provided material support to the Government of North Korea or any person acting for or on behalf of that Government to conduct significant activities undermining cybersecurity; and

Strategy.

(D) a United States strategy to counter North Korea's efforts to conduct significant activities undermining cybersecurity against the United States, that includes efforts to engage foreign governments to halt the capability of the Government of North Korea and persons acting for or on behalf of that Government to conduct significant activities undermining cybersecurity.

(3) SUBMISSION AND FORM.—

(A) SUBMISSION.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter.

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

(b) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person identified in the report required under subsection (a)(1) that knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea.

SEC. 210. CODIFICATION OF SANCTIONS WITH RESPECT TO NORTH KOREAN ACTIVITIES UNDERMINING CYBERSECURITY.

22 USC 9230.

(a) IN GENERAL.—United States sanctions with respect to activities of the Government of North Korea, persons acting for or on behalf of that Government, or persons located in North Korea that undermine cybersecurity provided for in Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea) or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), as such Executive Orders are in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 30 days after the date on which the President submits to Congress a certification that the Government of North Korea, persons acting for or on behalf of that Government, and persons owned or controlled, directly or indirectly, by that Government or persons acting for or on behalf of that Government, are no longer engaged in the illicit activities described in such Executive Orders, including actions in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013).

Termination date. Certification.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 211. SENSE OF CONGRESS ON TRILATERAL COOPERATION BETWEEN THE UNITED STATES, SOUTH KOREA, AND JAPAN.

22 USC 9231.

(a) IN GENERAL.—It is the sense of Congress that the President—

(1) should seek to strengthen high-level trilateral mechanisms for discussion and coordination of policy toward North Korea between the Government of the United States, the Government of South Korea, and the Government of Japan;

(2) should ensure that the mechanisms specifically address North Korea's nuclear, ballistic, and conventional weapons programs, its human rights record, and cybersecurity threats posed by North Korea;

(3) should ensure that representatives of the United States, South Korea, and Japan meet on a regular basis and include representatives of the United States Department of State, the United States Department of Defense, the United States intelligence community, and representatives of counterpart agencies in South Korea and Japan; and

(4) should continue to brief the relevant congressional committees regularly on the status of such discussions.

(b) RELEVANT COMMITTEES.—The relevant committees referred to in subsection (a)(4) shall include—

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

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

TITLE III—PROMOTION OF HUMAN RIGHTS

SEC. 301. INFORMATION TECHNOLOGY.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by adding at the end the following:

President. Classified information. Reports. Plans.

"(d) INFORMATION TECHNOLOGY STUDY.—Not later than 180 days after the date of the enactment of the North Korea Sanctions and Policy Enhancement Act of 2015, the President shall submit to the appropriate congressional committees a classified report that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.".

22 USC 9241.

SEC. 302. STRATEGY TO PROMOTE NORTH KOREAN HUMAN RIGHTS.

Coordination. Reports.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that details a United States strategy to promote initiatives to enhance international awareness of and to address the human rights situation in North Korea.

(b) INFORMATION.—The report required under subsection (a) should include—

Lists.

(1) a list of countries that forcibly repatriate refugees from North Korea; and

(2) a list of countries where North Korean laborers work, including countries the governments of which have formal arrangements with the Government of North Korea or any person acting for or on behalf of that Government to employ North Korean workers.

(c) STRATEGY.—The report required under subsection (a) should include—

Plan.

(1) a plan to enhance bilateral and multilateral outreach, including sustained engagement with the governments of partners and allies with overseas posts to routinely demarche or brief those governments on North Korea human rights issues, including forced labor, trafficking, and repatriation of citizens of North Korea;

(2) public affairs and public diplomacy campaigns, including options to work with news organizations and media outlets to publish opinion pieces and secure public speaking opportunities for United States Government officials on issues related to the human rights situation in North Korea, including forced

labor, trafficking, and repatriation of citizens of North Korea; and

(3) opportunities to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness and provide assistance to North Korean defectors throughout the world.

SEC. 303. REPORT ON NORTH KOREAN PRISON CAMPS. 22 USC 9242.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that describes, with respect to each political prison camp in North Korea, to the extent information is available—

(1) the camp's estimated prisoner population;

(2) the camp's geographical coordinates;

(3) the reasons for the confinement of the prisoners;

(4) the camp's primary industries and products, and the end users of any goods produced in the camp;

(5) the individuals and agencies responsible for conditions in the camp;

(6) the conditions under which prisoners are confined, with respect to the adequacy of food, shelter, medical care, working conditions, and reports of ill-treatment of prisoners; and

(7) imagery, to include satellite imagery of the camp, in a format that, if published, would not compromise the sources and methods used by the United States intelligence community to capture geospatial imagery.

(b) FORM.—The report required under subsection (a) may be included in the first human rights report required to be submitted to Congress after the date of the enactment of this Act under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

SEC. 304. REPORT ON AND IMPOSITION OF SANCTIONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA. 22 USC 9243.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that—

(A) identifies each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and describes the conduct of that person; and

(B) describes serious human rights abuses or censorship undertaken by the Government of North Korea or any person acting for or on behalf of that Government in the most recent year ending before the submission of the report.

(2) CONSIDERATION.—In preparing the report required under paragraph (1), the Secretary of State shall—

(A) give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea; and

(B) make specific findings with respect to the responsibility of Kim Jong Un, and of each individual who is a member of the National Defense Commission of North Korea or the Organization and Guidance Department of the Workers' Party of Korea, for serious human rights abuses and censorship.

(3) SUBMISSION AND FORM.—

(A) SUBMISSION.—The report required under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years, and shall be included in each human rights report required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

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

Web posting.

(C) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required under paragraph (1) on the website of the Department of State.

President.

(b) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person listed in the report required under subsection (a)(1) that—

(1) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea; or

(2) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) seek the prompt adoption by the United Nations Security Council of a resolution calling for the blocking of the assets of all persons responsible for severe human rights abuses or censorship in North Korea; and

(2) fully cooperate with the prosecution of any individual listed in the report required under subsection (a)(1) before any international tribunal that may be established to prosecute persons responsible for severe human rights abuses or censorship in North Korea.

TITLE IV—GENERAL AUTHORITIES

Certifications.
President.
22 USC 9251.

SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.

(a) IN GENERAL.—Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) may be suspended for up to 1 year upon certification by the President to the appropriate congressional committees that the Government of North Korea has made progress toward—

(1) verifiably ceasing its counterfeiting of United States currency, including the surrender or destruction of specialized materials and equipment used or particularly suitable for counterfeiting;

(2) taking steps toward financial transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;

(3) taking steps toward verification of its compliance with applicable United Nations Security Council resolutions;

(4) taking steps toward accounting for and repatriating the citizens of other countries—

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

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

(5) accepting and beginning to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid; and

(6) taking verified steps to improve living conditions in its political prison camps.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional, consecutive 180-day periods after the President certifies to the appropriate congressional committees that the Government of North Korea has continued to comply with the conditions described in subsection (a) during the previous year. Time period.

SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.

President. Determination. Certification. 22 USC 92512.

Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has—

(1) met the requirements set forth in section 401; and

(2) made significant progress toward—

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

(B) releasing all political prisoners, including the citizens of North Korea detained in North Korea's political prison camps;

(C) ceasing its censorship of peaceful political activity;

(D) establishing an open, transparent, and representative society; and

(E) fully accounting for and repatriating United States citizens (including deceased United States citizens)—

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

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

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

22 USC 9253.

(a) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2017 through 2021—

(1) $3,000,000 to carry out section 103 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7813);

(2) $3,000,000 to carry out subsections (a), (b), and (c) of section 104 of that Act (22 U.S.C. 7814);

(3) $2,000,000 to carry out subsection (d) of such section 104, as add by section 301 of this Act; and

(4) $2,000,000 to carry out section 203 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7833).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated for each fiscal year pursuant to subsection (a) shall remain available until expended.

22 USC 9254.

SEC. 404. RULEMAKING.

(a) IN GENERAL.—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or in any amendment made by this Act, may be construed to limit the authority of the President to designate or sanction persons pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

22 USC 9255.

SEC. 405. AUTHORITY TO CONSOLIDATE REPORTS.

Any and all reports required to be submitted to appropriate congressional committees under this Act or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline. The consolidated reports must contain all information required under this Act or any amendment made by this Act, in addition to all other elements mandated by previous law.

22 USC 9201 note.

SEC. 406. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

Approved February 18, 2016.

LEGISLATIVE HISTORY—H.R. 757:

HOUSE REPORTS: No. 114–392, Pt. 1 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Jan. 11, 12, considered and passed House.
Feb. 10, considered and passed Senate, amended.
Feb. 12, House concurred in Senate amendment.

Public Law 114–123
114th Congress

An Act

To improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

Feb. 18, 2016
[H.R. 907]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States-Jordan Defense Cooperation Act of 2015.
22 USC 2751 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Jordan Defense Cooperation Act of 2015".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As of January 22, 2015, the United States Government has provided $3,046,343,000 in assistance to respond to the Syria humanitarian crisis, of which nearly $467,000,000 has been provided to the Hashemite Kingdom of Jordan.

(2) As of January 2015, according to the United Nations High Commissioner for Refugees, there were 621,937 registered Syrian refugees in Jordan and 83.8 percent of whom lived outside refugee camps.

(3) In 2000, the United States and Jordan signed a free-trade agreement that went into force in 2001.

(4) In 1996, the United States granted Jordan major non-NATO ally status.

(5) Jordan is suffering from the Syrian refugee crisis and the threat of the Islamic State of Iraq and the Levant (ISIL).

(6) The Government of Jordan was elected as a non-permanent member of the United Nations Security Council for a 2-year term ending in December 2015.

(7) Enhanced support for defense cooperation with Jordan is important to the national security of the United States, including through creation of a status in law for Jordan similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, the Republic of Korea, Israel, and New Zealand, with respect to consideration by Congress of foreign military sales to Jordan.

(8) The Colorado National Guard's relationship with the Jordanian military provides a significant benefit to both the United States and Jordan.

Moaz al-Kasasbeh.

(9) Jordanian pilot Moaz al-Kasasbeh was brutally murdered by ISIL.

(10) On February 3, 2015, Secretary of State John Kerry and Jordanian Foreign Minister Nasser Judeh signed a new Memorandum of Understanding that reflects the intention to increase United States assistance to the Government of Jordan

from $660,000,000 to $1,000,000,000 for each of the years 2015 through 2017.

(11) On December 5, 2014, in an interview on CBS This Morning, Jordanian King Abdullah II stated—

(A) in reference to ISIL, "This is a Muslim problem. We need to take ownership of this. We need to stand up and say what is wrong"; and

(B) "This is our war. This is a war inside Islam. So we have to own up to it. We have to take the lead. We have to start fighting back.".

SEC. 3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to support the Hashemite Kingdom of Jordan in its response to the Syrian refugee crisis;

(2) to provide necessary assistance to alleviate the domestic burden to provide basic needs for the assimilated Syrian refugees;

(3) to cooperate with Jordan to combat the terrorist threat from the Islamic State of Iraq and the Levant (ISIL) or other terrorist organizations; and

(4) to help secure the border between Jordan and its neighbors Syria and Iraq.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Hashemite Kingdom of Jordan under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security;

(2) Congress welcomes the statement of King Abdullah II quoted in section (2)(11); and

(3) it is in the interest of peace and stability for regional members of the Global Coalition to Combat ISIL to continue their commitment to, and increase their involvement in, addressing the threat posed by ISIL.

22 USC 2753 note.
Time period.
Effective date.

SEC. 5. ENHANCED DEFENSE COOPERATION.

(a) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Hashemite Kingdom of Jordan shall be treated as if it were a country listed in the provisions of law described in subsection (b) for purposes of applying and administering such provisions of law.

(b) ARMS EXPORT CONTROL ACT.—The provisions of law described in this subsection are—

(1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i), and (d)(5) of section 3 of the Arms Export Control Act (22 U.S.C. 2753);

(2) subsections (e)(2)(A), (h)(1)(A), and (h)(2) of section 21 of such Act (22 U.S.C. 2761);

(3) subsections (b)(1), (b)(2), (b)(6), (c), and (d)(2)(A) of section 36 of such Act (22 U.S.C. 2776);

(4) section 62(c)(1) of such Act (22 U.S.C. 2796a(c)(1)); and

(5) section 63(a)(2) of such Act (22 U.S.C. 2796b(a)(2)).

SEC. 6. MEMORANDUM OF UNDERSTANDING.

Subject to the availability of appropriations, the Secretary of State is authorized to enter into a memorandum of understanding with the Hashemite Kingdom of Jordan to increase economic support funds, military cooperation, including joint military exercises, personnel exchanges, support for international peacekeeping missions, and enhanced strategic dialogue.

Approved February 18, 2016.

LEGISLATIVE HISTORY—H.R. 907 (S. 1789):

CONGRESSIONAL RECORD:
Vol. 161 (2015): July 7, considered and passed House.
Vol. 162 (2016): Feb. 3, considered and passed Senate, amended.
Feb. 10, House concurred in Senate amendment.

Public Law 114–124
114th Congress

An Act

To require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

Feb. 18, 2016
[H.R. 3033]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Research Excellence and Advancements for Dyslexia Act. 42 USC 1861 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Research Excellence and Advancements for Dyslexia Act" or the "READ Act".

42 USC 1862r note.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As many as 1 out of 6, or 8,500,000, American school children may have dyslexia.

(2) Since 1975, dyslexia has been included in the list of qualifying learning disabilities under the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act.

42 USC 1862r note.

SEC. 3. RESEARCH IN DISABILITIES EDUCATION.

(a) PROGRAM.—Nothing in this Act alters the National Science Foundation's Research in Disabilities Education program for fundamental and implementation research about learners (of all ages) with disabilities, including dyslexia, in science, technology, engineering, and mathematics (STEM). The National Science Foundation shall continue to encourage efforts to understand and address disability-based differences in STEM education and workforce participation, including differences for dyslexic learners.

(b) LINE ITEM.—The Director of the National Science Foundation shall include the amount requested for the Research in Disabilities Education program in the Foundation's annual congressional budget justification.

42 USC 1862r–1.

SEC. 4. DYSLEXIA.

(a) IN GENERAL.—Consistent with subsection (c), the National Science Foundation shall support multi-directorate, merit-reviewed, and competitively awarded research on the science of specific learning disability, including dyslexia, such as research on the early identification of children and students with dyslexia, professional development for teachers and administrators of students with dyslexia, curricula and educational tools needed for children with dyslexia, and implementation and scaling of successful models of dyslexia intervention. Research supported under this subsection shall be conducted with the goal of practical application.

(b) AWARDS.—To promote development of early career researchers, in awarding funds under subsection (a) the National Science Foundation shall prioritize applications for funding submitted by early career researchers.

(c) COORDINATION.—To prevent unnecessary duplication of research, activities under this Act shall be coordinated with similar activities supported by other Federal agencies, including research funded by the Institute of Education Sciences and the National Institutes of Health.

(d) FUNDING.—The National Science Foundation shall devote not less than $5,000,000 to research described in subsection (a), which shall include not less than $2,500,000 for research on the science of dyslexia, for each of fiscal years 2017 through 2021, subject to the availability of appropriations, to come from amounts made available for the Research and Related Activities account or the Education and Human Resources Directorate under subsection (e). This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act. Time period.

(e) AUTHORIZATION.—For each of fiscal years 2016 through 2021, there are authorized out of funds appropriated to the National Science Foundation, $5,000,000 to carry out the activities described in subsection (a). Time period.

SEC. 5. DEFINITION OF SPECIFIC LEARNING DISABILITY. 42 USC 1862r–1 note.

In this Act, the term "specific learning disability"—

(1) means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations;

(2) includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and

(3) does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Approved February 18, 2016.

LEGISLATIVE HISTORY—H.R. 3033:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Oct. 26, considered and passed House.
Vol. 162 (2016): Feb. 3, considered and passed Senate, amended.
Feb. 4, House concurred in Senate amendment.

Public Law 114–125
114th Congress

An Act

Feb. 24, 2016
[H.R. 644]

To reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trade Facilitation and Trade Enforcement Act of 2015.
19 USC 4301 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trade Facilitation and Trade Enforcement Act of 2015".

(b) TABLE OF CONTENTS.—The table of contents for this Act is follows:

19 USC 4301.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATED COMMERCIAL ENVIRONMENT.—The term "Automated Commercial Environment" means the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)).

(2) COMMERCIAL OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION.—The term "commercial operations of U.S. Customs and Border Protection" includes—

(A) administering any customs revenue function (as defined in section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215));

(B) coordinating efforts of the Department of Homeland Security with respect to trade facilitation and trade enforcement;

(C) coordinating with the Director of U.S. Immigration and Customs Enforcement with respect to—

(i) investigations relating to trade enforcement; and

(ii) the development and implementation of the joint strategic plan required by section 105;

(D) coordinating, on behalf of the Department of Homeland Security, efforts among Federal agencies to facilitate legitimate trade and to enforce the customs and trade laws of the United States, including representing the Department of Homeland Security in interagency fora addressing such efforts;

(E) coordinating with customs authorities of foreign countries to facilitate legitimate international trade and enforce the customs and trade laws of the United States and the customs and trade laws of foreign countries;

(F) collecting, assessing, and disseminating information as appropriate and in accordance with any law regarding cargo destined for the United States—

(i) to ensure that such cargo complies with the customs and trade laws of the United States; and

(ii) to facilitate the legitimate international trade of such cargo;

(G) soliciting and considering on a regular basis input from private sector entities, including the Commercial Customs Operations Advisory Committee established by section 109 and the Trade Support Network, with respect to, as appropriate—

(i) the implementation of changes to the customs and trade laws of the United States; and

(ii) the development, implementation, or revision of policies or regulations administered by U.S. Customs and Border Protection; and

(H) otherwise advising the Secretary of Homeland Security with respect to the development of policies associated with facilitating legitimate trade and enforcing the customs and trade laws of the United States.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of U.S. Customs and Border Protection, as described in section 411(b) of the Homeland Security Act of 2002, as amended by section 802(a) of this Act.

(4) CUSTOMS AND TRADE LAWS OF THE UNITED STATES.—The term "customs and trade laws of the United States" includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 249 of the Revised Statutes (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (42 Stat. 1453, chapter 251; 19 U.S.C. 6).

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(F) Section 251 of the Revised Statutes (19 U.S.C. 66).

(G) Section 1 of the Act of June 26, 1930 (46 Stat. 817, chapter 617; 19 U.S.C. 68).

(H) The Act of June 18, 1934 (48 Stat. 998, chapter 590; 19 U.S.C. 81a et seq.; commonly known as the "Foreign Trade Zones Act").

(I) Section 1 of the Act of March 2, 1911 (36 Stat. 965, chapter 191; 19 U.S.C. 198).

(J) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99–570; 100 Stat. 3207–79).

(R) The Customs and Trade Act of 1990 (Public Law 101–382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95–410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107–210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1262, chapter 566).

(X) The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201 et seq.).

(Y) The Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 362).

(Z) Any other provision of law implementing a trade agreement.

(AA) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(BB) Any other provision of law relating to trade facilitation or trade enforcement that is administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)).

(CC) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(5) PRIVATE SECTOR ENTITY.—The term "private sector entity" means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(6) TRADE ENFORCEMENT.—The term "trade enforcement" means the enforcement of the customs and trade laws of the United States.

(7) TRADE FACILITATION.—The term "trade facilitation" refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SEC. 101. IMPROVING PARTNERSHIP PROGRAMS. 19 USC 4311.

(a) IN GENERAL.—In order to advance the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, the Commissioner shall ensure that partnership programs of U.S. Customs and Border Protection established before the date of the enactment of this Act, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), and partnership programs of U.S. Customs and Border Protection established on or after such date of enactment, provide trade benefits to private sector entities that meet the requirements for participation in those programs established by the Commissioner under this section.

(b) ELEMENTS.—In developing and operating partnership programs under subsection (a), the Commissioner shall—

(1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants in those programs receive commercially significant and measurable trade benefits, including providing preclearance of merchandise for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States, regulations of U.S. Customs and Border Protection, and other requirements the Commissioner determines to be necessary; Consultation.

(2) ensure an integrated and transparent system of trade benefits and compliance requirements for all partnership programs of U.S. Customs and Border Protection;

(3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation in such programs, enhance the trade benefits provided to participants in such programs, and enhance the allocation of the resources of U.S. Customs and Border Protection;

(4) coordinate with the Director of U.S. Immigration and Customs Enforcement, and other Federal agencies with authority to detain and release merchandise entering the United States— Coordination.

(A) to ensure coordination in the release of such merchandise through the Automated Commercial Environment, or its predecessor, and the International Trade Data

System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d));

(B) to ensure that the partnership programs of those agencies are compatible with the partnership programs of U.S. Customs and Border Protection;

Criteria.

(C) to develop criteria for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; and

(D) to create pathways, within and among the appropriate Federal agencies, for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States to receive immediate clearance absent information that a transaction may pose a national security or compliance threat; and

(5) ensure that trade benefits are provided to participants in partnership programs.

Summaries.

(c) REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, and not later than December 31 of each calendar year thereafter, the Commissioner shall submit to the appropriate congressional committees a report that—

(1) identifies each partnership program referred to in subsection (a);

(2) for each such program, identifies—

(A) the requirements for participants in the program;

(B) the commercially significant and measurable trade benefits provided to participants in the program;

(C) the number of participants in the program; and

(D) in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier;

(3) identifies the number of participants enrolled in more than one such partnership program;

Assessment.

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve such partnership programs;

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade

benefits available to participants in such partnership programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such partnership programs for the 2 years following the submission of the report.

SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of trade enforcement activities of U.S. Customs and Border Protection.

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

(1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of personnel of U.S. Customs and Border Protection;

(2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenues, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations; and

(3) a description of trade enforcement activities with respect to the priority trade issues described in section 117, including—

(A) methodologies used in such enforcement activities, such as targeting;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS.

19 USC 4312.

(a) PRIORITIES AND PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Commissioner, in consultation with the appropriate congressional committees, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

Consultation.

(2) MINIMUM PRIORITIES AND STANDARDS.—Such priorities and performance standards shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

(b) FUNCTIONS AND PROGRAMS DESCRIBED.—The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in section 117.

(3) The Centers of Excellence and Expertise described in section 110.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

(c) CONSULTATIONS AND NOTIFICATION.—

(1) CONSULTATIONS.—The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

Deadline.

(2) NOTIFICATION.—The Commissioner shall notify the appropriate congressional committees of any changes to the priorities or performance standards referred to in subsection (a) not later than 30 days before such changes are to take effect.

19 USC 4313.

SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES, TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(1) improve the ability of personnel of U.S. Customs and Border Protection to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(2) improve the trade enforcement efforts of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement; and

(3) otherwise improve the ability and effectiveness of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement to facilitate legitimate international trade.

(b) CONTENT.—

(1) CLASSIFYING AND APPRAISING IMPORTED ARTICLES.—In carrying out subsection (a)(1), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

Review.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

(2) TRADE ENFORCEMENT EFFORTS.—In carrying out subsection (a)(2), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) APPROVAL OF COMMISSIONER AND DIRECTOR.—The instruction and related instructional materials at each educational seminar carried out under this section shall be subject to the approval of the Commissioner and the Director.

(c) SELECTION PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar carried out under this section.

(2) CRITERIA.—The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on— Evaluation.

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) PUBLIC AVAILABILITY.—The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2). Federal Register, publication.

(d) SPECIAL RULE FOR ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of personnel of U.S. Customs and Border Protection to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) INTERESTED PARTY.—A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) PERFORMANCE STANDARDS.—The Commissioner and the Director shall establish performance standards to measure the

development and level of achievement of educational seminars carried out under this section.

(f) REPORTING.—Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director shall submit to the appropriate congressional committees a report on the effectiveness of educational seminars carried out under this section.

(g) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of U.S. Immigration and Customs Enforcement.

(2) UNITED STATES.—The term "United States" means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—The term "U.S. Customs and Border Protection personnel" means import specialists, auditors, and other appropriate employees of the U.S. Customs and Border Protection.

(4) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—The term "U.S. Immigration and Customs Enforcement personnel" means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

19 USC 4314.

SEC. 105. JOINT STRATEGIC PLAN.

Deadlines.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the appropriate congressional committees a joint strategic plan.

(b) CONTENTS.—The joint strategic plan required under this section shall be comprised of a comprehensive multiyear plan for trade enforcement and trade facilitation, and shall include—

Summary.
Time period.

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in section 117 that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—

(A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;

Recommendations.

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training at educational seminars carried out under section 104;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Custom and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

Recommendations.

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

(c) CONSULTATIONS.—

(1) IN GENERAL.—In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall consult with—

(A) appropriate officials from relevant Federal agencies, including—

(i) the Department of the Treasury;

(ii) the Department of Agriculture;

(iii) the Department of Commerce;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Health and Human Services;

(vii) the Food and Drug Administration;

(viii) the Consumer Product Safety Commission; and

(ix) the Office of the United States Trade Representative; and

(B) the Commercial Customs Operations Advisory Committee established by section 109.

(2) OTHER CONSULTATIONS.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

(d) FORM OF PLAN.—The joint strategic plan required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.

(a) FUNDING.—Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)(B)) is amended—

(1) by striking "2003 through 2005" and inserting "2016 through 2018";

(2) by striking "such amounts as are available in that Account" and inserting "not less than $153,736,000"; and

(3) by striking "for the development" and inserting "to complete the development and implementation".

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2016, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report detailing—

(A) U.S. Customs and Border Protection's incorporation of all core trade processing capabilities, including cargo release, entry summary, cargo manifest, cargo financial data, and export data elements, into the Automated Commercial Environment not later than September 30, 2016, to conform with the admissibility criteria of agencies participating in the International Trade Data System identified pursuant to paragraph (4)(A)(iii) of section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), as added by section 107 of this Act;

(B) U.S. Customs and Border Protection's remaining priorities for processing entry summary data elements, cargo manifest data elements, cargo financial data elements, and export elements in the Automated Commercial Environment, and the objectives and plans for implementing these remaining priorities;

(C) the components of the National Customs Automation Program specified in section 411(a)(2) of the Tariff Act of 1930 that have not been implemented; and

(D) any additional components of the National Customs Automation Program initiated by the Commissioner to complete the development, establishment, and implementation of the Automated Commercial Environment.

(2) UPDATE OF REPORTS.—Not later than September 30, 2017, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives an updated report addressing each of the matters referred to in paragraph (1), and—

Evaluation.

(A) evaluating the effectiveness of the implementation of the Automated Commercial Environment; and

(B) detailing the percentage of trade processed in the Automated Commercial Environment every month since September 30, 2016.

(3) REPEAL.—Section 311(b) of the Customs Border Security Act of 2002 (19 U.S.C. 2075 note) is amended by striking paragraph (3).

Assessments.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than December 31, 2017, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report—

(1) assessing the progress of other Federal agencies in accessing and utilizing the Automated Commercial Environment; and

(2) assessing the potential cost savings to the United States Government and importers and exporters and the potential benefits to enforcement of the customs and trade laws of the United States if the elements identified in subparagraphs (A) through (D) of subsection (b)(1) are implemented.

SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.

Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

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

"(4) INFORMATION TECHNOLOGY INFRASTRUCTURE.—

"(A) IN GENERAL.—The Secretary shall work with the head of each agency participating in the ITDS and the Interagency Steering Committee to ensure that each agency—

"(i) develops and maintains the necessary information technology infrastructure to support the operation of the ITDS and to submit all data to the ITDS electronically;

"(ii) enters into a memorandum of understanding, or takes such other action as is necessary, to provide for the information sharing between the agency and U.S. Customs and Border Protection necessary for the operation and maintenance of the ITDS; Memorandum.

"(iii) not later than June 30, 2016, identifies and transmits to the Commissioner of U.S. Customs and Border Protection the admissibility criteria and data elements required by the agency to authorize the release of cargo by U.S. Customs and Border Protection for incorporation into the operational functionality of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)); and Deadline.

"(iv) not later than December 31, 2016, utilizes the ITDS as the primary means of receiving from users the standard set of data and other relevant documentation, exclusive of applications for permits, licenses, or certifications required for the release of imported cargo and clearance of cargo for export. Deadline.

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require any action to be taken that would compromise an ongoing law enforcement investigation or would compromise national security."; and

(3) in paragraph (8), as redesignated, by striking "section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)" and inserting "section 109 of the Trade Facilitation and Trade Enforcement Act of 2015".

SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS. 19 USC 4315.

(a) CONSULTATIONS.—The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar Deadlines.

agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult with the appropriate congressional committees—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement; and

(2) not later than 30 days before entering into any such arrangement or similar agreement.

(b) NEGOTIATING OBJECTIVE.—It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement or similar agreement with a foreign country on partnership programs, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance security, trade facilitation, and trade enforcement.

19 USC 4316.

SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE.

Deadline.

(a) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the "Advisory Committee").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) REQUIREMENTS.—In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) TERMS.—Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) TRANSFER OF MEMBERSHIP.—The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) on the day before the date of the enactment of this Act to the Advisory Committee established under subsection (a).

(c) DUTIES.—The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) MEETINGS.—Notwithstanding section 10(f) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than ⅔ of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(e) ANNUAL REPORT.—Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Advisory Committee.

(g) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Effective on the date on which the Advisory Committee is established under subsection (a), section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) is repealed. Effective date. Repeal.

(2) REFERENCE.—Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

19 USC 4317.

SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.

Consultation.

(a) IN GENERAL.—The Commissioner shall, in consultation with the appropriate congressional committees and the Commercial Customs Operations Advisory Committee established under section 109, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in section 117, in specific industry sectors through the application of targeting information from the National Targeting Center under section 111 and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships though the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) REPORT.—Not later than December 31, 2016, the Commissioner shall submit to the appropriate congressional committees a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues described in section 117, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and

(6) any planned changes in the number, scope, functions, or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

SEC. 111. COMMERCIAL RISK ASSESSMENT TARGETING AND TRADE ALERTS. 19 USC 4318.

(a) COMMERCIAL RISK ASSESSMENT TARGETING.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, the National Targeting Center, in coordination with the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, as appropriate, shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in section 117; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (b);

(2) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under paragraph (1)—

(A) publicly available information;

(B) information available from the Automated Commercial System, the Automated Commercial Environment, the Automated Targeting System, the Automated Export System, the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), the TECS (formerly known as the "Treasury Enforcement Communications System"), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

(C) information made available to the National Targeting Center, including information provided by private sector entities;

(3) provide for the receipt and transmission to the appropriate U.S. Customs and Border Protection offices of allegations from interested parties in the private sector of violations of customs and trade laws of the United States with respect to merchandise relating to the priority trade issues described in section 117; and

(4) notify, on a timely basis, each interested party in the private sector that has submitted an allegation of any violation of the customs and trade laws of the United States of any civil or criminal actions taken by U.S. Customs and Border Protection or any other Federal agency resulting from the allegation. Notification.

(b) TRADE ALERTS.—

(1) ISSUANCE.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, and based upon the application of the targeted risk assessment methodologies and standards established under subsection (a), the Executive Director of the National Targeting Center may issue Trade Alerts to directors

of United States ports of entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

(2) DETERMINATIONS NOT TO IMPLEMENT TRADE ALERTS.—The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under paragraph (1) if the director—

(A) finds that such a determination is justified by port security interests; and

Deadline. Notification.

(B) not later than 48 hours after making the determination, notifies the Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection of the determination and the reasons for the determination.

(3) SUMMARY OF DETERMINATIONS NOT TO IMPLEMENT.—The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

(A) compile an annual summary of all determinations by directors of United States ports of entry under paragraph (2) and the reasons for those determinations;

Evaluation.

(B) conduct an evaluation of the utilization of Trade Alerts issued under paragraph (1); and

Deadline.

(C) not later than December 31 of each calendar year, submit the summary to the appropriate congressional committees.

(4) INSPECTION DEFINED.—In this subsection, the term "inspection" means the comprehensive evaluation process used by U.S. Customs and Border Protection, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

(A) assessing duties;

(B) identifying restricted or prohibited items; and

(C) ensuring compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

(c) USE OF TRADE DATA FOR COMMERCIAL ENFORCEMENT PURPOSES.—Section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

"(F) The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations promulgated thereunder.".

19 USC 4319.

SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES.

(a) IN GENERAL.—Not later than June 30, 2016, and not later than March 31 of each second year thereafter, the Inspector General

of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

(b) PERIOD COVERED BY REPORT.—Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND.

(a) IN GENERAL.—Not later than December 31 of 2016, 2017, and 2018, the Secretary of Homeland Security and the Secretary of the Treasury shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on efforts undertaken by U.S. Customs and Border Protection to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption.

(b) ELEMENTS.—Each report required by subsection (a) shall include, for the fiscal year preceding the submission of the report, information on—

(1) the overall number of entries of merchandise for transportation in bond through the United States;

(2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of the arrival of such merchandise are generated;

(3) the average time taken to reconcile such records with the records at the final destination of the merchandise in the

United States to demonstrate that the merchandise reaches its final destination or is re-exported;

(4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States;

(5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total amount of such duties, taxes, and fees paid;

(6) the total number of notifications by carriers of merchandise being transported in bond that the destination of the merchandise has changed; and

(7) the number of entries that remain unreconciled.

19 USC 4320.

SEC. 114. IMPORTER OF RECORD PROGRAM.

Deadline.

(a) ESTABLISHMENT.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

Criteria.

(b) REQUIREMENTS.—The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

Evaluation.

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) NUMBER DEFINED.—In this section, the term "number", with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

SEC. 115. ESTABLISHMENT OF IMPORTER RISK ASSESSMENT PROGRAM. 19 USC 4321.

(a) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall establish a program that directs U.S. Customs and Border Protection to adjust bond amounts for importers, including new importers and nonresident importers, based on risk assessments of such importers conducted by U.S. Customs and Border Protection, in order to protect the revenue of the Federal Government. Deadline.

(b) REQUIREMENTS.—The Commissioner shall ensure that, as part of the program established under subsection (a), U.S. Customs and Border Protection— Procedures.

(1) develops risk assessment guidelines for importers, including new importers and nonresident importers, to determine if and to what extent— Guidelines.

(A) to adjust bond amounts of imported products of such importers; and

(B) to increase screening of imported products of such importers;

(2) develops procedures to ensure increased oversight of imported products of new importers, including nonresident importers, relating to the enforcement of the priority trade issues described in section 117;

(3) develops procedures to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 110; and

(4) establishes a centralized database of new importers, including new nonresident importers, to ensure accuracy of information that is required to be provided by such importers to U.S. Customs and Border Protection.

(c) EXCLUSION OF CERTAIN IMPORTERS.—This section shall not apply to an importer that is a validated Tier 2 or Tier 3 participant in the Customs–Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.).

(d) REPORT.—Not later than the date that is 2 years after the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing—

(1) the risk assessment guidelines developed under subsection (b)(1);

(2) the procedures developed under subsection (b)(2) to ensure increased oversight of imported products of new importers, including new nonresident importers, relating to the enforcement of priority trade issues described in section 117;

(3) the procedures developed under subsection (b)(3) to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 110; and

(4) the number of bonds adjusted based on the risk assessment guidelines developed under subsection (b)(1).

(e) DEFINITIONS.—In this section:

(1) IMPORTER.—The term "importer" means one of the parties qualifying as an importer of record under section 484(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(2) NONRESIDENT IMPORTER.—The term "nonresident importer" means an importer who is—

(A) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

(B) a partnership, corporation, or other commercial entity that is not organized under the laws of a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.

SEC. 116. CUSTOMS BROKER IDENTIFICATION OF IMPORTERS.

(a) IN GENERAL.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended by adding at the end the following:

"(i) IDENTIFICATION OF IMPORTERS.—

Regulations.

"(1) IN GENERAL.—The Secretary shall prescribe regulations setting forth the minimum standards for customs brokers and importers, including nonresident importers, regarding the identity of the importer that shall apply in connection with the importation of merchandise into the United States.

"(2) MINIMUM REQUIREMENTS.—The regulations required under paragraph (1) shall, at a minimum—

"(A) identify the information that an importer, including a nonresident importer, is required to submit to a broker and that a broker is required to collect in order to verify the identity of the importer;

"(B) identify reasonable procedures that a broker is required to follow in order to verify the authenticity of information collected from an importer; and

"(C) require a broker to maintain records of the information collected by the broker to verify the identity of an importer.

"(3) PENALTIES.—Any customs broker who fails to collect information required under the regulations prescribed under this subsection shall be liable to the United States, at the discretion of the Secretary, for a monetary penalty not to exceed $10,000 for each violation of those regulations and shall be subject to revocation or suspension of a license or permit of the customs broker pursuant to the procedures set forth in subsection (d). This penalty shall be assessed in the same manner and under the same procedures as the monetary penalties provided for in subsection (d)(2)(A).

"(4) DEFINITIONS.—In this subsection:

"(A) IMPORTER.—The term 'importer' means one of the parties qualifying as an importer of record under section 484(a)(2)(B).

"(B) NONRESIDENT IMPORTER.—The term 'nonresident importer' means an importer who is—

"(i) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

"(ii) a partnership, corporation, or other commercial entity that is not organized under the laws of

a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.".

(b) STUDY AND REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide customs brokers with appropriate and accurate information, comparable to that which is required of United States nationals, concerning the identity, address, and other related information relating to such foreign nationals necessary to enable customs brokers to comply with the requirements of section 641(i) of the Tariff Act of 1930 (as added by subsection (a) of this section); and

(2) establishing a system for customs brokers to review information maintained by relevant Federal agencies for purposes of verifying the identities of importers, including nonresident importers, seeking to import merchandise into the United States.

SEC. 117. PRIORITY TRADE ISSUES. 19 USC 4322.

(a) IN GENERAL.—The Commissioner shall establish the following as priority trade issues:

(1) Agriculture programs.
(2) Antidumping and countervailing duties.
(3) Import safety.
(4) Intellectual property rights.
(5) Revenue.
(6) Textiles and wearing apparel.
(7) Trade agreements and preference programs.

(b) MODIFICATION.—The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in subsection (a) if the Commissioner— Determination. Deadlines.

(1) determines it necessary and appropriate to do so; and

(2)(A) in the case of new priority trade issues, submits to the appropriate congressional committees a summary of proposals to establish such new priority trade issues not later than 30 days after such new priority trade issues are to take effect; and

(B) in the case of existing priority trade issues, submits to the appropriate congressional committees a summary of proposals to eliminate, consolidate, or otherwise modify such existing priority trade issues not later than 60 days before such changes are to take effect.

SEC. 118. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. 19 USC 4323.

In this title, the term "appropriate congressional committees" means—

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

(2) the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives.

TITLE II—IMPORT HEALTH AND SAFETY

19 USC 4331.

SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.

(a) ESTABLISHMENT.—There is established an interagency Import Safety Working Group.

(b) MEMBERSHIP.—The interagency Import Safety Working Group shall consist of the following officials or their designees:

(1) The Secretary of Homeland Security, who shall serve as the Chair.

(2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Agriculture.

(6) The United States Trade Representative.

(7) The Director of the Office of Management and Budget.

(8) The Commissioner of Food and Drugs.

(9) The Commissioner of U.S. Customs and Border Protection.

(10) The Chairman of the Consumer Product Safety Commission.

(11) The Director of U.S. Immigration and Customs Enforcement.

(12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) DUTIES.—The duties of the interagency Import Safety Working Group shall include—

(1) consulting on the development of the joint import safety rapid response plan required by section 202;

(2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise, including—

(A) minimizing the duplication of efforts among Federal agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and

(B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;

(3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers

in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 2 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 901));

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.

19 USC 4332.

(a) IN GENERAL.—Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group established under section 201, shall develop a plan (to be known as the "joint import safety rapid response plan") that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

Deadline.
Consultation.

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) CONTENTS.—The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) UPDATES OF PLAN.—The Secretary of Homeland Security shall review and update the joint import safety rapid response

Review.

plan, as appropriate, after conducting exercises under subsection (d).

(d) IMPORT HEALTH AND SAFETY EXERCISES.—

Testing. Evaluation.

(1) IN GENERAL.—The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) REQUIREMENTS FOR EXERCISES.—In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) REQUIREMENTS FOR TESTING AND EVALUATION.—The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) DISSEMINATION OF RECOMMENDATIONS AND BEST PRACTICES.—The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group established under section 201 and with, as appropriate—

(i) State, local, and tribal governments;

(ii) foreign governments; and

(iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

19 USC 4333.

SEC. 203. TRAINING.

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this title and to otherwise assist in ensuring the safety of merchandise

imported into the United States and the expeditious entry of such merchandise.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS. 19 USC 4341.

In this title, the term "intellectual property rights" refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 628 (19 U.S.C. 1628) the following new section:

"SEC. 628A. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT. 19 USC 1628a.

"(a) IN GENERAL.—Subject to subsections (c) and (d), if the Commissioner of U.S. Customs and Border Protection suspects that merchandise is being imported into the United States in violation of section 526 of this Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17, United States Code, and determines that the examination or testing of the merchandise by a person described in subsection (b) would assist the Commissioner in determining if the merchandise is being imported in violation of that section, the Commissioner, to permit the person to conduct the examination and testing—

"(1) shall provide to the person information that appears on the merchandise and its packaging and labels, including unredacted images of the merchandise and its packaging and labels; and

"(2) may, subject to any applicable bonding requirements, provide to the person unredacted samples of the merchandise.

"(b) PERSON DESCRIBED.—A person described in this subsection is—

"(1) in the case of merchandise suspected of being imported in violation of section 526, the owner of the trademark suspected of being copied or simulated by the merchandise;

"(2) in the case of merchandise suspected of being imported in violation of section 602 of title 17, United States Code, the owner of the copyright suspected of being infringed by the merchandise;

"(3) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under that title, and being imported in violation of section 1201(a)(2) of that title, the owner of a copyright in the work; and

"(4) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of an owner of a copyright in a work or a portion

of a work, and being imported in violation of section 1201(b)(1) of that title, the owner of the copyright.

Applicability.

"(c) LIMITATION.—Subsection (a) applies only with respect to merchandise suspected of infringing a trademark or copyright that is recorded with U.S. Customs and Border Protection.

"(d) EXCEPTION.—The Commissioner may not provide under subsection (a) information, photographs, or samples to a person described in subsection (b) if providing such information, photographs, or samples would compromise an ongoing law enforcement investigation or national security.".

10 USC 2302 note.

(b) TERMINATION OF PREVIOUS AUTHORITY.—Notwithstanding paragraph (2) of section 818(g) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1496; 10 U.S.C. 2302 note), paragraph (1) of that section shall have no force or effect on or after the date of the enactment of this Act.

SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.

(a) IN GENERAL.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking "or";

(2) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(G) U.S. Customs and Border Protection determines it is a technology, product, service, device, component, or part thereof the importation of which is prohibited under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.".

Deadlines.
19 USC 4342.

(b) NOTIFICATION OF PERSONS INJURED.—

(1) IN GENERAL.—Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 596(c)(2) of the Tariff Act of 1930, as added by subsection (a), the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

List.

(2) PERSONS TO BE PROVIDED INFORMATION.—Any person injured by the violation of subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code, that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list to be established and maintained by the Commissioner. The Commissioner shall publish notice of the establishment of and revisions to the list in the Federal Register.

Federal Register, publication.

Procedures.

(3) REGULATIONS.—Not later than the date that is one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this subsection.

Deadline.
19 USC 4343.

SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH COPYRIGHT REGISTRATION IS PENDING.

Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner

shall enforce a copyright for which the owner has submitted an application for registration under title 17, United States Code, with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 628A of the Tariff Act of 1930, as added by section 302.

SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER. 19 USC 4344.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall—

(1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and

(2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center. Appointment.

(b) DUTIES.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

(1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;

(2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—

(A) to develop and expand the capability of such agencies to enforce intellectual property rights; and

(B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;

(3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;

(4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;

(5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;

(6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;

(7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

(1) U.S. Customs and Border Protection;

(2) the Food and Drug Administration;

(3) the Department of Justice;

(4) the Department of Commerce, including the United States Patent and Trademark Office;

(5) the United States Postal Inspection Service;

(6) the Office of the United States Trade Representative;

(7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and

(8) any other entities that the Director considers appropriate.

(d) PRIVATE SECTOR OUTREACH.—

(1) IN GENERAL.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) INFORMATION SHARING.—The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

19 USC 4345.

SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 105—

(1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;

List.
Time period.

(2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and

Recommendations.

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

19 USC 4346.

SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) STAFFING OF NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.—The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 305; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS. 19 USC 4347.

(a) TRAINING.—The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) CONSULTATION WITH PRIVATE SECTOR.—The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) IDENTIFICATION OF NEW TECHNOLOGIES.—In consultation with private sector entities, the Commissioner shall identify— Consultation.

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) DONATIONS OF TECHNOLOGY.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall prescribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights. Deadline. Regulations.

SEC. 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING. 19 USC 4348.

(a) COOPERATION.—The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights. Coordination.

(b) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) INTERAGENCY COLLABORATION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT. Summaries. 19 USC 4349.

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance

of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals, during the preceding year, from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

Estimate.

(2) An estimate of the average time required by the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent, the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of

the volume, value, and type of merchandise seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 308 and expenditures for such training.

SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS. 19 USC 4350.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) DECLARATION FORMS.—The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after the date of the enactment of this Act include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health. Time period. Warning.

TITLE IV—PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Enforce and Protect Act of 2015.

SEC. 401. SHORT TITLE. 19 USC 4301 note.

This title may be cited as the "Enforce and Protect Act of 2015".

SEC. 402. DEFINITIONS. 19 USC 4361.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

(2) COVERED MERCHANDISE.—The term "covered merchandise" means merchandise that is subject to—

(A) a countervailing duty order issued under section 706 of the Tariff Act of 1930 (19 U.S.C. 1671e); or

(B) an antidumping duty order issued under section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e).

(3) ELIGIBLE SMALL BUSINESS.—

(A) IN GENERAL.—The term "eligible small business" means any business concern that, in the judgment of the Commissioner, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and submitting for consideration allegations of evasion.

(B) NONREVIEWABILITY.—Any agency decision regarding whether a business concern is an eligible small business for purposes of section 411(b)(4)(E) is not reviewable by any other agency or by any court.

(4) ENTER; ENTRY.—The terms "enter" and "entry" refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

(5) EVADE; EVASION.—The terms "evade" and "evasion" refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(7) TRADE REMEDY LAWS.—The term "trade remedy laws" means title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

19 USC 4362.

SEC. 403. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), this title and the amendments made by this title shall apply with respect to goods from Canada and Mexico.

Subtitle A—Actions Relating to Enforcement of Trade Remedy Laws

19 USC 4371.

SEC. 411. TRADE REMEDY LAW ENFORCEMENT DIVISION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain within the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, a Trade Remedy Law Enforcement Division.

(2) COMPOSITION.—The Trade Remedy Law Enforcement Division shall be composed of—

(A) headquarters personnel led by a Director, who shall report to the Executive Assistant Commissioner of the Office of Trade; and

(B) a National Targeting and Analysis Group dedicated to preventing and countering evasion.

(3) DUTIES.—The Trade Remedy Law Enforcement Division shall be dedicated—

(A) to the development and administration of policies to prevent and counter evasion, including policies relating to the implementation of section 517 of the Tariff Act of 1930, as added by section 421 of this Act;

(B) to direct enforcement and compliance assessment activities concerning evasion;

(C) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subsection (c);

(D) to issuing Trade Alerts described in subsection (d); and

(E) to the development of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of noncollection.

(b) DUTIES OF DIRECTOR.—The duties of the Director of the Trade Remedy Law Enforcement Division shall include—

(1) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion;

(2) facilitating, promoting, and coordinating cooperation and the exchange of information between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies regarding evasion;

(3) notifying on a timely basis the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) and the Commission (as defined in section 771(2) of the Tariff Act of 1930 (19 U.S.C. 1677(2))) of any finding, determination, civil action, or criminal action taken by U.S. Customs and Border Protection or other Federal agency regarding evasion;

(4) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding activities concerning evasion, including activities relating to investigations conducted under section 517 of the Tariff Act of 1930, as added by section 421 of this Act, which include—

(A) receiving allegations of evasion from parties, including allegations described in section 517(b)(2) of the Tariff Act of 1930, as so added;

(B) upon request by the party or parties that submitted such an allegation of evasion, providing information to such party or parties on the status of U.S. Customs and Border Protection's consideration of the allegation and decision to pursue or not pursue any administrative inquiries or other actions, such as changes in policies, procedures, or resource allocation as a result of the allegation;

(C) as needed, requesting from the party or parties that submitted such an allegation of evasion any additional information that may be relevant for U.S. Customs and Border Protection determining whether to initiate an administrative inquiry or take any other action regarding the allegation;

(D) notifying on a timely basis the party or parties that submitted such an allegation of the results of any administrative, civil, or criminal actions taken by U.S. Customs and Border Protection or other Federal agency regarding evasion as a direct or indirect result of the allegation;

(E) upon request, providing technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit such an allegation of

evasion, except that the Director may deny technical assistance if the Director concludes that the allegation, if submitted, would not lead to the initiation of an administrative inquiry or any other action to address the allegation;

(F) in cooperation with the public, the Commercial Customs Operations Advisory Committee established under section 109, the Trade Support Network, and any other relevant parties and organizations, developing guidelines on the types and nature of information that may be provided in such an allegation of evasion; and

(G) consulting regularly with the public, the Commercial Customs Operations Advisory Committee, the Trade Support Network, and any other relevant parties and organizations regarding the development and implementation of regulations, interpretations, and policies related to countering evasion.

(c) PREVENTING AND COUNTERING EVASION OF THE TRADE REMEDY LAWS.—In carrying out its duties with respect to preventing and countering evasion, the National Targeting and Analysis Group dedicated to preventing and countering evasion shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may constitute evading covered merchandise; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (d); and

(2) to the extent practicable and otherwise authorized by law, use information available from the Automated Commercial System, the Automated Commercial Environment, the Automated Targeting System, the Automated Export System, the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), and the TECS (formerly known as the "Treasury Enforcement Communications System"), and any similar and successor systems, to administer the methodologies and standards established under paragraph (1).

(d) TRADE ALERTS.—Based upon the application of the targeted risk assessment methodologies and standards established under subsection (c), the Director of the Trade Remedy Law Enforcement Division shall issue Trade Alerts or other such means of notification to directors of United States ports of entry directing further inspection, physical examination, or testing of merchandise to ensure compliance with the trade remedy laws and to require additional bonds, cash deposits, or other security to ensure collection of any duties, taxes, and fees owed.

19 USC 4372.

SEC. 412. COLLECTION OF INFORMATION ON EVASION OF TRADE REMEDY LAWS.

Determination.

(a) AUTHORITY TO COLLECT INFORMATION.—To determine whether covered merchandise is being entered into the customs territory of the United States through evasion, the Secretary, acting through the Commissioner—

(1) shall exercise all existing authorities to collect information needed to make the determination; and

(2) may collect such additional information as is necessary to make the determination through such methods as the

Commissioner considers appropriate, including by issuing questionnaires with respect to the entry or entries at issue to—

(A) a person who filed an allegation with respect to the covered merchandise;

(B) a person who is alleged to have entered the covered merchandise into the customs territory of the United States through evasion; or

(C) any other person who is determined to have information relevant to the allegation of entry of covered merchandise into the customs territory of the United States through evasion.

(b) ADVERSE INFERENCE.—

(1) USE OF ADVERSE INFERENCE.—

(A) IN GENERAL.—If the Secretary finds that a person described in subparagraph (B) has failed to cooperate by not acting to the best of the person's ability to comply with a request for information under subsection (a), the Secretary may, in making a determination whether an entry or entries of covered merchandise may constitute merchandise that is entered into the customs territory of the United States through evasion, use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

(B) PERSON DESCRIBED.—A person described in this subparagraph is—

(i) a person who filed an allegation with respect to covered merchandise;

(ii) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

(iii) a foreign producer or exporter of covered merchandise that is alleged to have entered into the customs territory of the United States through evasion.

(C) APPLICATION.—An inference described in subparagraph (A) may be used under that subparagraph with respect to a person described in clause (ii) or (iii) of subparagraph (B) without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by the Secretary, such as import or export documentation.

(2) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under paragraph (1)(A) may include reliance on information derived from—

(A) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;

(B) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or

(C) any other available information.

SEC. 413. ACCESS TO INFORMATION.

(a) IN GENERAL.—Section 777(b)(1)(A)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)(ii)) is amended by inserting "negligence, gross negligence, or" after "regarding".

19 USC 4373.

(b) ADDITIONAL INFORMATION.—Notwithstanding any other provision of law, the Secretary is authorized to provide to the Secretary of Commerce or the United States International Trade Commission any information that is necessary to enable the Secretary of Commerce or the United States International Trade Commission to assist the Secretary to identify, through risk assessment targeting or otherwise, covered merchandise that is entered into the customs territory of the United States through evasion.

19 USC 4374.

SEC. 414. COOPERATION WITH FOREIGN COUNTRIES ON PREVENTING EVASION OF TRADE REMEDY LAWS.

(a) BILATERAL AGREEMENTS.—

Negotiation.

(1) IN GENERAL.—The Secretary shall seek to negotiate and enter into bilateral agreements with the customs authorities or other appropriate authorities of foreign countries for purposes of cooperation on preventing evasion of the trade remedy laws of the United States and the trade remedy laws of the other country.

(2) PROVISIONS AND AUTHORITIES.—The Secretary shall seek to include in each such bilateral agreement the following provisions and authorities:

Regulations.
Procedures.
Records.
Determination.

(A) On the request of the importing country, the exporting country shall provide, consistent with its laws, regulations, and procedures, production, trade, and transit documents and other information necessary to determine whether an entry or entries exported from the exporting country are subject to the importing country's trade remedy laws.

Verification.
Determination.

(B) On the written request of the importing country, the exporting country shall conduct a verification for purposes of enabling the importing country to make a determination described in subparagraph (A).

(C) The exporting country may allow the importing country to participate in a verification described in subparagraph (B), including through a site visit.

(D) If the exporting country does not allow participation of the importing country in a verification described in subparagraph (B), the importing country may take this fact into consideration in its trade enforcement and compliance assessment activities regarding the compliance of the exporting country's exports with the importing country's trade remedy laws.

(b) CONSIDERATION.—The Commissioner is authorized to take into consideration whether a country is a signatory to a bilateral agreement described in subsection (a) and the extent to which the country is cooperating under the bilateral agreement for purposes of trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion by such country's exports.

(c) REPORT.—Not later than December 31 of each calendar year beginning after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing—

(1) the status of any ongoing negotiations of bilateral agreements described in subsection (a), including the identities of the countries involved in such negotiations;

(2) the terms of any completed bilateral agreements described in subsection (a); and

(3) bilateral cooperation and other activities conducted pursuant to or enabled by any completed bilateral agreements described in subsection (a).

SEC. 415. TRADE NEGOTIATING OBJECTIVES. 19 USC 4375.

The principal negotiating objectives of the United States shall include obtaining the objectives of the bilateral agreements described under section 414(a) for any trade agreements under negotiation as of the date of the enactment of this Act or future trade agreement negotiations.

Subtitle B—Investigation of Evasion of Trade Remedy Laws

SEC. 421. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

"SEC. 517. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS. 19 USC 1517.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

"(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection.

"(3) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

"(A) an antidumping duty order issued under section 736; or

"(B) a countervailing duty order issued under section 706.

"(4) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, of merchandise into the customs territory of the United States.

"(5) EVASION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evasion' refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

"(B) EXCEPTION FOR CLERICAL ERROR.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'evasion' does not include entering covered merchandise into the customs territory of the United States by means of—

"(I) a document or electronically transmitted data or information, written or oral statement,

or act that is false as a result of a clerical error; or

"(II) an omission that results from a clerical error.

Determination.

"(ii) PATTERNS OF NEGLIGENT CONDUCT.—If the Commissioner determines that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) and that the clerical error is part of a pattern of negligent conduct on the part of that person, the Commissioner may determine, notwithstanding clause (i), that the person has entered such covered merchandise into the customs territory of the United States through evasion.

"(iii) ELECTRONIC REPETITION OF ERRORS.—For purposes of clause (ii), the mere nonintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

"(iv) RULE OF CONSTRUCTION.—A determination by the Commissioner that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) rather than through evasion shall not be construed to excuse that person from the payment of any duties applicable to the merchandise.

"(6) INTERESTED PARTY.—

"(A) IN GENERAL.—The term 'interested party' means—

"(i) a foreign manufacturer, producer, or exporter, or the United States importer, of covered merchandise or a trade or business association a majority of the members of which are producers, exporters, or importers of such merchandise;

"(ii) a manufacturer, producer, or wholesaler in the United States of a domestic like product;

"(iii) a certified union or recognized union or group of workers that is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product;

"(iv) a trade or business association a majority of the members of which manufacture, produce, or wholesale a domestic like product in the United States;

"(v) an association a majority of the members of which is composed of interested parties described in clause (ii), (iii), or (iv) with respect to a domestic like product; and

"(vi) if the covered merchandise is a processed agricultural product, as defined in section 771(4)(E), a coalition or trade association that is representative of either—

"(I) processors;

"(II) processors and producers; or

"(III) processors and growers.

"(B) DOMESTIC LIKE PRODUCT.—For purposes of subparagraph (A), the term 'domestic like product' means a product that is like, or in the absence of like, most

similar in characteristics and uses with, covered merchandise.

"(b) INVESTIGATIONS.—

"(1) IN GENERAL.—Not later than 15 business days after receiving an allegation described in paragraph (2) or a referral described in paragraph (3), the Commissioner shall initiate an investigation if the Commissioner determines that the information provided in the allegation or the referral, as the case may be, reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion. Deadline. Determination.

"(2) ALLEGATION DESCRIBED.—An allegation described in this paragraph is an allegation that a person has entered covered merchandise into the customs territory of the United States through evasion that is—

"(A) filed with the Commissioner by an interested party; and

"(B) accompanied by information reasonably available to the party that filed the allegation.

"(3) REFERRAL DESCRIBED.—A referral described in this paragraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, that reasonably suggests that a person has entered covered merchandise into the customs territory of the United States through evasion.

"(4) CONSIDERATION BY ADMINISTERING AUTHORITY.—

"(A) IN GENERAL.—If the Commissioner receives an allegation under paragraph (2) and is unable to determine whether the merchandise at issue is covered merchandise, the Commissioner shall—

"(i) refer the matter to the administering authority to determine whether the merchandise is covered merchandise pursuant to the authority of the administering authority under title VII; and Referral. Determination.

"(ii) notify the party that filed the allegation, and any other interested party participating in the investigation, of the referral. Notification.

"(B) DETERMINATION; TRANSMISSION TO COMMISSIONER.—After receiving a referral under subparagraph (A)(i) with respect to merchandise, the administering authority shall determine whether the merchandise is covered merchandise and promptly transmit that determination to the Commissioner.

"(C) STAY OF DEADLINES.—The period required for any referral and determination under this paragraph shall not be counted in calculating any deadline under this section.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the authority of an interested party to commence an action in the United States Court of International Trade under section 516A(a)(2) with respect to a determination of the administering authority under this paragraph.

"(5) CONSOLIDATION OF ALLEGATIONS AND REFERRALS.—

"(A) IN GENERAL.—The Commissioner may consolidate multiple allegations described in paragraph (2) and referrals described in paragraph (3) into a single investigation

if the Commissioner determines it is appropriate to do so.

"(B) EFFECT ON TIMING REQUIREMENTS.—If the Commissioner consolidates multiple allegations or referrals into a single investigation under subparagraph (A), the date on which the Commissioner receives the first such allegation or referral shall be used for purposes of the requirement under paragraph (1) with respect to the timing of the initiation of the investigation.

"(6) INFORMATION-SHARING TO PROTECT HEALTH AND SAFETY.—If, during the course of conducting an investigation under paragraph (1) with respect to covered merchandise, the Commissioner has reason to suspect that such covered merchandise may pose a health or safety risk to consumers, the Commissioner shall provide, as appropriate, information to the appropriate Federal agencies for purposes of mitigating the risk.

"(7) TECHNICAL ASSISTANCE AND ADVICE.—

"(A) IN GENERAL.—Upon request, the Commissioner shall provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations described in paragraph (2), except that the Commissioner may deny technical assistance if the Commissioner concludes that the allegation, if submitted, would not lead to the initiation of an investigation under this subsection or any other action to address the allegation.

"(B) ELIGIBLE SMALL BUSINESS DEFINED.—

"(i) IN GENERAL.—In this paragraph, the term 'eligible small business' means any business concern that the Commissioner determines, due to its small size, has neither adequate internal resources nor the financial ability to obtain qualified outside assistance in preparing and filing allegations described in paragraph (2).

"(ii) NON-REVIEWABILITY.—The determination of the Commissioner regarding whether a business concern is an eligible small business for purposes of this paragraph is not reviewable by any other agency or by any court.

"(c) DETERMINATIONS.—

"(1) DETERMINATION OF EVASION.—

Deadline.

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 300 calendar days after the date on which the Commissioner initiates an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall make a determination, based on substantial evidence, with respect to whether such covered merchandise was entered into the customs territory of the United States through evasion.

"(B) ADDITIONAL TIME.—The Commissioner may extend the time to make a determination under subparagraph (A) by not more than 60 calendar days if the Commissioner determines that—

"(i) the investigation is extraordinarily complicated because of—

"(I) the number and complexity of the transactions to be investigated;

"(II) the novelty of the issues presented; or

"(III) the number of entities to be investigated; and

"(ii) additional time is necessary to make the determination under subparagraph (A).

"(2) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a determination under paragraph (1) with respect to covered merchandise, the Commissioner may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

"(A) issuing a questionnaire with respect to such covered merchandise to—

"(i) an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise;

"(ii) a person alleged to have entered such covered merchandise into the customs territory of the United States through evasion;

"(iii) a person that is a foreign producer or exporter of such covered merchandise; or

"(iv) the government of a country from which such covered merchandise was exported; and

"(B) conducting verifications, including on-site verifications, of any relevant information.

"(3) ADVERSE INFERENCE.—

"(A) IN GENERAL.—If the Commissioner finds that a party or person described in clause (i), (ii), or (iii) of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person's ability to comply with a request for information, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.

"(B) APPLICATION.—An inference described in subparagraph (A) may be used under that subparagraph with respect to a person described in clause (ii) or (iii) of paragraph (2)(A) without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by the Commissioner, such as import or export documentation.

"(C) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under subparagraph (A) may include reliance on information derived from—

"(i) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;

"(ii) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or

"(iii) any other available information.

"(4) NOTIFICATION.—Not later than 5 business days after making a determination under paragraph (1) with respect to covered merchandise, the Commissioner— Deadline.

"(A) shall provide to each interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise a notification of the determination and may, in addition, include an explanation of the basis for the determination; and

"(B) may provide to importers, in such manner as the Commissioner determines appropriate, information discovered in the investigation that the Commissioner determines will help educate importers with respect to importing merchandise into the customs territory of the United States in accordance with all applicable laws and regulations.

"(d) EFFECT OF DETERMINATIONS.—

"(1) IN GENERAL.—If the Commissioner makes a determination under subsection (c) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

Suspension.

"(A)(i) suspend the liquidation of unliquidated entries of such covered merchandise that are subject to the determination and that enter on or after the date of the initiation of the investigation under subsection (b) with respect to such covered merchandise and on or before the date of the determination; or

"(ii) if the Commissioner has already suspended the liquidation of such entries pursuant to subsection (e)(1), continue to suspend the liquidation of such entries;

"(B) pursuant to the Commissioner's authority under section 504(b)—

Extension.

"(i) extend the period for liquidating unliquidated entries of such covered merchandise that are subject to the determination and that entered before the date of the initiation of the investigation; or

"(ii) if the Commissioner has already extended the period for liquidating such entries pursuant to subsection (e)(1), continue to extend the period for liquidating such entries;

Notification.

"(C) notify the administering authority of the determination and request that the administering authority—

"(i) identify the applicable antidumping or countervailing duty assessment rates for entries described in subparagraphs (A) and (B); or

"(ii) if no such assessment rate for such an entry is available at the time, identify the applicable cash deposit rate to be applied to the entry, with the applicable antidumping or countervailing duty assessment rate to be provided as soon as that rate becomes available;

Requirement.

"(D) require the posting of cash deposits and assess duties on entries described in subparagraphs (A) and (B) in accordance with the instructions received from the administering authority under paragraph (2); and

"(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

"(i) initiating proceedings under section 592 or 596;

"(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rule sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)), importers, other parties, and merchandise that may be associated with evasion; Consultation.

"(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to deposit estimated duties at the time of entry; and

"(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation. Referral. Records.

"(2) COOPERATION OF ADMINISTERING AUTHORITY.—

"(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (1)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

"(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and the administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (1)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

"(e) INTERIM MEASURES.—Not later than 90 calendar days after initiating an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall decide based on the investigation if there is a reasonable suspicion that such covered merchandise was entered into the customs territory of the United States through evasion and, if the Commissioner decides there is such a reasonable suspicion, the Commissioner shall— Deadline.

"(1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after the date of the initiation of the investigation; Suspension.

"(2) pursuant to the Commissioner's authority under section 504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and Extension.

"(3) pursuant to the Commissioner's authority under section 623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.

Deadlines.

"(f) ADMINISTRATIVE REVIEW.—

"(1) IN GENERAL.—Not later than 30 business days after the Commissioner makes a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may file an appeal with the Commissioner for de novo review of the determination.

"(2) TIMELINE FOR REVIEW.—Not later than 60 business days after an appeal of a determination is filed under paragraph (1), the Commissioner shall complete the review of the determination.

"(g) JUDICIAL REVIEW.—

Deadline.

"(1) IN GENERAL.—Not later than 30 business days after the Commissioner completes a review under subsection (f) of a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may seek judicial review of the determination under subsection (c) and the review under subsection (f) in the United States Court of International Trade to determine whether the determination and review is conducted in accordance with subsections (c) and (f).

"(2) STANDARD OF REVIEW.—In determining whether a determination under subsection (c) or review under subsection (f) is conducted in accordance with those subsections, the United States Court of International Trade shall examine—

"(A) whether the Commissioner fully complied with all procedures under subsections (c) and (f); and

"(B) whether any determination, finding, or conclusion is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the availability of judicial review to an interested party under any other provision of law.

"(h) RULE OF CONSTRUCTION WITH RESPECT TO OTHER CIVIL AND CRIMINAL PROCEEDINGS AND INVESTIGATIONS.—No determination under subsection (c), review under subsection (f), or action taken by the Commissioner pursuant to this section shall preclude any individual or entity from proceeding, or otherwise affect or limit the authority of any individual or entity to proceed, with any civil, criminal, or administrative investigation or proceeding pursuant to any other provision of Federal or State law, including sections 592 and 596.".

(b) CONFORMING AMENDMENT.—Section 1581(c) of title 28, United States Code, is amended by inserting "or 517" after "516A".

19 USC 1517 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary shall prescribe such regulations as may be necessary to implement the amendments made by this section. Deadline. 19 USC 1517 note.

Subtitle C—Other Matters

SEC. 431. ALLOCATION AND TRAINING OF PERSONNEL. 19 USC 4391.

The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing and investigating the entry of covered merchandise into the customs territory of the United States through evasion;

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States; and

(3) provides adequate training to relevant personnel to increase expertise and effectiveness in the prevention and identification of entries of covered merchandise into the customs territory of the United States through evasion.

SEC. 432. ANNUAL REPORT ON PREVENTION AND INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS. 19 USC 4392.

(a) IN GENERAL.—Not later than January 15 of each calendar year that begins on or after the date that is 270 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the efforts being taken to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion. Consultation.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion; Summary.

(B) the number of allegations of evasion received, including allegations received under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 421 of this Act, and the number of such allegations resulting in investigations by U.S. Customs and Border Protection or any other Federal agency;

(C) a summary of investigations initiated, including investigations initiated under subsection (b) of such section 517, including— Summary.

(i) the number and nature of the investigations initiated, conducted, or completed; and

(ii) the resolution of each completed investigation;

(D) the amount of additional duties that were determined to be owed as a result of such investigations, the amount of such duties that were collected, and, for any such duties not collected, a description of the reasons those duties were not collected;

(E) with respect to each such investigation that led to the imposition of a penalty, the amount of the penalty;

(F) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion;

(G) the amount of antidumping and countervailing duties collected as a result of any investigations or other actions by U.S. Customs and Border Protection or any other Federal agency;

(H) a description of the allocation of personnel and other resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to prevent and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(I) a description of training conducted to increase expertise and effectiveness in the prevention and investigation of evasion; and

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

Guidelines.

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

Evaluation.

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) PUBLIC SUMMARY.—The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 421 of this Act;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

SEC. 433. ADDRESSING CIRCUMVENTION BY NEW SHIPPERS.

Section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)) is amended—

(1) by striking clause (iii);

(2) by redesignating clause (iv) as clause (iii); and

(3) by inserting after clause (iii), as redesignated by paragraph (2) of this section, the following:

"(iv) DETERMINATIONS BASED ON BONA FIDE SALES.—Any weighted average dumping margin or individual countervailing duty rate determined for an exporter or producer in a review conducted under clause (i) shall be based solely on the bona fide United States sales of an exporter or producer, as the case may be, made during the period covered by the review. In determining whether the United States sales of an exporter or producer made during the period covered by the review were bona fide, the administering authority shall consider, depending on the circumstances surrounding such sales—

"(I) the prices of such sales;

"(II) whether such sales were made in commercial quantities;

"(III) the timing of such sales;

"(IV) the expenses arising from such sales;

"(V) whether the subject merchandise involved in such sales was resold in the United States at a profit;

"(VI) whether such sales were made on an arms-length basis; and

"(VII) any other factor the administering authority determines to be relevant as to whether such sales are, or are not, likely to be typical of those the exporter or producer will make after completion of the review.".

Small Business Trade Enhancement Act of 2015.

TITLE V—SMALL BUSINESS TRADE ISSUES AND STATE TRADE COORDINATION

15 USC 631 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Trade Enhancement Act of 2015" or the "State Trade Coordination Act".

SEC. 502. OUTREACH AND INPUT FROM SMALL BUSINESSES TO TRADE PROMOTION AUTHORITY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in the matter preceding paragraph (1), by striking "The Office of Advocacy" and inserting the following:

"(a) IN GENERAL.—The Office of Advocacy"; and

(2) by adding at the end the following:

"(b) OUTREACH AND INPUT FROM SMALL BUSINESSES ON TRADE PROMOTION AUTHORITY.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'agency' has the meaning given the term in section 551 of title 5, United States Code;

"(B) the term 'Chief Counsel for Advocacy' means the Chief Counsel for Advocacy of the Small Business Administration;

"(C) the term 'covered trade agreement' means a trade agreement being negotiated pursuant to section 103(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4202(b)); and

"(D) the term 'Working Group' means the Interagency Working Group convened under paragraph (2)(A).

"(2) WORKING GROUP.—

Deadline. Establishment.

"(A) IN GENERAL.—Not later than 30 days after the date on which the President submits the notification required under section 105(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4204(a)), the Chief Counsel for Advocacy shall convene an Interagency Working Group, which shall consist of an employee from each of the following agencies, as selected by the head of the agency or an official delegated by the head of the agency:

"(i) The Office of the United States Trade Representative.

"(ii) The Department of Commerce.

"(iii) The Department of Agriculture.

Consultation.

"(iv) Any other agency that the Chief Counsel for Advocacy, in consultation with the United States Trade Representative, determines to be relevant with respect to the subject of the covered trade agreement.

Deadline.

"(B) VIEWS OF SMALL BUSINESSES.—Not later than 30 days after the date on which the Chief Counsel for Advocacy convenes the Working Group under subparagraph (A), the Chief Counsel for Advocacy shall identify a diverse group of small businesses, representatives of small businesses, or a combination thereof, to provide to the Working Group

the views of small businesses in the manufacturing, services, and agriculture industries on the potential economic effects of the covered trade agreement.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Chief Counsel for Advocacy convenes the Working Group under paragraph (2)(A), the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Finance of the Senate and the Committee on Small Business and the Committee on Ways and Means of the House of Representatives a report on the economic impacts of the covered trade agreement on small businesses, which shall—

"(i) identify the most important priorities, opportunities, and challenges to various industries from the covered trade agreement;

"(ii) assess the impact for new small businesses to start exporting, or increase their exports, to markets in countries that are parties to the covered trade agreement; Assessment.

"(iii) analyze the competitive position of industries likely to be significantly affected by the covered trade agreement; Analysis.

"(iv) identify—

"(I) any State-owned enterprises in each country participating in negotiations for the covered trade agreement that could pose a threat to small businesses; and

"(II) any steps to take to create a level playing field for those small businesses;

"(v) identify any rule of an agency that should be modified to become compliant with the covered trade agreement; and

"(vi) include an overview of the methodology used to develop the report, including the number of small business participants by industry, how those small businesses were selected, and any other factors that the Chief Counsel for Advocacy may determine appropriate. Overview.

"(B) DELAYED SUBMISSION.—To ensure that negotiations for the covered trade agreement are not disrupted, the President may require that the Chief Counsel for Advocacy delay submission of the report under subparagraph (A) until after the negotiations for the covered trade agreement are concluded, provided that the delay allows the Chief Counsel for Advocacy to submit the report to Congress not later than 45 days before the Senate or the House of Representatives acts to approve or disapprove the covered trade agreement.

"(C) AVOIDANCE OF DUPLICATION.—The Chief Counsel for Advocacy shall, to the extent practicable, coordinate the submission of the report under this paragraph with the United States International Trade Commission, the United States Trade Representative, other agencies, and trade advisory committees to avoid unnecessary duplication of reporting requirements.".

SEC. 503. STATE TRADE EXPANSION PROGRAM.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by redesignating subsection (l) as subsection (m); and

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

"(l) STATE TRADE EXPANSION PROGRAM.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'eligible small business concern' means a business concern that—

"(i) is organized or incorporated in the United States;

"(ii) is operating in the United States;

"(iii) meets—

"(I) the applicable industry-based small business size standard established under section 3; or

"(II) the alternate size standard applicable to the program under section 7(a) of this Act and the loan programs under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

"(iv) has been in business for not less than 1 year, as of the date on which assistance using a grant under this subsection commences; and

"(v) has access to sufficient resources to bear the costs associated with trade, including the costs of packing, shipping, freight forwarding, and customs brokers;

"(B) the term 'program' means the State Trade Expansion Program established under paragraph (2);

"(C) the term 'rural small business concern' means an eligible small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986;

"(D) the term 'socially and economically disadvantaged small business concern' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)); and

"(E) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

Grants.

"(2) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a trade expansion program, to be known as the 'State Trade Expansion Program', to make grants to States to carry out programs that assist eligible small business concerns in—

"(A) participation in foreign trade missions;

"(B) a subscription to services provided by the Department of Commerce;

"(C) the payment of website fees;

"(D) the design of marketing media;

"(E) a trade show exhibition;

"(F) participation in training workshops;

"(G) a reverse trade mission;

"(H) procurement of consultancy services (after consultation with the Department of Commerce to avoid duplication); or Consultation.

"(I) any other initiative determined appropriate by the Associate Administrator.

"(3) GRANTS.—

"(A) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State exploring significant new trade opportunities.

"(B) CONSIDERATIONS.—In making grants under this subsection, the Associate Administrator may give priority to an application by a State that proposes a program that—

"(i) focuses on eligible small business concerns as part of a trade expansion program;

"(ii) demonstrates intent to promote trade expansion by—

"(I) socially and economically disadvantaged small business concerns;

"(II) small business concerns owned or controlled by women; and

"(III) rural small business concerns;

"(iii) promotes trade facilitation from a State that is not 1 of the 10 States with the highest percentage of eligible small business concerns that are engaged in international trade, based upon the most recent data from the Department of Commerce; and

"(iv) includes—

"(I) activities which have resulted in the highest return on investment based on the most recent year; and

"(II) the adoption of shared best practices included in the annual report of the Administration.

"(C) LIMITATIONS.—

"(i) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

"(ii) PROPORTION OF AMOUNTS.—The total value of grants made under the program during a fiscal year to the 10 States with the highest percentage of eligible small business concerns, based upon the most recent data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

"(iii) DURATION.—The Associate Administrator shall award a grant under this program for a period of not more than 2 years.

"(D) APPLICATION.—

"(i) IN GENERAL.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

"(ii) CONSULTATION TO REDUCE DUPLICATION.—A State desiring a grant under the program shall—

"(I) before submitting an application under clause (i), consult with applicable trade agencies of the Federal Government on the scope and mission of the activities the State proposes to carry out using the grant, to ensure proper coordination and reduce duplication in services; and

"(II) document the consultation conducted under subclause (I) in the application submitted under clause (i).

"(4) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

"(5) FEDERAL SHARE.—The Federal share of the cost of a trade expansion program carried out using a grant under the program shall be—

"(A) for a State that has a high trade volume, as determined by the Associate Administrator, not more than 65 percent; and

"(B) for a State that does not have a high trade volume, as determined by the Associate Administrator, not more than 75 percent.

"(6) NON-FEDERAL SHARE.—The non-Federal share of the cost of a trade expansion program carried out using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(7) REPORTS.—

"(A) INITIAL REPORT.—Not later than 120 days after the date of enactment of this subsection, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

"(i) a description of the structure of and procedures for the program;

Management plan.

"(ii) a management plan for the program; and

"(iii) a description of the merit-based review process to be used in the program.

"(B) ANNUAL REPORTS.—

Web posting.

"(i) IN GENERAL.—The Associate Administrator shall publish on the website of the Administration an annual report regarding the program, which shall include—

"(I) the number and amount of grants made under the program during the preceding year;

"(II) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with each grant;

"(III) the effect of each grant on the eligible small business concerns in the State receiving the grant;

"(IV) the total return on investment for each State; and

"(V) a description of best practices by States that showed high returns on investment and

significant progress in helping more eligible small business concerns.

"(ii) NOTICE TO CONGRESS.—On the date on which the Associate Administrator publishes a report under clause (i), the Associate Administrator shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that the report has been published.

"(8) REVIEWS BY INSPECTOR GENERAL.—

"(A) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

"(i) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

"(ii) the overall management and effectiveness of the program.

"(B) REPORTS.—

"(i) PILOT PROGRAM.—Not later than 6 months after the date of enactment of this subsection, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the use of amounts made available under the State Trade and Export Promotion Grant Program under section 1207 of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note).

"(ii) NEW STEP PROGRAM.—Not later than 18 months after the date on which the first grant is awarded under this subsection, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under subparagraph (A).

"(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2016 through 2020.".

SEC. 504. STATE AND FEDERAL EXPORT PROMOTION COORDINATION.

(a) STATE AND FEDERAL EXPORT PROMOTION COORDINATION WORKING GROUP.—Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by inserting after section 2313 the following:

"SEC. 2313A. STATE AND FEDERAL EXPORT PROMOTION COORDINATION WORKING GROUP. 15 USC 4728a.

"(a) STATEMENT OF POLICY.—It is the policy of the United States to promote exports as an opportunity for small businesses. In exercising their powers and functions in order to advance that policy, all Federal agencies shall work constructively with State and local agencies engaged in export promotion and export financing activities.

"(b) ESTABLISHMENT.—The President shall establish a State and Federal Export Promotion Coordination Working Group (in this section referred to as the 'Working Group') as a subcommittee President.

of the Trade Promotion Coordination Committee (in this section referred to as the 'TPCC').

"(c) PURPOSES.—The purposes of the Working Group are—

"(1) to identify issues related to the coordination of Federal resources relating to export promotion and export financing with such resources provided by State and local governments;

"(2) to identify ways to improve coordination with respect to export promotion and export financing activities through the strategic plan developed under section 2312(c);

Strategy.

"(3) to develop a strategy for improving coordination of Federal and State resources relating to export promotion and export financing, including methods to eliminate duplication of effort and overlapping functions; and

Strategic plan.

"(4) to develop a strategic plan for considering and implementing the suggestions of the Working Group as part of the strategic plan developed under section 2312(c).

"(d) MEMBERSHIP.—The Secretary of Commerce shall select the members of the Working Group, who shall include—

"(1) representatives from State trade agencies representing regionally diverse areas; and

"(2) representatives of the departments and agencies that are represented on the TPCC, who are designated by the heads of their respective departments or agencies to advise the head on ways of promoting the exportation of United States goods and services.".

(b) REPORT ON IMPROVEMENTS TO EXPORT.GOV AS A SINGLE WINDOW FOR EXPORT INFORMATION.—

Consultation. Recommendations.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Associate Administrator for International Trade of the Small Business Administration shall, after consultation with the entities specified in paragraph (2), submit to the appropriate congressional committees a report that includes the recommendations of the Associate Administrator for improving the experience provided by the Internet website Export.gov (or a successor website) as—

(A) a comprehensive resource for information about exporting articles from the United States; and

(B) a single website for exporters to submit all information required by the Federal Government with respect to the exportation of articles from the United States.

(2) ENTITIES SPECIFIED.—The entities specified in this paragraph are—

(A) small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are exporters; and

(B) the President's Export Council, State agencies with responsibility for export promotion or export financing, district export councils, and trade associations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Small Business and Entrepreneurship and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives.

(c) AVAILABILITY OF STATE RESOURCES GUIDES ON EXPORT.GOV.—The Secretary of Commerce shall make available on the Internet website Export.gov (or a successor website) information on the resources relating to export promotion and export financing available in each State— 15 USC 4727 note.

(1) organized by State; and

(2) including information on State agencies with responsibility for export promotion or export financing and district export councils and trade associations located in the State.

SEC. 505. STATE TRADE COORDINATION. 15 USC 4721a.

(a) MEMBERSHIP OF REPRESENTATIVES OF STATE TRADE PROMOTION AGENCIES ON TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

"(2) REPRESENTATIVES FROM STATE TRADE PROMOTION AGENCIES.—The TPCC shall also include 1 or more members appointed by the President who are representatives of State trade promotion agencies."; and President.

(2) in subsection (e), in the first sentence, by inserting "(other than members described in subsection (d)(2))" after "Members of the TPCC".

(b) FEDERAL AND STATE EXPORT PROMOTION COORDINATION PLAN.—

(1) IN GENERAL.—The Secretary of Commerce, acting through the Trade Promotion Coordinating Committee and in coordination with representatives of State trade promotion agencies, shall develop a comprehensive plan to integrate the resources and strategies of State trade promotion agencies into the overall Federal trade promotion program.

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include the following:

(A) A description of the role of State trade promotion agencies in assisting exporters.

(B) An outline of the role of State trade promotion agencies and how it is different from Federal agencies located within or providing services within the State.

(C) A plan on how to utilize State trade promotion agencies in the Federal trade promotion program.

(D) An explanation of how Federal and State agencies will share information and resources.

(E) A description of how Federal and State agencies will coordinate education and trade events in the United States and abroad.

(F) A description of the efforts to increase efficiency and reduce duplication.

(G) A clear identification of where businesses can receive appropriate international trade information under the plan.

(3) DEADLINE.—The plan required under paragraph (1) shall be finalized and submitted to Congress not later than 12 months after the date of the enactment of this Act.

(c) ANNUAL FEDERAL-STATE EXPORT STRATEGY.—

(1) IN GENERAL.—The Secretary of Commerce, acting through the head of the United States Foreign and Commercial Service, shall develop an annual Federal-State export strategy for each State that submits to the Secretary of Commerce its export strategy for the upcoming calendar year. In developing an annual Federal-State export strategy under this paragraph, the Secretary of Commerce shall take into account the Federal and State export promotion coordination plan developed under subsection (b).

(2) MATTERS TO BE INCLUDED.—The Federal-State export strategy required under paragraph (1) shall include the following:

(A) The State's export strategy and economic goals.

(B) The State's key sectors and industries of focus.

(C) Possible foreign and domestic trade events.

(D) Efforts to increase efficiencies and reduce duplication.

(3) REPORT.—The Federal-State export strategy required under paragraph (1) shall be submitted to the Trade Promotion Coordinating Committee not later than February 1, 2017, and February 1 of each year thereafter.

(d) COORDINATED METRICS AND INFORMATION SHARING.—

Framework.

(1) IN GENERAL.—The Secretary of Commerce, in coordination with representatives of State trade promotion agencies, shall develop a framework to share export success information, and develop a coordinated set of reporting metrics.

(2) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report that contains the framework and reporting metrics required under paragraph (1).

(e) ANNUAL SURVEY AND ANALYSIS AND REPORT UNDER NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (c)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) in coordination with State trade promotion agencies, include a survey and analysis regarding the overall effectiveness of Federal-State coordination and export promotion goals on an annual basis, to further include best practices, recommendations to better assist small businesses, and other relevant matters."; and

(2) in subsection (f)(1), by inserting "(including implementation of the survey and analysis described in paragraph (7) of that subsection)" after "the implementation of such plan".

TITLE VI—ADDITIONAL ENFORCEMENT PROVISIONS

SEC. 601. TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

"SEC. 310. TRADE ENFORCEMENT PRIORITIES.

"(a) TRADE ENFORCEMENT PRIORITIES, CONSULTATIONS, AND REPORT.—

"(1) TRADE ENFORCEMENT PRIORITIES CONSULTATIONS.—Not later than May 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States Trade Representative (in this section referred to as the 'Trade Representative') shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the prioritization of acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain barriers to United States goods, services, or investment.

"(2) IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.—In identifying acts, policies, or practices of foreign governments as trade enforcement priorities under this subsection, the Trade Representative shall focus on those acts, policies, and practices the elimination of which is likely to have the most significant potential to increase United States economic growth, and take into account all relevant factors, including—

"(A) the economic significance of any potential inconsistency between an obligation assumed by a foreign government pursuant to a trade agreement to which both the foreign government and the United States are parties and the acts, policies, or practices of that government;

"(B) the impact of the acts, policies, or practices of a foreign government on maintaining and creating United States jobs and productive capacity;

"(C) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

"(D) the major barriers and trade distorting practices described in other relevant reports addressing international trade and investment barriers prepared by a Federal agency or congressional commission during the 12 months preceding the date of the most recent report under paragraph (3);

"(E) a foreign government's compliance with its obligations under any trade agreements to which both the foreign government and the United States are parties;

"(F) the implications of a foreign government's procurement plans and policies; and

"(G) the international competitive position and export potential of United States products and services.

"(3) REPORT ON TRADE ENFORCEMENT PRIORITIES AND ACTIONS TAKEN TO ADDRESS.—

"(A) IN GENERAL.—Not later than July 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on acts, policies, or practices of foreign governments identified as trade enforcement priorities based on the consultations

under paragraph (1) and the criteria set forth in paragraph (2).

"(B) REPORT IN SUBSEQUENT YEARS.—The Trade Representative shall include, when reporting under subparagraph (A) in any calendar year after the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a description of actions taken to address any acts, policies, or practices of foreign governments identified as trade enforcement priorities under this subsection in the calendar year preceding that report and, as relevant, any calendar year before that calendar year.

"(b) SEMIANNUAL ENFORCEMENT CONSULTATIONS.—

Deadline.

"(1) IN GENERAL.—At the same time as the reporting under subsection (a)(3), and not later than January 31 of each following year, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the identification, prioritization, investigation, and resolution of acts, policies, or practices of foreign governments of concern with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or that otherwise create or maintain trade barriers.

"(2) ACTS, POLICIES, OR PRACTICES OF CONCERN.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain trade barriers, including—

"(A) engagement with relevant trading partners;

"(B) strategies for addressing such concerns;

"(C) availability and deployment of resources to be used in the investigation or resolution of such concerns;

"(D) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party relating to such concerns; and

"(E) any other aspects of such concerns.

"(3) ACTIVE INVESTIGATIONS.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices that the Trade Representative is actively investigating with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

"(A) strategies for addressing concerns raised by such acts, policies, or practices;

"(B) any relevant timeline with respect to investigation of such acts, policies, or practices;

"(C) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices;

"(D) barriers to the advancement of the investigation of such acts, policies, or practices; and

"(E) any other matters relating to the investigation of such acts, policies, or practices.

"(4) ONGOING ENFORCEMENT ACTIONS.—The semiannual enforcement consultations required by paragraph (1) shall address all ongoing enforcement actions taken by or against the United States with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

"(A) any relevant timeline with respect to such actions;

"(B) the merits of such actions;

"(C) any prospective implementation actions;

"(D) potential implications for any law or regulation of the United States;

"(E) potential implications for United States stakeholders, domestic competitors, and exporters; and

"(F) other issues relating to such actions.

"(5) ENFORCEMENT RESOURCES.—The semiannual enforcement consultations required by paragraph (1) shall address the availability and deployment of enforcement resources, resource constraints on monitoring and enforcement activities, and strategies to address those constraints, including the use of available resources of other Federal agencies to enhance monitoring and enforcement capabilities.

"(c) INVESTIGATION AND RESOLUTION.—In the case of any acts, policies, or practices of a foreign government identified as a trade enforcement priority under subsection (a), the Trade Representative shall, not later than the date of the first semiannual enforcement consultations held under subsection (b) after the identification of the priority, take appropriate action to address that priority, including— Deadline.

"(1) engagement with the foreign government to resolve concerns raised by such acts, policies, or practices;

"(2) initiation of an investigation under section 302(b)(1) with respect to such acts, policies, or practices;

"(3) initiation of negotiations for a bilateral agreement that provides for resolution of concerns raised by such acts, policies, or practices; or

"(4) initiation of dispute settlement proceedings under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices.

"(d) ENFORCEMENT NOTIFICATIONS AND CONSULTATION.—

"(1) INITIATION OF ENFORCEMENT ACTION.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the initiation of any formal trade dispute by or against the United States taken in regard to an obligation under the WTO Agreements or any other trade agreement to which the United States is a party. With respect to a formal trade dispute against the United States, if advance notification and consultation are not possible, the Trade Representative shall notify and consult at the earliest practicable opportunity after initiation of the dispute.

"(2) CIRCULATION OF REPORTS.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the announced or anticipated circulation of any report of a dispute settlement panel

or the Appellate Body of the World Trade Organization or of a dispute settlement panel under any other trade agreement to which the United States is a party with respect to a formal trade dispute by or against the United States.

"(e) DEFINITIONS.—In this section:

"(1) WTO.—The term 'WTO' means the World Trade Organization.

"(2) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

"(3) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.".

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310 and inserting the following:

"Sec. 310. Trade enforcement priorities.".

SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS.

(a) IN GENERAL.—Section 306 of the Trade Act of 1974 (19 U.S.C. 2416) is amended—

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

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

"(c) EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS.—If—

"(1) action has terminated pursuant to section 307(c),

"(2) the petitioner or any representative of the domestic industry that would benefit from reinstatement of action has submitted to the Trade Representative a written request for reinstatement of action, and

"(3) the Trade Representatives has completed the requirements of subsection (d) and section 307(c)(3),

the Trade Representative may at any time determine to take action under section 301(c) to exercise an authorization to suspend concessions or other obligations under Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16))).".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended—

(1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)), in the matter preceding subparagraph (A), by inserting "or section 306(c)" after "subsection (a) or (b)";

(2) in section 306(b) (19 U.S.C. 2416(b)), in the subsection heading, by striking "FURTHER ACTION" and inserting "ACTION ON THE BASIS OF MONITORING";

(3) in section 306(d) (19 U.S.C. 2416(d)), as redesignated by subsection (a)(1), by inserting "or (c)" after "subsection (b)"; and

(4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)), by inserting "or if a request is submitted to the Trade Representative under section 306(c)(2) to reinstate action," after "under section 301,".

SEC. 603. TRADE MONITORING.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

"SEC. 205. TRADE MONITORING.

Deadlines.
Web postings.
19 USC 2255.
Public information.

"(a) MONITORING TOOL FOR IMPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported to the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

"(2) DATA DESCRIBED.—For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

"(3) PERIODS OF TIME.—The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

"(b) MONITORING REPORTS.—

"(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit subheading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

"(2) REQUESTS FOR COMMENT.—Not later than one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

Federal Register, publication.

"(c) SUNSET.—The requirements under this section terminate on the date that is seven years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.".

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after the item relating to section 204 the following:

"Sec. 205. Trade monitoring.".

SEC. 604. ESTABLISHMENT OF INTERAGENCY CENTER ON TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended by adding at the end the following:

"(h) INTERAGENCY CENTER ON TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.—

"(1) ESTABLISHMENT OF CENTER.—There is established in the Office of the United States Trade Representative an Interagency Center on Trade Implementation, Monitoring, and Enforcement (in this section referred to as the 'Center').

"(2) FUNCTIONS OF CENTER.—The Center shall support the activities of the United States Trade Representative in—

"(A) investigating potential disputes under the auspices of the World Trade Organization;

"(B) investigating potential disputes pursuant to bilateral and regional trade agreements to which the United States is a party;

"(C) carrying out the functions of the United States Trade Representative under this section with respect to the monitoring and enforcement of trade agreements to which the United States is a party; and

"(D) monitoring measures taken by parties to implement provisions of trade agreements to which the United States is a party.

"(3) PERSONNEL.—

Appointment.

"(A) DIRECTOR.—The head of the Center shall be a Director, who shall be appointed by the United States Trade Representative.

Consultation.

"(B) ADDITIONAL EMPLOYEES.—A Federal agency may, in consultation with and with the approval of the United States Trade Representative, detail or assign one or more employees to the Center without any reimbursement from the Center to support the functions of the Center.".

(b) INTERAGENCY RESOURCES.—Section 141(d)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(d)(1)(A)) is amended by inserting ", including resources of the Interagency Center on Trade Implementation, Monitoring, and Enforcement established under subsection (h)," after "interagency resources".

(c) REPORTS.—Section 163 of the Trade Act of 1974 (19 U.S.C. 2213) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (J), by striking "and" at the end;

(B) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(L) the operation of the Interagency Center on Trade Implementation, Monitoring, and Enforcement established under section 141(h), including—

"(i) information relating to the personnel of the Center, including a description of any employees detailed or assigned to the Center by a Federal agency under paragraph (3)(B) of such section;

"(ii) information relating to the functions of the Center; and

"(iii) an assessment of the operating costs of the Center."; and

(2) by adding at the end the following:

"(d) QUADRENNIAL PLAN AND REPORT.—

"(1) QUADRENNIAL PLAN.—Pursuant to the goals and objectives of the strategic plan of the Office of the United States Trade Representative as required under section 306 of title 5, United States Code, the Trade Representative shall, every 4 years, develop a plan—

"(A) to analyze internal quality controls and record management of the Office; Analysis. Records.

"(B) to identify existing staff of the Office and new staff that will be necessary to support the trade negotiation and enforcement functions and powers of the Office (including those functions and powers of the Trade Policy Staff Committee) as described in section 141 and section 301;

"(C) to identify existing staff of the Office and staff in other Federal agencies who will be required to be detailed or assigned to support interagency programs led by the Trade Representative, including any associated expenses;

"(D) to provide an outline of budget justifications, including salaries and expenses as well as nonpersonnel administrative expenses, for the fiscal years required under the strategic plan; and

"(E) to provide an outline of budget justifications, including salaries and expenses as well as nonpersonnel administrative expenses, for interagency programs led by the Trade Representative for the fiscal years required under the strategic plan.

"(2) REPORT.—

"(A) IN GENERAL.—The Trade Representative shall submit to the appropriate congressional committees a report that contains the plan required under paragraph (1). Except as provided in subparagraph (B), the report required under this subparagraph shall be submitted in conjunction with the strategic plan of the Office as required under section 306 of title 5, United States Code.

"(B) EXCEPTION.—The Trade Representative shall submit to the appropriate congressional committees an initial report that contains the plan required under paragraph (1) not later than June 1, 2016.

"(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate congressional committees' means—

"(i) the Committee on Finance and the Committee on Appropriations of the Senate; and

"(ii) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.".

SEC. 605. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES. 19 USC 4401.

(a) IN GENERAL.—The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section 754(e) of the Tariff Act of 1930 (19 U.S.C. 1675c(e)) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after the date of the enactment of this Act.

(b) DISTRIBUTIONS DESCRIBED.—Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of title VII of the Deficit Reduction Act

of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise that—

(1) were made on or before September 30, 2007; and

(2) were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) INTEREST DESCRIBED.—

(1) INTEREST REALIZED.—Interest described in this subsection is interest earned on antidumping duties or countervailing duties described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment; or

(B) a settlement with respect to a customs bond, including any payment made to U.S. Customs and Border Protection with respect to that bond by a surety.

(2) TYPES OF INTEREST.—Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g).

(B) Interest accrued under section 505(d) of the Tariff Act of 1930 (19 U.S.C. 1505(d)).

(C) Equitable interest under common law and interest under section 963 of the Revised Statutes (19 U.S.C. 580) awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTIES.—The term "antidumping duties" means antidumping duties imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).

(2) COUNTERVAILING DUTIES.—The term "countervailing duties" means countervailing duties imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

19 USC 4402.

SEC. 606. ILLICITLY IMPORTED, EXPORTED, OR TRAFFICKED CULTURAL PROPERTY, ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIALS, AND FISH, WILDLIFE, AND PLANTS.

(a) IN GENERAL.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that appropriate personnel of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are trained in the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife, and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

(b) TRAINING.—The Commissioner and the Director are authorized to accept training and other support services from experts outside of the Federal Government with respect to the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, or fish, wildlife, and plants described in subsection (a).

SEC. 607. ENFORCEMENT UNDER TITLE III OF THE TRADE ACT OF 1974 WITH RESPECT TO CERTAIN ACTS, POLICIES, AND PRACTICES.

Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) in clause (iii)(V), by striking the period at the end and inserting ", or"; and

(3) by adding at the end the following:

"(iv) constitutes a persistent pattern of conduct by the government of a foreign country under which that government fails to effectively enforce commitments under agreements to which the foreign country and the United States are parties, including with respect to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and state-controlled enterprises, localization barriers to trade, labor and the environment, anticorruption, trade remedy laws, textiles, and commercial partnerships.".

SEC. 608. HONEY TRANSSHIPMENT. 19 USC 4403.

(a) IN GENERAL.—The Commissioner shall direct appropriate personnel and the use of resources of U.S. Customs and Border Protection to address concerns that honey is being imported into the United States in violation of the customs and trade laws of the United States.

(b) COUNTRY OF ORIGIN.—

(1) IN GENERAL.—The Commissioner shall compile a database of the individual characteristics of honey produced in foreign countries to facilitate the verification of country of origin markings of imported honey. Records.

(2) ENGAGEMENT WITH FOREIGN GOVERNMENTS.—The Commissioner shall seek to engage the customs agencies of foreign governments for assistance in compiling the database described in paragraph (1).

(3) CONSULTATION WITH INDUSTRY.—In compiling the database described in paragraph (1), the Commissioner shall consult with entities in the honey industry regarding the development of industry standards for honey identification.

(4) CONSULTATION WITH FOOD AND DRUG ADMINISTRATION.—In compiling the database described in paragraph (1), the Commissioner shall consult with the Commissioner of Food and Drugs.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) describes and assesses the limitations in the existing analysis capabilities of laboratories with respect to determining the country of origin of honey samples or the percentage of honey contained in a sample; and Assessment.

(2) includes any recommendations of the Commissioner for improving such capabilities. Recommendations.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Commissioner of Food and Drugs should promptly establish a national standard of identity for honey for the Commissioner

of U.S. Customs and Border Protection to use to ensure that imports of honey are—

(1) classified accurately for purposes of assessing duties; and

(2) denied entry into the United States if such imports pose a threat to the health or safety of consumers in the United States.

SEC. 609. ESTABLISHMENT OF CHIEF INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2)—

(A) by striking "and one Chief Agricultural Negotiator" and inserting ", one Chief Agricultural Negotiator, and one Chief Innovation and Intellectual Property Negotiator,";

(B) by striking "or the Chief Agricultural Negotiator" and inserting ", the Chief Agricultural Negotiator, or the Chief Innovation and Intellectual Property Negotiator"; and

(C) by striking "and the Chief Agricultural Negotiator" and inserting ", the Chief Agricultural Negotiator, and the Chief Innovation and Intellectual Property Negotiator"; and

(2) in subsection (c)—

(A) by moving paragraph (5) 2 ems to the left; and

(B) by adding at the end the following:

"(6) The principal functions of the Chief Innovation and Intellectual Property Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States intellectual property and to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of United States innovation. The Chief Innovation and Intellectual Property Negotiator shall be a vigorous advocate on behalf of United States innovation and intellectual property interests. The Chief Innovation and Intellectual Property Negotiator shall perform such other functions as the United States Trade Representative may direct.".

(b) COMPENSATION.—Section 5314 of title 5, United States Code is amended by striking "Chief Agricultural Negotiator." and inserting the following:

"Chief Agricultural Negotiator, Office of the United States Trade Representative.

"Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.".

19 USC 4404.

(c) REPORT REQUIRED.—Not later than one year after the appointment of the first Chief Innovation and Intellectual Property Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

Time period.

(1) enforcement actions taken by the Trade Representative during the one-year period preceding the submission of the report to ensure the protection of United States innovation and intellectual property interests; and

(2) other actions taken by the Trade Representative to advance United States innovation and intellectual property interests.

SEC. 610. MEASURES RELATING TO COUNTRIES THAT DENY ADEQUATE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

(a) INCLUSION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF TRADE SECRETS.—Section 182(d)(2) of the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) is amended by inserting ", trade secrets," after "copyrights".

(b) SPECIAL RULES FOR COUNTRIES ON THE PRIORITY WATCH LIST OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended by striking subsection (g) and inserting the following:

"(g) SPECIAL RULES FOR FOREIGN COUNTRIES ON THE PRIORITY WATCH LIST.—

"(1) ACTION PLANS.—

"(A) IN GENERAL.—Not later than 90 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall develop an action plan described in subparagraph (C) with respect to each foreign country described in subparagraph (B). Deadline.

"(B) FOREIGN COUNTRY DESCRIBED.—The Trade Representative shall develop an action plan under subparagraph (A) with respect to each foreign country that—

"(i) the Trade Representative has identified for placement on the priority watch list; and

"(ii) has remained on such list for at least one year.

"(C) ACTION PLAN DESCRIBED.—An action plan developed under subparagraph (A) shall contain the benchmarks described in subparagraph (D) and be designed to assist the foreign country—

"(i) to achieve—

"(I) adequate and effective protection of intellectual property rights; and

"(II) fair and equitable market access for United States persons that rely upon intellectual property protection; or

"(ii) to make significant progress toward achieving the goals described in clause (i).

"(D) BENCHMARKS DESCRIBED.—The benchmarks contained in an action plan developed pursuant to subparagraph (A) are such legislative, institutional, enforcement, or other actions as the Trade Representative determines to be necessary for the foreign country to achieve the goals described in clause (i) or (ii) of subparagraph (C).

"(2) FAILURE TO MEET ACTION PLAN BENCHMARKS.—If, as of one year after the date on which an action plan is developed under paragraph (1)(A), the President, in consultation with the Trade Representative, determines that the foreign country to which the action plan applies has not substantially complied with the benchmarks described in paragraph (1)(D), the President may take appropriate action with respect to the foreign country. President. Consultation. Determination.

"(3) PRIORITY WATCH LIST DEFINED.—In this subsection, the term 'priority watch list' means the priority watch list established by the Trade Representative pursuant to subsection (a).

Time period.

"(h) ANNUAL REPORT.—Not later than 30 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including—

List.

"(1) a list of any foreign countries identified under subsection (a);

"(2) a description of progress made in achieving improved intellectual property protection and market access for persons relying on intellectual property rights; and

"(3) a description of the action plans developed under subsection (g) and any actions taken by foreign countries under such plans.".

19 USC 2242 note.

(2) FUNDING.—

(A) IN GENERAL.—Amounts from the Trade Enforcement Trust Fund established under section 611 may be expended by the United States Trade Representative, only as provided by appropriations Acts, to provide assistance to any developing country to which an action plan applies under section 182(g) of the Trade Act of 1974, as amended by paragraph (1), to facilitate the efforts of the developing country to comply with the benchmarks contained in the action plan. Such assistance may include capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing intellectual property rights in the developing country.

(B) DEVELOPING COUNTRY DEFINED.—In this paragraph, the term "developing country" means a country classified by the World Bank as having a low-income or lower-middle-income economy.

19 USC 2242 note.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendment made by this subsection shall be construed as limiting the authority of the President or the United States Trade Representative to develop action plans other than action plans described in section 182(g) of the Trade Act of 1974, as amended by paragraph (1), or to take any action otherwise authorized by law in response to the failure of a foreign country to provide adequate and effective protection and enforcement of intellectual property rights.

19 USC 4405.

SEC. 611. TRADE ENFORCEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Trade Enforcement Trust Fund (in this section referred to as the "Trust Fund"), consisting of amounts transferred to the Trust Fund under subsection (b) and any amounts that may be credited to the Trust Fund under subsection (c).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the

Treasury, for each fiscal year that begins on or after the date of the enactment of this Act through fiscal year 2026, an amount equal to $15,000,000 (or a lesser amount as required pursuant to paragraph (2)).

(2) LIMITATION.—The total amount in the Trust Fund at any time may not exceed $30,000,000.

(3) FREQUENCY OF TRANSFERS.—The Secretary shall transfer amounts required to be transferred to the Trust Fund under paragraph (1) not less frequently than quarterly from the general fund of the Treasury to the Trust Fund in a manner that ensures that the total amount in the Trust Fund at the end of the quarter does not exceed the limitation established under paragraph (2).

(c) INVESTMENT OF AMOUNTS.—

(1) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—

(1) IN GENERAL.—The United States Trade Representative shall, on the basis of the advice of the Trade Policy Committee and relevant subordinate bodies of the TPC, use or transfer for the use by Federal agencies represented on the TPC amounts in the Trust Fund, only as provided by appropriations Acts, for making expenditures for any of the following:

(A) To seek to enforce the provisions of and commitments and obligations under the WTO Agreements and free trade agreements to which the United States is a party and resolve any actions by foreign countries that are inconsistent with those provisions, commitments, and obligations.

(B) To monitor and ensure the full implementation by foreign countries of the provisions of and commitments and obligations under free trade agreements to which the United States is a party for purposes of systematically assessing, identifying, investigating, or initiating steps to address inconsistencies with those provisions, commitments, and obligations.

(C) To thoroughly investigate and respond to petitions under section 302 of the Trade Act of 1974 (19 U.S.C. 2412) requesting that action be taken under section 301 of such Act (19 U.S.C. 2411).

(D) To support capacity-building efforts undertaken by the United States pursuant to any free trade agreement to which the United States is a party and to prioritize and give special attention to the timely, consistent, and robust implementation of the commitments and obligations of a party to that free trade agreement, including commitments and obligations related to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and

state-controlled enterprises, localization barriers to trade, labor and the environment, currency, foreign currency manipulation, anticorruption, trade remedy laws, textiles, and commercial partnerships.

(E) To support capacity-building efforts undertaken by the United States pursuant to any such free trade agreement and to include performance indicators against which the progress and obstacles for the implementation of commitments and obligations can be identified and assessed within a meaningful time frame.

(2) LIMITATION.—Amounts made available in the Trust Fund may not be used to offset costs of conducting negotiations for any free trade agreement to be entered into on or after the date of the enactment of this Act, but may be used to support implementation and capacity building prior to entry into force of a free trade agreement.

Consultation.

(e) REPORT.—Not later than 18 months after the entry into force of any free trade agreement entered into after the date of the enactment of this Act, the United States Trade Representative, in consultation with the Federal agencies represented on the TPC, shall submit to Congress a report on the actions taken under subsection (d) in connection with that agreement.

(f) COMPTROLLER GENERAL STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that includes the following:

Analysis.

(A) A comprehensive analysis of the trade enforcement expenditures of each Federal agency with responsibilities relating to trade that specifies, with respect to each such Federal agency—

(i) the amounts appropriated for trade enforcement; and

(ii) the number of full-time employees carrying out activities relating to trade enforcement.

Recommendations.

(B) Recommendations on the additional employees and resources that each such Federal agency may need to effectively enforce the free trade agreements to which the United States is a party.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) TRADE POLICY COMMITTEE; TPC.—The terms "Trade Policy Committee" and "TPC" mean the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872).

(2) WTO.—The term "WTO" means the World Trade Organization.

(3) WTO AGREEMENT.—The term "WTO Agreement" has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(4) WTO AGREEMENTS.—The term "WTO Agreements" means the WTO Agreement and agreements annexed to that Agreement.

TITLE VII—ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES

SEC. 701. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES. 19 USC 4421.

(a) MAJOR TRADING PARTNER REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

(i) for each country that is a major trading partner of the United States—

(I) that country's bilateral trade balance with the United States;

(II) that country's current account balance as a percentage of its gross domestic product;

(III) the change in that country's current account balance as a percentage of its gross domestic product during the 3-year period preceding the submission of the report;

(IV) that country's foreign exchange reserves as a percentage of its short-term debt; and

(V) that country's foreign exchange reserves as a percentage of its gross domestic product; and

(ii) an enhanced analysis of macroeconomic and exchange rate policies for each country that is a major trading partner of the United States that has—

(I) a significant bilateral trade surplus with the United States;

(II) a material current account surplus; and

(III) engaged in persistent one-sided intervention in the foreign exchange market.

(B) ENHANCED ANALYSIS.—Each enhanced analysis under subparagraph (A)(ii) shall include, for each country with respect to which an analysis is made under that subparagraph—

(i) a description of developments in the currency markets of that country, including, to the greatest extent feasible, developments with respect to currency interventions;

(ii) a description of trends in the real effective exchange rate of the currency of that country and in the degree of undervaluation of that currency;

(iii) an analysis of changes in the capital controls and trade restrictions of that country; and

(iv) patterns in the reserve accumulation of that country.

(3) ASSESSMENT FACTORS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publicly describe the factors used to assess under paragraph (2)(A)(ii) whether a country has a significant bilateral trade surplus with the United States, has a material current account surplus, and has engaged in persistent one-sided intervention in the foreign exchange market.

(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC POLICIES.—

President.

(1) IN GENERAL.—The President, through the Secretary, shall commence enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted under subsection (a), in order to, as appropriate—

(A) urge implementation of policies to address the causes of the undervaluation of its currency, its significant bilateral trade surplus with the United States, and its material current account surplus, including undervaluation and surpluses relating to exchange rate management;

(B) express the concern of the United States with respect to the adverse trade and economic effects of that undervaluation and those surpluses;

(C) advise that country of the ability of the President to take action under subsection (c); and/or

Plan.

(D) develop a plan with specific actions to address that undervaluation and those surpluses.

(2) WAIVER.—

Determination.

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) to commence enhanced bilateral engagement with a country if the Secretary determines that commencing enhanced bilateral engagement with the country—

(i) would have an adverse impact on the United States economy greater than the benefits of such action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION AND REPORT.—The Secretary shall promptly certify to Congress a determination under subparagraph (A) and promptly submit to Congress a report that describes in detail the reasons for the Secretary's determination under subparagraph (A).

President.

(c) REMEDIAL ACTION.—

Determination.

(1) IN GENERAL.—If, on or after the date that is one year after the commencement of enhanced bilateral engagement by the President, through the Secretary, with respect to a country under subsection (b)(1), the Secretary determines that the country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A) with respect to that country, the President shall take one or more of the following actions:

(A) Prohibit the Overseas Private Investment Corporation from approving any new financing (including any insurance, reinsurance, or guarantee) with respect to a project located in that country on and after such date.

(B) Except as provided in paragraph (3), and pursuant to paragraph (4), prohibit the Federal Government from

procuring, or entering into any contract for the procurement of, goods or services from that country on and after such date.

(C) Instruct the United States Executive Director of the International Monetary Fund to call for additional rigorous surveillance of the macroeconomic and exchange rate policies of that country and, as appropriate, formal consultations on findings of currency manipulation.

(D) Instruct the United States Trade Representative to take into account, in consultation with the Secretary, in assessing whether to enter into a bilateral or regional trade agreement with that country or to initiate or participate in negotiations with respect to a bilateral or regional trade agreement with that country, the extent to which that country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A).

(2) WAIVER.— Determination.

(A) IN GENERAL.—The President may waive the requirement under paragraph (1) to take remedial action if the President determines that taking remedial action under paragraph (1) would—

(i) have an adverse impact on the United States economy greater than the benefits of taking remedial action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION AND REPORT.—The President shall promptly certify to Congress a determination under subparagraph (A) and promptly submit to Congress a report that describes in detail the reasons for the President's determination under subparagraph (A).

(3) EXCEPTION.—The President may not apply a prohibition under paragraph (1)(B) in a manner that is inconsistent with United States obligations under international agreements.

(4) CONSULTATIONS.—

(A) OFFICE OF MANAGEMENT AND BUDGET.—Before applying a prohibition under paragraph (1)(B), the President shall consult with the Director of the Office of Management and Budget to determine whether such prohibition would subject the taxpayers of the United States to unreasonable cost.

(B) CONGRESS.—The President shall consult with the appropriate committees of Congress with respect to any action the President takes under paragraph (1)(B), including whether the President has consulted as required under subparagraph (A).

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) COUNTRY.—The term "country" means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries,

dependent territories, or possessions of countries into a customs union outside the United States.

(3) REAL EFFECTIVE EXCHANGE RATE.—The term "real effective exchange rate" means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

19 USC 4422.

SEC. 702. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the "Committee").

(2) DUTIES.—The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

President.

(C) Three members shall be appointed by the President.

(2) QUALIFICATIONS.—Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—

(A) IN GENERAL.—Members shall be appointed for a term of 2 years or until the Committee terminates.

(B) REAPPOINTMENT.—A member may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DURATION OF COMMITTEE.—

(1) IN GENERAL.—The Committee shall terminate on the date that is 2 years after the date of the enactment of this Act unless renewed by the President for a subsequent 2-year period.

(2) CONTINUED RENEWAL.—The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) MEETINGS.—The Committee shall hold not fewer than 2 meetings each calendar year.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) REELECTION; SUBSEQUENT TERMS.—A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) STAFF.—The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect $1,000,000 to carry out this section.

TITLE VIII—MATTERS RELATING TO U.S. CUSTOMS AND BORDER PROTECTION

U.S. Customs and Border Protection Authorization Act.

Subtitle A—Establishment of U.S. Customs and Border Protection

SEC. 801. SHORT TITLE.

19 USC 4301 note.

This title may be cited as the "U.S. Customs and Border Protection Authorization Act".

SEC. 802. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

"SEC. 411. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

"(a) IN GENERAL.—There is established in the Department an agency to be known as U.S. Customs and Border Protection.

"(b) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—

"(1) IN GENERAL.—There shall be at the head of U.S. Customs and Border Protection a Commissioner of U.S. Customs and Border Protection (in this section referred to as the 'Commissioner').

"(2) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, any nomination for the Commissioner submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance.

"(c) DUTIES.—The Commissioner shall—

"(1) coordinate and integrate the security, trade facilitation, and trade enforcement functions of U.S. Customs and Border Protection;

"(2) ensure the interdiction of persons and goods illegally entering or exiting the United States;

"(3) facilitate and expedite the flow of legitimate travelers and trade;

"(4) direct and administer the commercial operations of U.S. Customs and Border Protection, and the enforcement of the customs and trade laws of the United States;

"(5) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

"(6) safeguard the borders of the United States to protect against the entry of dangerous goods;

"(7) ensure the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;

"(8) in coordination with U.S. Immigration and Customs Enforcement and United States Citizenship and Immigration Services, enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), including—

"(A) the inspection, processing, and admission of persons who seek to enter or depart the United States; and

"(B) the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States;

"(9) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

"(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

"(11) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 421;

"(12) in coordination with the Under Secretary for Management of the Department, ensure U.S. Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management

directives for major acquisition programs of U.S. Customs and Border Protection;

"(13) ensure that the policies and regulations of U.S. Customs and Border Protection are consistent with the obligations of the United States pursuant to international agreements;

"(14) enforce and administer—

"(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945); and

"(B) the Customs–Trade Partnership Against Terrorism program under subtitle B of title II of such Act (6 U.S.C. 961 et seq.);

"(15) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4105);

"(16) establish the standard operating procedures described in subsection (k);

"(17) carry out the training required under subsection (l); and

"(18) carry out other duties and powers prescribed by law or delegated by the Secretary.

"(d) DEPUTY COMMISSIONER.—There shall be in U.S. Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of U.S. Customs and Border Protection.

"(e) U.S. BORDER PATROL.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection the U.S. Border Patrol.

"(2) CHIEF.—There shall be at the head of the U.S. Border Patrol a Chief, who shall—

"(A) be at the level of Executive Assistant Commissioner within U.S. Customs and Border Protection; and

"(B) report to the Commissioner.

"(3) DUTIES.—The U.S. Border Patrol shall—

"(A) serve as the law enforcement office of U.S. Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported into or exported from the United States at a place other than a designated port of entry;

"(B) deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband; and

"(C) carry out other duties and powers prescribed by the Commissioner.

"(f) AIR AND MARINE OPERATIONS.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an office known as Air and Marine Operations.

"(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of Air and Marine Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

"(3) DUTIES.—Air and Marine Operations shall—

"(A) serve as the law enforcement office within U.S. Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other

contraband across the borders of the United States in the air and maritime environment;

"(B) conduct joint aviation and marine operations with U.S. Immigration and Customs Enforcement;

"(C) conduct aviation and marine operations with international, Federal, State, and local law enforcement agencies, as appropriate;

"(D) administer the Air and Marine Operations Center established under paragraph (4); and

"(E) carry out other duties and powers prescribed by the Commissioner.

"(4) AIR AND MARINE OPERATIONS CENTER.—

"(A) IN GENERAL.—There is established in Air and Marine Operations an Air and Marine Operations Center.

"(B) EXECUTIVE DIRECTOR.—There shall be at the head of the Air and Marine Operations Center an Executive Director, who shall report to the Executive Assistant Commissioner of Air and Marine Operations.

"(C) DUTIES.—The Air and Marine Operations Center shall—

"(i) manage the air and maritime domain awareness of the Department, as directed by the Secretary;

"(ii) monitor and coordinate the airspace for unmanned aerial systems operations of Air and Marine Operations in U.S. Customs and Border Protection;

"(iii) detect, identify, and coordinate a response to threats to national security in the air domain, in coordination with other appropriate agencies, as determined by the Executive Assistant Commissioner;

"(iv) provide aviation and marine support to other Federal, State, tribal, and local agencies; and

"(v) carry out other duties and powers prescribed by the Executive Assistant Commissioner.

"(g) OFFICE OF FIELD OPERATIONS.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Field Operations.

"(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

"(3) DUTIES.—The Office of Field Operations shall coordinate the enforcement activities of U.S. Customs and Border Protection at United States air, land, and sea ports of entry to—

"(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

"(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

"(C) prevent illicit drugs, agricultural pests, and contraband from entering the United States;

"(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

"(E) administer the National Targeting Center established under paragraph (4);

"(F) coordinate with the Executive Assistant Commissioner for the Office of Trade with respect to the trade

facilitation and trade enforcement activities of U.S. Customs and Border Protection; and

"(G) carry out other duties and powers prescribed by the Commissioner.

"(4) NATIONAL TARGETING CENTER.—

"(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

"(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Executive Assistant Commissioner of the Office of Field Operations.

"(C) DUTIES.—The National Targeting Center shall—

"(i) serve as the primary forum for targeting operations within U.S. Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States to identify and address security risks and strengthen trade enforcement;

"(ii) identify, review, and target travelers and cargo for examination;

"(iii) coordinate the examination of entry and exit of travelers and cargo;

"(iv) develop and conduct commercial risk assessment targeting with respect to cargo destined for the United States;

"(v) coordinate with the Transportation Security Administration, as appropriate;

"(vi) issue Trade Alerts pursuant to section 111(b) of the Trade Facilitation and Trade Enforcement Act of 2015; and

"(vii) carry out other duties and powers prescribed by the Executive Assistant Commissioner.

"(5) ANNUAL REPORT ON STAFFING.—

"(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Executive Assistant Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line U.S. Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.

"(B) FORM.—The report required under subparagraph (A) shall, to the greatest extent practicable, be submitted in unclassified form, but may be submitted in classified form, if the Executive Assistant Commissioner determines that such is appropriate and informs the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the reasoning for such.

"(h) OFFICE OF INTELLIGENCE.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Intelligence.

"(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence an Assistant Commissioner, who shall report to the Commissioner.

"(3) DUTIES.—The Office of Intelligence shall—

"(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the duties and responsibilities of U.S. Customs and Border Protection;

"(B) manage the counterintelligence operations of U.S. Customs and Border Protection;

"(C) establish, in coordination with the Chief Intelligence Officer of the Department, as appropriate, intelligence-sharing relationships with Federal, State, local, and tribal agencies and intelligence agencies;

"(D) conduct risk-based covert testing of U.S. Customs and Border Protection operations, including for nuclear and radiological risks; and

"(E) carry out other duties and powers prescribed by the Commissioner.

"(i) OFFICE OF INTERNATIONAL AFFAIRS.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of International Affairs.

"(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

"(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of Policy of the Department, shall—

"(A) coordinate and support U.S. Customs and Border Protection's foreign initiatives, policies, programs, and activities;

"(B) coordinate and support U.S. Customs and Border Protection's personnel stationed abroad;

"(C) maintain partnerships and information-sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of U.S. Customs and Border Protection's duties and responsibilities;

"(D) provide necessary capacity building, training, and assistance to foreign customs and border control agencies to strengthen border, global supply chain, and travel security, as appropriate;

"(E) coordinate mission support services to sustain U.S. Customs and Border Protection's global activities;

"(F) coordinate with customs authorities of foreign countries with respect to trade facilitation and trade enforcement;

"(G) coordinate U.S. Customs and Border Protection's engagement in international negotiations;

"(H) advise the Commissioner with respect to matters arising in the World Customs Organization and other international organizations as such matters relate to the policies and procedures of U.S. Customs and Border Protection;

"(I) advise the Commissioner regarding international agreements to which the United States is a party as such

agreements relate to the policies and regulations of U.S. Customs and Border Protection; and

"(J) carry out other duties and powers prescribed by the Commissioner.

"(j) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

"(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Professional Responsibility.

"(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Professional Responsibility an Assistant Commissioner, who shall report to the Commissioner.

"(3) DUTIES.—The Office of Professional Responsibility shall—

"(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of U.S. Customs and Border Protection;

"(B) manage integrity-related programs and policies of U.S. Customs and Border Protection;

"(C) conduct research and analysis regarding misconduct of officers, agents, and other employees of U.S. Customs and Border Protection; and

"(D) carry out other duties and powers prescribed by the Commissioner.

"(k) STANDARD OPERATING PROCEDURES.—

"(1) IN GENERAL.—The Commissioner shall establish—

"(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by U.S. Customs and Border Protection personnel at United States ports of entry;

"(B) standard use of force procedures that officers and agents of U.S. Customs and Border Protection may employ in the execution of their duties, including the use of deadly force;

"(C) uniform, standardized, and publicly-available procedures for processing and investigating complaints against officers, agents, and employees of U.S. Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act' or the 'Privacy Act of 1974'); Notification.

"(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of U.S. Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and Reports. Evaluation.

"(E) standard operating procedures, acting through the Executive Assistant Commissioner for Air and Marine Operations and in coordination with the Office for Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

"(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

"(ii) a formal procedure to determine whether to approve or deny such a mission request;

"(iii) a formal procedure to determine how such mission requests are prioritized and coordinated; and

"(iv) a process regarding the protection and privacy of data and images collected by U.S. Customs and Border Protection through the use of unmanned aerial systems.

"(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

"(A) in the case of a search of information conducted on an electronic device by U.S. Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

"(B) in the case of information collected by U.S. Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

Determination.

"(3) EXCEPTIONS.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines, in the sole and unreviewable discretion of the Commissioner, that such notifications would impair national security, law enforcement, or other operational interests.

Deadline.

"(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

Deadline.
Time period.
Effective date.

"(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer, during each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and shall include the following:

"(A) A description of the activities of officers and agents of U.S. Customs and Border Protection with respect to such searches.

"(B) The number of such searches.

"(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

"(D) The number of such devices detained as the result of such searches.

"(E) The number of instances in which information collected from such devices was subjected to such searches

and was transmitted to another Federal agency, including whether such transmissions resulted in a prosecution or conviction.

"(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard use of force procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

"(A) in the case of an incident of the use of deadly force by U.S. Customs and Border Protection personnel, the Commissioner to notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation. Records. Deadline.

"(7) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report, for each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, that reviews whether the use of unmanned aerial systems is being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

"(A) shall be submitted with the annual budget of the United States Government submitted by the President under section 1105 of title 31, United States Code;

"(B) may be submitted in classified form if the Commissioner determines that such is appropriate; and

"(C) shall include—

"(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by U.S. Customs and Border Protection are collected and stored; and

"(ii) a list of Federal, State, and local law enforcement agencies that submitted mission requests in the previous year and the disposition of such requests. List.

"(l) TRAINING.—The Commissioner shall require all officers and agents of U.S. Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

"(m) SHORT-TERM DETENTION STANDARDS.—

"(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained at a United States port of entry or between ports of entry as soon as practicable following the time of such apprehension or during subsequent short-term detention.

"(2) ACCESS TO INFORMATION ON DETAINEE RIGHTS AT BORDER PATROL PROCESSING CENTERS.—

"(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a U.S. Border Patrol agent

or an Office of Field Operations officer is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

"(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

"(3) SHORT-TERM DETENTION DEFINED.—In this subsection, the term 'short-term detention' means detention in a U.S. Customs and Border Protection processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

"(4) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

"(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the procurement process and standards of entities with which U.S. Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of U.S. Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

"(6) REPORT ON INSPECTIONS OF SHORT-TERM CUSTODY FACILITIES.—The Commissioner shall—

"(A) annually inspect all facilities utilized for short-term detention; and

Public information. Recommendations.

"(B) make publicly available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

"(n) WAIT TIMES TRANSPARENCY.—

"(1) IN GENERAL.—The Commissioner shall—

Publication.

"(A) publish live wait times for travelers entering the United States at the 20 United States airports that support the highest volume of international travel (as determined by available Federal flight data);

Public information. Web posting.

"(B) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection website;

Time period. Effective date. Reports.

"(C) submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate, for each of the five calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade

Enforcement Act of 2015, a report that includes compilations of all such wait times and a ranking of such United States airports by wait times; and

"(D) provide adequate staffing at the U.S. Customs and Border Protection information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

"(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the U.S. Customs and Border Protection inspection area and such individual's clearance by a U.S. Customs and Border Protection officer.

"(o) OTHER AUTHORITIES.—

"(1) IN GENERAL.—The Secretary may establish such other offices or positions of Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of U.S. Customs and Border Protection.

"(2) NOTIFICATION.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate not later than 30 days before exercising such authority. Deadline.

"(p) REPORTS TO CONGRESS.—The Commissioner shall, on and after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, continue to submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate any report required, on the day before such date of enactment, to be submitted under any provision of law.

"(q) OTHER FEDERAL AGENCIES.—Nothing in this section may be construed as affecting in any manner the authority, existing on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, of any other Federal agency or component of the Department.

"(r) DEFINITIONS.—In this section, the terms 'commercial operations', 'customs and trade laws of the United States', 'trade enforcement', and 'trade facilitation' have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.".

(b) SPECIAL RULES.— 6 USC 211 note.

(1) TREATMENT.—Section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act, and, in addition to the functions, missions, duties, and authorities specified in such amended section 411, U.S. Customs and Border Protection shall continue to perform and carry out the functions, missions, duties, and authorities under section 411 of such Act as in existence on the day before the date of the enactment of this Act, and section 415 of the Homeland Security Act of 2002.

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding paragraph (1), nothing in this title or any amendment made

by this title may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

6 USC 211 note.

(c) CONTINUATION IN OFFICE.—

(1) COMMISSIONER.—The individual serving as the Commissioner of Customs on the day before the date of the enactment of this Act may serve as the Commissioner of U.S. Customs and Border Protection on and after such date of enactment until a Commissioner of U.S. Customs and Border Protection is appointed under section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(2) OTHER POSITIONS.—The individual serving as Deputy Commissioner, and the individuals serving as Assistant Commissioners and other officers and officials, under section 411 of the Homeland Security Act of 2002 on the day before the date of the enactment of this Act may serve as the Executive Assistant Commissioners, Deputy Commissioner, Assistant Commissioners, and other officers and officials, as appropriate, under such section 411 as amended by subsection (a) of this section unless the Commissioner of U.S. Customs and Border Protection determines that another individual should hold such position or positions.

(d) REFERENCE.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Commissioner of Customs, Department of Homeland Security" and inserting "Commissioner of U.S. Customs and Border Protection, Department of Homeland Security".

6 USC 211 note.

(2) OTHER REFERENCES.—On and after the date of the enactment of this Act, any reference in law or regulations to the "Commissioner of Customs" or the "Commissioner of the Customs Service" shall be deemed to be a reference to the Commissioner of U.S. Customs and Border Protection.

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 411 and inserting the following new item:

"Sec. 411. Establishment of U.S. Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices.".

(f) REPEALS.—Sections 416 and 418 of the Homeland Security Act of 2002 (6 U.S.C. 216 and 218), and the items relating to such sections in the table of contents in section 1(b) of such Act, are repealed.

(g) CLERICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in title I—

(i) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking "the Directorate of Border and Transportation Security" and inserting "the Commissioner of U.S. Customs and Border Protection"; and

(ii) in section 103(a)(1) (6 U.S.C. 113(a)(1))—

(I) in subparagraph (C), by striking "An Under Secretary for Border and Transportation Security." and inserting "A Commissioner of U.S. Customs and Border Protection."; and

(II) in subparagraph (G), by striking "A Director of the Office of Counternarcotics Enforcement." and inserting "A Director of U.S. Immigration and Customs Enforcement."; and

(B) in title IV—

(i) by striking the title heading and inserting "**BORDER, MARITIME, AND TRANSPORTATION SECURITY**";

(ii) in subtitle A—

(I) by striking the subtitle heading and inserting "**Border, Maritime, and Transportation Security Responsibilities and Functions**"; and

(II) in section 402 (6 U.S.C. 202)—

(aa) in the section heading, by striking "**RESPONSIBILITIES**" and inserting "**BORDER, MARITIME, AND TRANSPORTATION RESPONSIBILITIES**"; and

(bb) by striking ", acting through the Under Secretary for Border and Transportation Security,";

(iii) in subtitle B—

(I) by striking the subtitle heading and inserting "**U.S. Customs and Border Protection**";

(II) in section 412(b) (6 U.S.C. 212), by striking "the United States Customs Service" each place it appears and inserting "U.S. Customs and Border Protection";

(III) in section 413 (6 U.S.C. 213), by striking "available to the United States Customs Service or";

(IV) in section 414 (6 U.S.C. 214), by striking "the United States Customs Service" and inserting "U.S. Customs and Border Protection"; and

(V) in section 415 (6 U.S.C. 215)—

(aa) in paragraph (7), by inserting before the colon the following: ", and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act"; and

(bb) in paragraph (8), by inserting before the colon the following: ", and of U.S. Customs and Border Protection on the day before the

effective date of the U.S. Customs and Border Protection Authorization Act";

(iv) in subtitle C—

(I) by striking section 424 (6 U.S.C. 234) and inserting the following new section:

6 USC 234.

"SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY ADMINISTRATION AS A DISTINCT ENTITY.

"Notwithstanding any other provision of this Act, the Transportation Security Administration shall be maintained as a distinct entity within the Department."; and

(II) in section 430 (6 U.S.C. 238)—

(aa) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—There is established in the Department an Office for Domestic Preparedness.";

(bb) in subsection (b), by striking the second sentence; and

(cc) in subsection (c)(7), by striking "Directorate" and inserting "Department"; and

(v) in subtitle D—

(I) in section 441 (6 U.S.C. 251)—

(aa) by striking the section heading and inserting "**TRANSFER OF FUNCTIONS**"; and

(bb) by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(II) in section 443 (6 U.S.C. 253)—

(aa) in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary"; and

(bb) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement" each place it appears; and

(III) by amending section 444 (6 U.S.C. 254) to read as follows:

"SEC. 444. EMPLOYEE DISCIPLINE.

"Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.".

Repeal.

(2) CONFORMING AMENDMENTS.—Section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201) is repealed.

(3) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(A) by striking the item relating to title IV and inserting the following:

"TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY";

(B) by striking the item relating to subtitle A of title IV and inserting the following:

"Subtitle A—Border, Maritime, and Transportation Security Responsibilities and Functions";

(C) by striking the item relating to section 401;

(D) by striking the item relating to subtitle B of title IV and inserting the following:

"Subtitle B—U.S. Customs and Border Protection";

(E) by striking the item relating to section 441 and inserting the following:

"Sec. 441. Transfer of functions."; and

(F) by striking the item relating to section 442 and inserting the following:

"Sec. 442. U.S. Immigration and Customs Enforcement.".

(h) OFFICE OF TRADE.—

(1) TRADE OFFICES AND FUNCTIONS.—The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), is amended by adding at the end the following:

"SEC. 4. OFFICE OF TRADE. 19 USC 2084.

"(a) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Trade.

"(b) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Trade an Executive Assistant Commissioner, who shall report to the Commissioner of U.S. Customs and Border Protection.

"(c) DUTIES.—The Office of Trade shall—

"(1) direct the development and implementation, pursuant to the customs and trade laws of the United States, of policies and regulations administered by U.S. Customs and Border Protection;

"(2) advise the Commissioner of U.S. Customs and Border Protection with respect to the impact on trade facilitation and trade enforcement of any policy or regulation otherwise proposed or administered by U.S. Customs and Border Protection;

"(3) coordinate with the Executive Assistant Commissioner for the Office of Field Operations with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection;

"(4) direct the development and implementation of matters relating to the priority trade issues identified by the Commissioner of U.S. Customs and Border Protection in the joint strategic plan for trade facilitation and trade enforcement required under section 105 of the Trade Facilitation and Trade Enforcement Act of 2015;

"(5) otherwise advise the Commissioner of U.S. Customs and Border Protection with respect to the development and implementation of the joint strategic plan;

"(6) direct the trade enforcement activities of U.S. Customs and Border Protection;

"(7) oversee the trade modernization activities of U.S. Customs and Border Protection, including the development and implementation of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)) and support for the establishment of the

International Trade Data System under the oversight of the Department of the Treasury pursuant to section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d));

"(8) direct the administration of customs revenue functions as otherwise provided by law or delegated by the Commissioner of U.S. Customs and Border Protection; and

Reports.

"(9) prepare an annual report to be submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than June 1, 2016, and March 1 of each calendar year thereafter that includes—

"(A) a summary of the changes to customs policies and regulations adopted by U.S. Customs and Border Protection during the preceding calendar year; and

"(B) a description of the public vetting and interagency consultation that occurred with respect to each such change.

"(d) TRANSFER OF ASSETS, FUNCTIONS, PERSONNEL, OR LIABILITIES; ELIMINATION OF OFFICES.—

Deadlines.

"(1) OFFICE OF INTERNATIONAL TRADE.—

"(A) TRANSFER.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commissioner of U.S. Customs and Border Protection shall transfer the assets, functions, personnel, and liabilities of the Office of International Trade to the Office of Trade established under subsection (b).

"(B) ELIMINATION.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Office of International Trade shall be abolished.

Notification.

"(C) LIMITATION ON FUNDS.—No funds appropriated to U.S. Customs and Border Protection or the Department of Homeland Security may be used to transfer the assets, functions, personnel, or liabilities of the Office of International Trade to an office other than the Office of Trade established under subsection (a), unless the Commissioner of U.S. Customs and Border Protection notifies the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for the transfer, not less than 90 days prior to the transfer of such assets, functions, personnel, or liabilities.

"(D) OFFICE OF INTERNATIONAL TRADE DEFINED.—In this paragraph, the term 'Office of International Trade' means the Office of International Trade established by section 2 of this Act and as in effect on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

"(2) OTHER TRANSFERS.—

"(A) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection is authorized to transfer any other assets, functions, or personnel within U.S. Customs and

Border Protection to the Office of Trade established under subsection (a).

"(B) CONGRESSIONAL NOTIFICATION.—Not less than 90 days prior to the transfer of assets, functions, personnel, or liabilities under subparagraph (A), the Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for such transfer. Deadline.

"(e) DEFINITIONS.—In this section, the terms 'customs and trade laws of the United States', 'trade enforcement', and 'trade facilitation' have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.".

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Commissioner of the Office of International Trade on the day before the date of the enactment of this Act may serve as the Executive Assistant Commissioner of Trade on and after such date of enactment, at the discretion of the Commissioner of U.S. Customs and Border Protection. 19 USC 2084 note.

(3) CONFORMING AMENDMENTS.—Section 2 of the Act of March 3, 1927 (44. Stat. 1381, chapter 348; 19 U.S.C. 2072), as added by section 402 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1924), is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(i) REPORTS AND ASSESSMENTS.—

(1) REPORT ON BUSINESS TRANSFORMATION INITIATIVE.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next five years, the Commissioner shall submit to the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives and the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate a report on U.S. Customs and Border Protection's Business Transformation Initiative, including locations where the Initiative is deployed, the types of equipment utilized, a description of protocols and procedures, information on wait times at such locations since deployment, and information regarding the schedule for deployment at new locations.

(2) PORT OF ENTRY INFRASTRUCTURE NEEDS ASSESSMENTS.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall assess the physical infrastructure and technology needs at the 20 busiest land ports of entry (as measured by U.S. Customs and Border Protection) with a particular attention to identify ways to—

(A) improve travel and trade facilitation;

(B) reduce wait times;

(C) improve physical infrastructure and conditions for individuals accessing pedestrian ports of entry;

(D) enter into long-term leases with nongovernmental and private sector entities;

(E) enter into lease-purchase agreements with non-governmental and private sector entities; and

(F) achieve cost savings through leases described in subparagraphs (D) and (E).

(3) PERSONAL SEARCHES.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next three years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on supervisor-approved personal searches conducted in the previous year by U.S. Customs and Border Protection personnel. Such report shall include the number of personal searches conducted in each sector and field office, the number of invasive personal searches conducted in each sector and field office, whether personal searches were conducted by Office of Field Operations or U.S. Border Patrol personnel, and how many personal searches resulted in the discovery of contraband.

Certification.
8 USC 1185 note.

(j) TRUSTED TRAVELER PROGRAMS.—The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country for a trusted traveler program administered by U.S. Customs and Border Protection unless the Secretary certifies in writing that such government—

(1) routinely submits to INTERPOL for inclusion in INTERPOL's Stolen and Lost Travel Documents database information about lost and stolen passports and travel documents of the citizens and nationals of such country; or

(2) makes available to the United States Government the information described in paragraph (1) through another means of reporting.

Deadline.
Plan.

(k) AGRICULTURAL SPECIALIST CAREER TRACK.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a plan to create an agricultural specialist career track within U.S. Customs and Border Protection. Such plan shall include the following:

(1) A description of education, training, experience, and assignments necessary for career progression as an agricultural specialist.

(2) Recruitment and retention goals for agricultural specialists, including a timeline for fulfilling staffing deficits identified in agricultural resource allocation models.

Assessment.

(3) An assessment of equipment and other resources needed to support agricultural specialists.

(4) Any other factors the Commissioner determines appropriate.

(l) SENSE OF CONGRESS REGARDING THE FOREIGN LANGUAGE AWARD PROGRAM.—

(1) FINDINGS.—Congress finds the following:

(A) Congress established the Foreign Language Award Program (FLAP) to incentivize employees at United States ports of entry to utilize their foreign language skills on the job by providing a financial incentive for the use of the foreign language for at least ten percent of their duties

after passage of competency tests. FLAP incentivizes the use of more than two dozen languages and has been instrumental in identifying and utilizing U.S. Customs and Border Protection officers and agents who are proficient in a foreign language.

(B) In 1993, Congress provided for dedicated funding for this program by stipulating that certain fees collected by U.S. Customs and Border Protection be used to fund FLAP.

(C) Through FLAP, foreign travelers are aided by having an officer at a port of entry who speaks their language, and U.S. Customs and Border Protection benefits by being able to focus its border security efforts in a more effective manner.

(2) SENSE OF CONGRESS.—It is the sense of Congress that FLAP incentivizes U.S. Customs and Border Protection officers to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of U.S. Customs and Border Protection's security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times.

Subtitle B—Preclearance Operations

Preclearance Authorization Act of 2015. 19 USC 4301 note.

SEC. 811. SHORT TITLE.

This subtitle may be cited as the "Preclearance Authorization Act of 2015".

19 USC 4431.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

19 USC 4432.

SEC. 813. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.

Pursuant to section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) and section 103(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(7)), and provided that an aviation security preclearance agreement (as defined in section 44901(d)(4)(B) of title 49, United States Code) is in effect, the Secretary may establish and maintain U.S. Customs and Border Protection preclearance operations in a foreign country—

(1) to prevent terrorists, instruments of terrorism, and other security threats from entering the United States;

(2) to prevent inadmissible persons from entering the United States;

(3) to ensure that merchandise destined for the United States complies with applicable laws;

(4) to ensure the prompt processing of persons eligible to travel to the United States; and

(5) to accomplish such other objectives as the Secretary determines are necessary to protect the United States.

Contracts.
Deadlines.
19 USC 4433.

SEC. 814. NOTIFICATION AND CERTIFICATION TO CONGRESS.

(a) INITIAL NOTIFICATION.—Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country enters into force, the Secretary shall provide the appropriate congressional committees with—

Records.

(1) a copy of the agreement to establish such preclearance operations, which shall include—

(A) the identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement;

(B) the location at which such preclearance operations will be conducted; and

(C) the terms and conditions for U.S. Customs and Border Protection personnel operating at the location;

Assessment.

(2) an assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States;

Assessment.

(3) an assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing;

(4) country-specific information on the anticipated homeland security benefits associated with establishing such preclearance operations;

Plans.

(5) information on potential security vulnerabilities associated with commencing such preclearance operations and mitigation plans to address such potential security vulnerabilities;

Plans.

(6) a U.S. Customs and Border Protection staffing model for such preclearance operations and plans for how such positions would be filled; and

(7) information on the anticipated costs over the 5 fiscal years after the agreement enters into force associated with commencing such preclearance operations.

(b) FURTHER NOTIFICATION RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—Not later than 45 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsection (a), shall provide the appropriate congressional committees with—

Estimate.

(1) an estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement, including any pending caveats that must be resolved before preclearance operations are approved;

(2) the anticipated funding sources for preclearance operations under such agreement, and other funding sources considered;

Assessment.

(3) a homeland security threat assessment for the country in which such preclearance operations are to be established;

(4) information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations;

(5) details on information sharing mechanisms to ensure that U.S. Customs and Border Protection has current information to prevent terrorist and criminal travel; and

(6) other factors that the Secretary determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(c) CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsections (a) and (b), shall provide the appropriate congressional committees with—

(1) a certification that preclearance operations under such preclearance agreement, after considering alternative options, would provide homeland security benefits to the United States through the most effective means possible;

(2) a certification that preclearance operations within such foreign country will be established under such agreement only if—

(A) at least one United States passenger carrier operates at such airport; and

(B) any United States passenger carriers operating at such airport and desiring to participate in preclearance operations are provided access that is comparable to that of any non-United States passenger carrier operating at that airport;

(3) a certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports;

(4) a certification that representatives from U.S. Customs and Border Protection consulted with stakeholders, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate; and

(5) a report detailing the basis for the certifications referred to in paragraphs (1) through (4). Reports.

(d) AMENDMENT OF EXISTING AGREEMENTS.—Not later than 30 days before a substantially amended preclearance agreement with the government of a foreign country in effect as of the date of the enactment of this Act enters into force, the Secretary shall provide to the appropriate congressional committees—

(1) a copy of the agreement, as amended; and Records.

(2) the justification for such amendment.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Commissioner shall report to the appropriate congressional committees, on a quarterly basis— Reports.

(A) the number of U.S. Customs and Border Protection officers, by port, assigned from domestic ports of entry to preclearance operations; and

(B) the number of the positions at domestic ports of entry vacated by U.S. Customs and Border Protection officers described in subparagraph (A) that have been filled

by other hired, trained, and equipped U.S. Customs and Border Protection officers.

Determination.

(2) SUBMISSION.—If the Commissioner has not filled the positions of U.S. Customs and Border Protection officers that were reassigned to preclearance operations and determines that U.S. Customs and Border Protection processing times at domestic ports of entry from which U.S. Customs and Border Protection officers were reassigned to preclearance operations have significantly increased, the Commissioner, not later than 60 days after making such a determination, shall submit to the appropriate congressional committees an implementation plan for reducing processing times at the domestic ports of entry with such increased processing times.

(3) SUSPENSION.—If the Commissioner does not submit the implementation plan described in paragraph (2) to the appropriate congressional committees before the deadline set forth in such paragraph, the Commissioner may not commence preclearance operations at an additional port of entry in any country until such implementation plan is submitted.

(f) CLASSIFIED REPORT.—The report required under subsection (c)(5) may be submitted in classified form if the Secretary determines that such form is appropriate.

SEC. 815. PROTOCOLS.

Section 44901(d)(4) of title 49, United States Code, is amended—

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

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

Determination.

"(C) RESCREENING REQUIREMENT.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel rescreen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.".

19 USC 4434.

SEC. 816. LOST AND STOLEN PASSPORTS.

Certification.

The Secretary may not enter into an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such country unless the Secretary certifies to the appropriate congressional committees that such government—

(1) routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or

(2) makes such information available to the United States Government through another comparable means of reporting.

19 USC 4435.

SEC. 817. RECOVERY OF INITIAL U.S. CUSTOMS AND BORDER PROTECTION PRECLEARANCE OPERATIONS COSTS.

(a) COST SHARING AGREEMENTS WITH RELEVANT AIRPORT AUTHORITIES.—The Commissioner may enter into a cost sharing

agreement with airport authorities in foreign countries at which preclearance operations are to be established or maintained if—

(1) an executive agreement to establish or maintain such preclearance operations pursuant to the authorities under section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) and section 103(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(7)) has been signed, but has not yet entered into force; and

(2) U.S. Customs and Border Protection has incurred, or expects to incur, initial preclearance operations costs in order to establish or maintain preclearance operations under the agreement described in paragraph (1).

(b) CONTENTS OF COST SHARING AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)), any cost sharing agreement with an airport authority authorized under subsection (a) may provide for the airport authority's payment to U.S. Customs and Border Protection of its initial preclearance operations costs.

(2) TIMING OF PAYMENTS.—The airport authority's payment to U.S. Customs and Border Protection for its initial preclearance operations costs may be made in advance of the incurrence of the costs or on a reimbursable basis.

(c) ACCOUNT.—

(1) IN GENERAL.—All amounts collected pursuant to any cost sharing agreement authorized under subsection (a)—

(A) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;

(B) shall remain available, until expended, for the purposes for which such appropriation, account, or fund is authorized to be used; and

(C) may be collected and shall be available only to the extent provided in appropriations Acts.

(2) RETURN OF UNUSED FUNDS.—Any advances or reimbursements not used by U.S. Customs and Border Protection may be returned to the relevant airport authority.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude the use of appropriated funds from sources other than the payments collected under this subtitle to pay initial preclearance operation costs.

(d) DEFINED TERM.—

(1) IN GENERAL.—In this section, the term "initial preclearance operations costs" means the costs incurred, or expected to be incurred, by U.S. Customs and Border Protection to establish or maintain preclearance operations at an airport in a foreign country, including costs relating to—

(A) hiring, training, and equipping new U.S. Customs and Border Protection officers who will be stationed at United States domestic ports of entry or other U.S. Customs and Border Protection facilities to backfill U.S. Customs and Border Protection officers to be stationed at an airport in a foreign country to conduct preclearance operations; and

(B) visits to the airport authority conducted by U.S. Customs and Border Protection personnel necessary to prepare for the establishment or maintenance of preclearance operations at such airport, including the compensation, travel expenses, and allowances payable to such personnel attributable to such visits.

(2) EXCEPTION.—The costs described in paragraph (1)(A) shall not include the salaries and benefits of new U.S. Customs and Border Protection officers once such officers are permanently stationed at a domestic United States port of entry or other domestic U.S. Customs and Border Protection facility after being hired, trained, and equipped.

(e) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting the responsibilities, duties, or authorities of U.S. Customs and Border Protection.

SEC. 818. COLLECTION AND DISPOSITION OF FUNDS COLLECTED FOR IMMIGRATION INSPECTION SERVICES AND PRECLEARANCE ACTIVITIES.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)) is amended by striking the last sentence and inserting the following: "Reimbursements under this subsection may be collected in advance of the provision of such immigration inspection services. Notwithstanding subsection (h)(1)(B), and only to the extent provided in appropriations Acts, any amounts collected under this subsection shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection, remain available until expended, and be available for the purposes for which such appropriation, account, or fund is authorized to be used.".

(b) FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.—Section 10412(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311(b)) is amended to read as follows:

"(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities—

"(1) may be collected in advance of the provision of such activities;

"(2) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;

"(3) shall remain available until expended;

"(4) shall be available for the purposes for which such appropriation, account, or fund is authorized to be used; and

"(5) may be collected and shall be available only to the extent provided in appropriations Acts.".

19 USC 4436.

SEC. 819. APPLICATION TO NEW AND EXISTING PRECLEARANCE OPERATIONS.

Except for sections 814(d), 815, 817, and 818, this subtitle shall only apply to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. DE MINIMIS VALUE.

(a) FINDINGS.—Congress makes the following findings:

(1) Modernizing international customs is critical for United States businesses of all sizes, consumers in the United States, and the economic growth of the United States.

(2) Higher thresholds for the value of articles that may be entered informally and free of duty provide significant economic benefits to businesses and consumers in the United States and the economy of the United States through costs savings and reductions in trade transaction costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should encourage other countries, through bilateral, regional, and multilateral fora, to establish commercially meaningful de minimis values for express and postal shipments that are exempt from customs duties and taxes and from certain entry documentation requirements, as appropriate.

(c) DE MINIMIS VALUE.—Section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended by striking "$200" and inserting "$800".

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Applicability.
19 USC 1321 note.

SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

Deadlines.

Section 401(c) of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 115(c)) is amended—

(1) in paragraph (1), by striking "on Department policies and actions that have" and inserting "not later than 30 days after proposing, and not later than 30 days before finalizing, any Department policies, initiatives, or actions that will have"; and

(2) in paragraph (2)(A), by striking "not later than 30 days prior to the finalization of" and inserting "not later than 60 days before proposing, and not later than 60 days before finalizing,".

SEC. 903. PENALTIES FOR CUSTOMS BROKERS.

(a) IN GENERAL.—Section 641(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(1)) is amended—

(1) in subparagraph (E), by striking "; or" and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(G) has been convicted of committing or conspiring to commit an act of terrorism described in section 2332b of title 18, United States Code.".

(b) TECHNICAL AMENDMENTS.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended—

(1) by striking "the Customs Service" each place it appears and inserting "U.S. Customs and Border Protection";

(2) in subsection (d)(2)(B), by striking "The Customs Service" and inserting "U.S. Customs and Border Protection"; and

(3) in subsection (g)(2)(B), by striking "Secretary's notice" and inserting "notice under subparagraph (A)".

SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD.—

(1) IN GENERAL.—U.S. Note 3 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following:

"(f)(1) For purposes of subheadings 9802.00.40 and 9802.00.50, fungible articles exported from the United States for the purposes described in such subheadings—

"(A) may be commingled; and

"(B) the origin, value, and classification of such articles may be accounted for using an inventory management method.

"(2) If a person chooses to use an inventory management method under this paragraph with respect to fungible articles, the person shall use the same inventory management method for any other articles with respect to which the person claims fungibility under this paragraph.

Definitions.

"(3) For the purposes of this paragraph—

"(A) the term 'fungible articles' means merchandise or articles that, for commercial purposes, are identical or interchangeable in all situations; and

"(B) the term 'inventory management method' means any method for managing inventory that is based on generally accepted accounting principles.".

Applicability.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to articles classifiable under subheading 9802.00.40 or 9802.00.50 of the Harmonized Tariff Schedule of the United States that are entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(b) MODIFICATION OF PROVISIONS RELATING TO RETURNED PROPERTY.—

(1) IN GENERAL.—The article description for heading 9801.00.10 of the Harmonized Tariff Schedule of the United States is amended by inserting after "exported" the following: ", or any other products when returned within 3 years after having been exported".

Applicability.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED STATES GOVERNMENT PROPERTY RETURNED TO THE UNITED STATES.—

(1) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9801.00.11	United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property	Free				".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act. Applicability.

SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES.

(a) IN GENERAL.—General Note 3(e) of the Harmonized Tariff Schedule of the United States is amended—

(1) in subparagraph (v), by striking "and" at the end;

(2) in subparagraph (vi), by adding "and" at the end;

(3) by inserting after subparagraph (vi) (as so amended) the following new subparagraph:

"(vii) residue of bulk cargo contained in instruments of international traffic previously exported from the United States,"; and

(4) by adding at the end of the flush text following subparagraph (vii) (as so added) the following: "For purposes of subparagraph (vii) of this paragraph: The term 'residue' means material of bulk cargo that remains in an instrument of international traffic after the bulk cargo is removed, with a quantity, by weight or volume, not exceeding 7 percent of the bulk cargo, and with no or de minimis value. The term 'bulk cargo' means cargo that is unpackaged and is in either solid, liquid, or gaseous form. The term 'instruments of international traffic' means containers or holders, capable of and suitable for repeated use, such as lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic, and any additional articles or classes of articles that the Commissioner of U.S. Customs and Border Protection designates as instruments of international traffic.". Definitions.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to residue of bulk cargo contained in instruments of international traffic that are imported into the customs territory of the United States on or after such date of enactment and that previously have been exported from the United States. Applicability.

SEC. 906. DRAWBACK AND REFUNDS.

(a) ARTICLES MADE FROM IMPORTED MERCHANDISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C. 1313(a)) is amended by striking "the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such" and inserting "an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback, except that".

(b) SUBSTITUTION FOR DRAWBACK PURPOSES.—Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended—

(1) by striking "If imported" and inserting the following: "(1) IN GENERAL.—If imported";

(2) by striking "and any other merchandise (whether imported or domestic) of the same kind and quality are" and inserting "or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise is";

(3) by striking "three years" and inserting "5 years";

(4) by striking "the receipt of such imported merchandise by the manufacturer or producer of such articles" and inserting "the date of importation of such imported merchandise";

(5) by striking "an amount of drawback equal to" and all that follows through the end period and inserting "an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l), but only if those articles have not been used prior to such exportation or destruction."; and

(6) by adding at the end the following:

"(2) REQUIREMENTS RELATING TO TRANSFER OF MERCHANDISE.—

"(A) MANUFACTURERS AND PRODUCERS.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the manufacturer or producer of the article received such imported merchandise or such other merchandise, directly or indirectly, from the importer.

"(B) EXPORTERS AND DESTROYERS.—Drawback shall be allowed under paragraph (1) with respect to a manufactured or produced article that is exported or destroyed only if the exporter or destroyer received that article, directly or indirectly, from the manufacturer or producer.

"(C) EVIDENCE OF TRANSFER.—Transfers of merchandise under subparagraph (A) and transfers of articles under subparagraph (B) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer or manufacture shall be required.

"(3) SUBMISSION OF BILL OF MATERIALS OR FORMULA.—

"(A) IN GENERAL.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the person making the drawback claim submits with the claim a bill of materials or formula identifying the merchandise and article by the 8-digit HTS subheading number and the quantity of the merchandise.

"(B) BILL OF MATERIALS AND FORMULA DEFINED.—In this paragraph, the terms 'bill of materials' and 'formula' mean records kept in the normal course of business that identify each component incorporated into a manufactured or produced article or that identify the quantity of each element, material, chemical, mixture, or other substance incorporated into a manufactured article.

"(4) SPECIAL RULE FOR SOUGHT CHEMICAL ELEMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), a sought chemical element may be—

"(i) considered imported merchandise, or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, used in the manufacture or production of an article as described in paragraph (1); and

"(ii) substituted for source material containing that sought chemical element, without regard to whether the sought chemical element and the source material are classifiable under the same 8-digit HTS subheading number, and apportioned quantitatively, as appropriate.

"(B) SOUGHT CHEMICAL ELEMENT DEFINED.—In this paragraph, the term 'sought chemical element' means an element listed in the Periodic Table of Elements that is imported into the United States or a chemical compound consisting of those elements, either separately in elemental form or contained in source material.".

(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(ii), by striking "under a certificate of delivery" each place it appears;

(B) in subparagraph (D)—

(i) by striking "3" and inserting "5"; and

(ii) by striking "the Customs Service" and inserting "U.S. Customs and Border Protection"; and

(C) in the flush text at the end, by striking "the full amount of the duties paid upon such merchandise, less 1 percent," and inserting "an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)";

(2) in paragraph (2), by striking "the Customs Service" and inserting "U.S. Customs and Border Protection"; and

(3) by amending paragraph (3) to read as follows:

"(3) EVIDENCE OF TRANSFERS.—Transfers of merchandise under paragraph (1) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.".

(d) PROOF OF EXPORTATION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read as follows:

"(i) PROOF OF EXPORTATION.—A person claiming drawback under this section based on the exportation of an article shall provide proof of the exportation of the article. Such proof of exportation—

"(1) shall establish fully the date and fact of exportation and the identity of the exporter; and

Records.

"(2) may be established through the use of records kept in the normal course of business or through an electronic export system of the United States Government, as determined by the Commissioner of U.S. Customs and Border Protection.".

(e) UNUSED MERCHANDISE DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking "3-year" and inserting "5-year"; and

(ii) by inserting "and before the drawback claim is filed" after "the date of importation"; and

(B) in the flush text at the end, by striking "99 percent of the amount of each duty, tax, or fee so paid" and inserting "an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (5), and (6)";

(B) in subparagraph (A), by striking "commercially interchangeable with" and inserting "classifiable under the same 8-digit HTS subheading number as";

(C) in subparagraph (B)—

(i) by striking "3-year" and inserting "5-year"; and

(ii) by inserting "and before the drawback claim is filed" after "the imported merchandise";

(D) in subparagraph (C)(ii), by striking subclause (II) and inserting the following:

"(II) received the imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, directly or indirectly from the person who imported and paid any duties, taxes, and fees imposed under Federal law upon importation or entry and due on the imported merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);"; and

(E) in the flush text at the end—

(i) by striking "the amount of each such duty, tax, and fee" and all that follows through "99 percent of that duty, tax, or fee" and inserting "an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback"; and

(ii) by striking the last sentence and inserting the following: "Notwithstanding subparagraph (A), drawback shall be allowed under this paragraph with respect to wine if the imported wine and the exported wine are of the same color and the price variation between the imported wine and the exported wine does not exceed 50 percent. Transfers of merchandise

Records.

may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.";

(3) in paragraph (3)(B), by striking "the commercially interchangeable merchandise" and inserting "merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise"; and

(4) by adding at the end the following:

"(5)(A) For purposes of paragraph (2) and except as provided in subparagraph (B), merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS subheading number if the article description for the 8-digit HTS subheading number under which the imported merchandise is classified begins with the term 'other'.

"(B) In cases described in subparagraph (A), merchandise may be substituted for imported merchandise for drawback purposes if—

"(i) the other merchandise and such imported merchandise are classifiable under the same 10-digit HTS statistical reporting number; and

"(ii) the article description for that 10-digit HTS statistical reporting number does not begin with the term 'other'.

"(6)(A) For purposes of paragraph (2), a drawback claimant may use the first 8 digits of the 10-digit Schedule B number for merchandise or an article to determine if the merchandise or article is classifiable under the same 8-digit HTS subheading number as the imported merchandise, without regard to whether the Schedule B number corresponds to more than one 8-digit HTS subheading number.

"(B) In this paragraph, the term 'Schedule B' means the Department of Commerce Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.". Definition.

(f) LIABILITY FOR DRAWBACK CLAIMS.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is amended to read as follows:

"(k) LIABILITY FOR DRAWBACK CLAIMS.—

"(1) IN GENERAL.—Any person making a claim for drawback under this section shall be liable for the full amount of the drawback claimed.

"(2) LIABILITY OF IMPORTERS.—An importer shall be liable for any drawback claim made by another person with respect to merchandise imported by the importer in an amount equal to the lesser of—

"(A) the amount of duties, taxes, and fees that the person claimed with respect to the imported merchandise; or

"(B) the amount of duties, taxes, and fees that the importer authorized the other person to claim with respect to the imported merchandise.

"(3) JOINT AND SEVERAL LIABILITY.—Persons described in paragraphs (1) and (2) shall be jointly and severally liable for the amount described in paragraph (2).".

(g) REGULATIONS.—Section 313(l) of the Tariff Act of 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

"(l) REGULATIONS.—

"(1) IN GENERAL.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe.

"(2) CALCULATION OF DRAWBACK.—

Deadline.

"(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Secretary shall prescribe regulations for determining the calculation of amounts refunded as drawback under this section.

"(B) CLAIMS WITH RESPECT TO UNUSED MERCHANDISE.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of equal to 99 percent of the duties, taxes, and fees paid on the imported merchandise, which were imposed under Federal law upon entry or importation of the imported merchandise, and may require the claim to be based upon the average per unit duties, taxes, and fees as reported on the entry summary line item or, if not reported on the entry summary line item, as otherwise allocated by U.S. Customs and Border Protection, except that where there is substitution of the merchandise, then—

"(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

"(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

"(II) the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported; and

"(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

"(I) equal to 99 percent of the lesser of—

"(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

"(bb) the amount of duties, taxes, and fees that would apply to the destroyed article if the destroyed article were imported; and

"(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

"(C) CLAIMS WITH RESPECT TO MANUFACTURED ARTICLES INTO WHICH IMPORTED OR SUBSTITUTE MERCHANDISE IS INCORPORATED.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of equal to 99 percent of the duties, taxes, and fees paid on the imported merchandise incorporated into an article that is exported or destroyed, which were imposed under Federal law upon entry or importation of the imported merchandise incorporated into an article that is exported or destroyed, and may require the claim to be based upon the average per unit duties, taxes, and fees as reported on the entry summary line item, or if not reported on the entry summary line item, as otherwise allocated by

U.S. Customs and Border Protection, except that where there is substitution of the imported merchandise, then—

"(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

"(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

"(II) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

"(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

"(I) equal to 99 percent of the lesser of—

"(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

"(bb) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

"(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

"(D) EXCEPTIONS.—The calculations set forth in subparagraphs (B) and (C) shall not apply to claims for wine based on subsection (j)(2) and claims based on subsection (p) and instead—

"(i) for any drawback claim for wine based on subsection (j)(2), the amount of the refund shall be equal to 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise, without regard to the limitations in subparagraphs (B)(i) and (B)(ii); and

"(ii) for any drawback claim based on subsection (p), the amount of the refund shall be subject to the limitations set out in paragraph (4) of that subsection and without regard to subparagraph (B)(i), (B)(ii), (C)(i), or (C)(ii).

"(3) STATUS REPORTS ON REGULATIONS.—Not later than the date that is one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter until the regulations required by paragraph (2) are final, the Secretary shall submit to Congress a report on the status of those regulations.".

(h) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended—

(1) by striking "Harmonized Tariff Schedule of the United States" each place it appears and inserting "HTS"; and

(2) in paragraph (3)(A)—

(A) in clause (ii)(III), by striking ", as so certified in a certificate of delivery or certificate of manufacture and delivery"; and

(B) in the flush text at the end—

(i) by striking ", so designated on the certificate of delivery or certificate of manufacture and delivery"; and

(ii) by striking the last sentence and inserting the following: "The party transferring the merchandise shall maintain records kept in the normal course of business to demonstrate the transfer.". Records.

(i) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is amended—

(1) in paragraph (1), by striking "of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material" and inserting "in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)";

(2) in paragraph (2), by striking "of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material" and inserting "in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)"; and

(3) in paragraph (3), by striking "they contain" each place it appears and inserting "it contains".

(j) FILING OF DRAWBACK CLAIMS.—Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: "A drawback entry shall be filed or applied for, as applicable, not later than 5 years after the date on which merchandise on which drawback is claimed was imported.";

(B) in the second sentence, by striking "3-year" and inserting "5-year"; and

(C) in the third sentence, by striking "the Customs Service" and inserting "U.S. Customs and Border Protection";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "The Customs Service" and inserting "U.S. Customs and Border Protection";

(ii) in clauses (i) and (ii), by striking "the Customs Service" each place it appears and inserting "U.S. Customs and Border Protection"; and

(iii) in clause (ii)(I), by striking "3-year" and inserting "5-year"; and

(B) in subparagraph (B), by striking "the periods of time for retaining records set forth in subsection (t) of this section and" and inserting "the period of time for retaining records set forth in"; and

(3) by adding at the end the following:

"(4) All drawback claims filed on and after the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 shall be filed electronically.". Electronic filing.

(k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s)) is amended—

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

"(B) subject to paragraphs (5) and (6) of subsection (j), imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise;"; and

(2) in paragraph (4), by striking "certifies that" and all that follows and inserting "certifies that the transferred merchandise was not and will not be claimed by the predecessor.".

(l) DRAWBACK CERTIFICATES.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking subsection (t).

(m) DRAWBACK FOR RECOVERED MATERIALS.—Section 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x)) is amended by striking "and (c)" and inserting "(c), and (j)".

(n) DEFINITIONS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following:

"(z) DEFINITIONS.—In this section:

"(1) DIRECTLY.—The term 'directly' means a transfer of merchandise or an article from one person to another person without any intermediate transfer.

"(2) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States.

"(3) INDIRECTLY.—The term 'indirectly' means a transfer of merchandise or an article from one person to another person with one or more intermediate transfers.".

(o) RECORDKEEPING.—Section 508(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1508(c)(3)) is amended by striking "payment" and inserting "liquidation".

(p) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than one year after the issuance of the regulations required by subsection (l)(2) of section 313 of the Tariff Act of 1930, as added by subsection (g) of this section, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

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

Assessment.

(A) An assessment of the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(B) A description of drawback claims that were permissible before the effective date provided for in subsection (q) that are not permissible after that effective date and an identification of industries most affected.

(C) A description of drawback claims that were not permissible before the effective date provided for in subsection (q) that are permissible after that effective date and an identification of industries most affected.

(q) EFFECTIVE DATE.—

19 USC 1313 note.

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

Applicability.

(B) except as provided in paragraph (3), apply to drawback claims filed on or after the date that is 2 years after such date of enactment.

(2) REPORTING OF OPERABILITY OF AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Not later than one year after the date of the enactment of this Act, and not later than 2 years after such date of enactment, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on—

(A) the date on which the Automated Commercial Environment will be ready to process drawback claims; and

(B) the date on which the Automated Export System will be ready to accept proof of exportation under subsection (i) of section 313 of the Tariff Act of 1930, as amended by subsection (d) of this section.

Time period.

(3) TRANSITION RULE.—During the one-year period beginning on the date that is 2 years after the date of the enactment of this Act, a person may elect to file a claim for drawback under—

(A) section 313 of the Tariff Act of 1930, as amended by this section; or

(B) section 313 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act.

19 USC 4451.

SEC. 907. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.

(a) IN GENERAL.—Not later than one year after entering into an agreement under a program specified in subsection (b), and annually thereafter until the termination of the program, the Commissioner shall submit to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives a report that includes the following:

(1) A description of the development of the program, including an identification of the authority under which the program operates.

(2) A description of the type of entity with which U.S. Customs and Border Protection entered into the agreement and the amount that entity reimbursed U.S. Customs and Border Protection under the agreement.

(3) An identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits and security benefits (if applicable) at the port of entry.

(4) A description of the services provided by U.S. Customs and Border Protection under the agreement during the year preceding the submission of the report.

(5) The amount of fees collected under the agreement during that year.

(6) The total operating expenses of the program during that year.

(7) A detailed accounting of how the fees collected under the agreement have been spent during that year.

(8) A summary of any complaints or criticism received by U.S. Customs and Border Protection during that year regarding the agreement. Summary.

(9) An assessment of the compliance of the entity described in paragraph (2) with the terms of the agreement. Assessment.

(10) Recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits and security benefits (if applicable). Recommendations.

(11) A summary of the benefits to and challenges faced by U.S. Customs and Border Protection and the entity described in paragraph (2) under the agreement. Summary.

(12) If the entity described in paragraph (2) is an operator of an airport—

(A) a detailed account of the revenue collected by U.S. Customs and Border Protection at the airport from—

(i) fees collected under the agreement; and

(ii) fees collected from sources other than under the agreement, including fees paid by passengers and air carriers; and

(B) an assessment of the revenue described in subparagraph (A) compared with the operating costs of U.S. Customs and Border Protection at the airport. Assessment.

(b) PROGRAM SPECIFIED.—A program specified in this subsection is—

(1) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378);

(2) the pilot program authorizing U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry established by section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note);

(3) the program under which U.S. Customs and Border Protection collects a fee for the use of customs services at designated facilities under section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b); or

(4) the program established by subtitle B of title VIII of this Act authorizing U.S. Customs and Border Protection to establish preclearance operations in foreign countries.

SEC. 908. CHARTER FLIGHTS.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking "(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))" and inserting the following:

"(1)(A) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2))"; and

(2) by adding at the end the following:

"(B)(i) An appropriate officer of U.S. Customs and Border Protection may assign a sufficient number of employees of U.S. Customs and Border Protection (if available) to perform services described in clause (ii) for a charter air carrier (as defined in section 40102 of title 49, United States Code) for a charter flight arriving after normal operating hours at an airport that is an established port of entry serviced by U.S. Customs and Border Protection, notwithstanding that overtime funds for those services are not available, if the charter air carrier—

Deadline.

"(I) not later than 4 hours before the flight arrives, specifically requests that such services be provided; and

"(II) pays any overtime fees incurred in connection with such services.

"(ii) Services described in this clause are customs services for passengers and their baggage or any other similar service that could lawfully be performed during regular hours of operation.".

19 USC 4452.

SEC. 909. UNITED STATES-ISRAEL TRADE AND COMMERCIAL ENHANCEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Israel is America's dependable, democratic ally in the Middle East—an area of paramount strategic importance to the United States.

(2) The United States-Israel Free Trade Agreement formed the modern foundation of the bilateral commercial relationship between the two countries and was the first such agreement signed by the United States with a foreign country.

(3) The United States-Israel Free Trade Agreement has been instrumental in expanding commerce and the strategic relationship between the United States and Israel.

(4) More than $45,000,000,000 in goods and services is traded annually between the two countries, in addition to roughly $10,000,000,000 in United States foreign direct investment in Israel.

(5) The United States continues to look for and find new opportunities to enhance cooperation with Israel, including through the enactment of the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112–150; 22 U.S.C. 8601 et seq.) and the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296; 128 Stat. 4075).

(6) It has been the policy of the United States Government to combat all elements of the Arab League Boycott of Israel by—

(A) public statements of Administration officials;

(B) enactment of relevant sections of the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), including sections to ensure foreign persons comply with applicable reporting requirements relating to the Boycott;

(C) enactment of the Tax Reform Act of 1976 (Public Law 94–455; 90 Stat. 1520) that denies certain tax benefits to entities abiding by the Boycott;

(D) ensuring through free trade agreements with Bahrain and Oman that such countries no longer participate in the Boycott; and

(E) ensuring as a condition of membership in the World Trade Organization that Saudi Arabia no longer enforces the secondary or tertiary elements of the Boycott.

(b) STATEMENTS OF POLICY.—Congress—

(1) supports the strengthening of economic cooperation between the United States and Israel and recognizes the tremendous strategic, economic, and technological value of cooperation with Israel;

(2) recognizes the benefit of cooperation with Israel to United States companies, including by improving American competitiveness in global markets;

(3) recognizes the importance of trade and commercial relations to the pursuit and sustainability of peace, and supports efforts to bring together the United States, Israel, the Palestinian territories, and others in enhanced commerce;

(4) opposes politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel, such as boycotts of, divestment from, or sanctions against Israel;

(5) notes that boycotts of, divestment from, and sanctions against Israel by governments, governmental bodies, quasi-governmental bodies, international organizations, and other such entities are contrary to principle of nondiscrimination under the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)));

(6) encourages the inclusion of politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts of, divestment from, or sanctions against Israel as a topic of discussion at the U.S.-Israel Joint Economic Development Group (JEDG) to support the strengthening of the United States-Israel commercial relationship and combat any commercial discrimination against Israel; and

(7) supports efforts to prevent investigations or prosecutions by governments or international organizations of United States persons solely on the basis of such persons doing business with Israel, with Israeli entities, or in any territory controlled by Israel.

(c) PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.—

(1) COMMERCIAL PARTNERSHIPS.—Among the principal trade negotiating objectives of the United States for proposed trade agreements with foreign countries regarding commercial partnerships are the following:

(A) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(B) To discourage politically motivated boycotts of, divestment from, and sanctions against Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on Israel.

(C) To seek the elimination of state-sponsored unsanctioned foreign boycotts of Israel, or compliance with the Arab League Boycott of Israel, by prospective trading partners.

(2) EFFECTIVE DATE.—This subsection takes effect on the date of the enactment of this Act and applies with respect to negotiations commenced before, on, or after such date of enactment.

President.

(d) REPORT ON POLITICALLY MOTIVATED ACTS OF BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on politically motivated boycotts of, divestment from, and sanctions against Israel.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the establishment of barriers to trade, including nontariff barriers, investment, or commerce by foreign countries or international organizations against United States persons operating or doing business in Israel, with Israeli entities, or in Israeli-controlled territories.

(B) A description of specific steps being taken by the United States to encourage foreign countries and international organizations to cease creating such barriers and to dismantle measures already in place, and an assessment of the effectiveness of such steps.

(C) A description of specific steps being taken by the United States to prevent investigations or prosecutions by governments or international organizations of United States persons solely on the basis of such persons doing business with Israel, with Israeli entities, or in Israeli-controlled territories.

(D) Decisions by foreign persons, including corporate entities and state-affiliated financial institutions, that limit or prohibit economic relations with Israel or persons doing business in Israel or in any territory controlled by Israel.

(e) CERTAIN FOREIGN JUDGMENTS AGAINST UNITED STATES PERSONS.—Notwithstanding any other provision of law, no domestic court shall recognize or enforce any foreign judgment entered against a United States person that conducts business operations in Israel, or any territory controlled by Israel, if the domestic court determines that the foreign judgment is based, in whole or in part, on a determination by a foreign court that the United States person's conducting business operations in Israel or any territory controlled by Israel or with Israeli entities constitutes a violation of law.

(f) DEFINITIONS.—In this section:

(1) BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—The term "boycott of, divestment from, and sanctions against Israel" means actions by states, nonmember states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in any territory controlled by Israel.

(2) DOMESTIC COURT.—The term "domestic court" means a Federal court of the United States, or a court of any State or territory of the United States or of the District of Columbia.

(3) FOREIGN COURT.—The term "foreign court" means a court, an administrative body, or other tribunal of a foreign country.

(4) FOREIGN JUDGMENT.—The term "foreign judgment" means a final civil judgment rendered by a foreign court.

(5) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(6) PERSON.—

(A) IN GENERAL.—The term "person" means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(iii) any successor to any entity described in clause (ii).

(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term "person" does not include a government or governmental entity that is not operating as a business enterprise.

(7) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or

(B) a corporation or other legal entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

SEC. 910. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT.

(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION.—

(1) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking "The provisions of this section" and all that follows through "of the United States.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act. 19 USC 1307 note.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) that includes the following: 19 USC 4453.

(1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report. Time period.

(2) A description of the merchandise denied entry pursuant to that section.

(3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

SEC. 911. VOLUNTARY RELIQUIDATIONS BY U.S. CUSTOMS AND BORDER PROTECTION.

Section 501 of the Tariff Act of 1930 (19 U.S.C. 1501) is amended—

(1) in the section heading, by striking "**THE CUSTOMS SERVICE**" and inserting "**U.S. CUSTOMS AND BORDER PROTECTION**";

(2) by striking "the Customs Service" and inserting "U.S. Customs and Border Protection"; and

(3) by striking "on which notice of the original liquidation is given or transmitted to the importer, his consignee or agent" and inserting "of the original liquidation".

SEC. 912. TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR.

(a) REPEAL.—Section 601 of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 387) is repealed, and any provision of law amended by such section is restored as if such section had not been enacted into law.

(b) AMENDMENTS TO ADDITIONAL U.S. NOTES.—The additional U.S. notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in additional U.S. note 2—

(A) by striking "For the purposes of subheadings" and all that follows through "6211.20.15" and inserting "For the purposes of subheadings 6201.92.17, 6201.92.35, 6201.93.47, 6201.93.60, 6202.92.05, 6202.92.30, 6202.93.07, 6202.93.48, 6203.41.01, 6203.41.25, 6203.43.03, 6203.43.11, 6203.43.55, 6203.43.75, 6204.61.05, 6204.61.60, 6204.63.02, 6204.63.09, 6204.63.55, 6204.63.75 and 6211.20.15";

(B) by striking "(see ASTM designations D 3600-81 and D 3781-79)" and inserting "(see current version of ASTM D7017)"; and

(C) by striking "in accordance with AATCC Test Method 35-1985." and inserting "in accordance with the current version of AATCC Test Method 35."; and

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

"3. (a) When used in a subheading of this chapter or immediate superior text thereto, the term 'recreational performance outerwear' means trousers (including, but not limited to, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls, bib and brace overalls, jackets (including, but not limited to, full zip jackets, ski jackets and ski jackets intended for sale as parts of ski-suits), windbreakers and similar articles (including padded, sleeveless jackets), the foregoing of fabrics of cotton, wool, hemp, bamboo, silk or manmade fibers, or a combination of such fibers; that are either water resistant within the meaning of additional U.S. note 2 to this chapter or treated with plastics, or both; with critically sealed seams, and with 5 or more of the following features (as further provided herein):

"(i) insulation for cold weather protection;

"(ii) pockets, at least one of which has a zippered, hook and loop, or other type of closure;

"(iii) elastic, draw cord or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets;

"(iv) venting, not including grommet(s);

"(v) articulated elbows or knees;

"(vi) reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles or cuffs;

"(vii) weatherproof closure at the waist or front;

"(viii) multi-adjustable hood or adjustable collar;

"(ix) adjustable powder skirt, inner protective skirt or adjustable inner protective cuff at sleeve hem;

"(x) construction at the arm gusset that utilizes fabric, design or patterning to allow radial arm movement; or

"(xi) odor control technology.

The term 'recreational performance outerwear' does not include occupational outerwear.

"(b) For purposes of this note, the following terms have the following meanings: Definitions.

"(i) The term 'treated with plastics' refers to textile fabrics impregnated, coated, covered or laminated with plastics, as described in note 2 to chapter 59.

"(ii) The term 'sealed seams' means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding or a similar process so that air and water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

"(iii) The term 'critically sealed seams' means—

"(A) for jackets, windbreakers and similar articles (including padded, sleeveless jackets), sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

"(B) for trousers, overalls and bib and brace overalls and similar articles, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

"(iv) The term 'insulation for cold weather protection' means insulation that meets a minimum clo value of 1.5 per ASTM F 2732.

"(v) The term 'venting' refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

"(vi) The term 'articulated elbows or knees' refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets or other means.

"(vii) The term 'reinforcement' refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

"(viii) The term 'weatherproof closure' means a closure (including, but not limited to, laminated or coated zippers, storm flaps or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

"(ix) The term 'multi-adjustable hood or adjustable collar' means, in the case of a hood, a hood into which is incorporated two or more draw cords, adjustment tabs or elastics, or, in the case of a collar, a collar into which is incorporated at least one draw cord, adjustment tab, elastic or similar component, to allow volume adjustments around a helmet, or the crown of the head, neck or face.

"(x) The terms 'adjustable powder skirt' and 'inner protective skirt' refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

"(xi) The term 'arm gusset' means construction at the arm of a gusset that utilizes an extra fabric piece in the underarm, usually diamond- or triangular-shaped, designed or patterned to allow radial arm movement.

"(xii) The term 'radial arm movement' refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

"(xiii) The term 'odor control technology' means the incorporation into a fabric or garment of materials, including, but not limited to, activated carbon, silver, copper or any combination thereof, capable of adsorbing, absorbing or reacting with human odors, or effective in reducing the growth of odor-causing bacteria.

"(xiv) The term 'occupational outerwear' means outerwear garments, including uniforms, of a kind principally used in the work place and specially designed to provide protection from work place hazards such as fire, electrical, abrasion or chemical hazards, or impacts, cuts and punctures.

Records.

"(c) The importer of goods entered as 'recreational performance outerwear' under a particular subheading of this chapter shall maintain records demonstrating that the entered goods meet the terms of this note, including such information as is necessary to demonstrate the presence of the specific features that render the goods eligible for classification as 'recreational performance outerwear'.".

(c) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1)(A) By striking subheadings 6201.91.10 through 6201.91.20 and inserting the following, with the superior text to subheading 6201.91.03 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				

6201.91.03	Padded, sleeveless jackets	8.5%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 2.5% (OM)	58.5%	
6201.91.05	Other	49.7¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 14.9¢/kg +5.9% (OM)	52.9¢/kg + 58.5%	
	Other:				
6201.91.25	Padded, sleeveless jackets	8.5%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 2.5% (OM)	58.5%	
6201.91.40	Other	49.7¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 14.9¢/kg +5.9% (OM)	52.9¢/kg + 58.5%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6201.91.10 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6201.91.03 and 6201.91.25 of such Schedule, as added by subparagraph (A), on and after such effective date. Applicability.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6201.91.20 of such Schedule before the effective date of this section shall apply to subheadings 6201.91.05 and 6201.91.40 of such Schedule, as added by subparagraph (A), on and after such effective date. Applicability.

(2) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the superior text to subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				

6201.92.05	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%	
	Other:				
6201.92.17	Water resistant ...	6.2%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6201.92.19	Other	9.4%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
	Other:				
6201.92.30	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%	
	Other:				
6201.92.35	Water resistant ...	6.2%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6201.92.45	Other	9.4%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	".

(3) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the superior text to subheading 6201.93.15 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				

6201.93.15	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6201.93.18	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Other:			
6201.93.45	Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	52.9¢/kg + 58.5%
	Other:			
6201.93.47	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6201.93.49	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%
	Other:			

6201.93.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%	
	Other:				
6201.93.52	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%	
	Other:				
6201.93.55	Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	52.9¢/kg + 58.5%	
	Other:				
6201.93.60	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
6201.93.65	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	”.

(4) By striking subheadings 6201.99.10 through 6201.99.90 and inserting the following, with the superior text to subheading 6201.99.05 having the same degree of indentation as the article description for subheading 6201.99.10 (as in effect on the day before the effective date of this section):

“		Recreational performance outerwear:				

6201.99.05	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6201.99.15	Other	4.2%	Free (AU,BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	Other:				
6201.99.50	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6201.99.80	Other	4.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	".

(5)(A) By striking subheadings 6202.91.10 through 6202.91.20 and inserting the following, with the superior text to subheading 6202.91.03 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the effective date of this section):

"

	Recreational performance outerwear:				
6202.91.03	Padded, sleeveless jackets	14%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.2% (OM)	58.5%	
6202.91.15	Other	36¢/kg + 16.3%	Free (AU,BH,CA, CL,CO,IL,JO,KR, MA,MX,P, PA,PE,SG) 10.8¢/kg + 4.8% (OM)	46.3¢/kg +58.5%	
	Other:				
6202.91.60	Padded, sleeveless jackets	14%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.2% (OM)	58.5%	
6202.91.90	Other	36¢/kg + 16.3%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 10.8¢/kg + 4.8% (OM)	46.3¢/kg + 58.5%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6202.91.10 of the Harmonized Tariff Applicability.

Schedule of the United States before the effective date of this section shall apply to subheadings 6202.91.03 and 6202.91.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

Applicability.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6202.91.20 of such Schedule before the effective date of this section shall apply to subheadings 6202.91.15 and 6202.91.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(6) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the superior text to subheading 6202.92.03 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect on the day before the effective date of this section):

"

	Recreational performance outerwear:			
6202.92.03	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ...	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6202.92.05	Water resistant	6.2%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
6202.92.12	Other	8.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA,PE, SG)	90%
	Other:			

6202.92.25	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ...	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%	
	Other:				
6202.92.30	Water resistant	6.2%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6202.92.90	Other	8.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	".

(7) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the superior text to subheading 6202.93.01 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:			
	6202.93.01	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
		Other:			
	6202.93.03	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%

	Other:			
6202.93.05	Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	46.3¢/kg + 58.5%
	Other:			
6202.93.07	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6202.93.09	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%
	Other:			
6202.93.15	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6202.93.25	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Other:			
6202.93.45	Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	46.3¢/kg + 58.5%

	Other:				
6202.93.48	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
6202.93.55	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	".

(8) By striking subheadings 6202.99.10 through 6202.99.90 and inserting the following, with the superior text to subheading 6202.99.03 having the same degree of indentation as the article description for subheading 6202.99.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				
	6202.99.03	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.15	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO, KR, MA,MX, OM, P, PA, PE,SG)	35%	
		Other:				
	6202.99.60	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	".

(9)(A) By striking subheadings 6203.41 through 6203.41.20 and inserting the following, with the article description for subheading 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the effective date of this section): Applicability.

"	6203.41	Of wool or fine animal hair: Recreational performance outerwear: Trousers, breeches and shorts:				

6203.41.01	Trousers, breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.2% (OM)	52.9¢/kg + 58.5%
	Other:			
6203.41.03	Trousers of worsted wool fabric, made of wool yarn having an average fiber diameter of 18.5 microns or less ...	41.9¢/kg + 16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%
6203.41.06	Other	41.9¢/kg + 16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg + 58.5%
6203.41.08	Bib and brace overalls	8.5%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE, SG) 2.5% (OM)	63%
	Other:			
	Trousers, breeches and shorts:			

6203.41.25	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.2% (OM)	52.9¢/kg +58.5%	
	Other:				
6203.41.30	Trousers of worsted wool fabric, made of wool yarn having an average fiber diameter of 18.5 microns or less ...	41.9¢/kg +16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%	
6203.41.60	Other	41.9¢/kg +16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%	
6203.41.80	Bib and brace overalls	8.5%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.5% (OM)	63%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.05 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.41.01 and 6203.41.25

of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.12 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.03 and 6203.41.30 of such Schedule, as added by subparagraph (A), on and after such effective date.

(D) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.18 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.06 and 6203.41.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(E) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.20 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.08 and 6203.41.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(10)(A) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the superior text to subheading 6203.42.03 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:			
	6203.42.03	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%
		Other:			
	6203.42.05	Bib and brace overalls	10.3%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX,OM, P, PA,PE, SG)	90%
	6203.42.07	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA,MX,OM, P, PA,PE, SG) 9.9% (KR)	90%
		Other:			
	6203.42.17	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%
		Other:			

6203.42.25	Bib and brace overalls	10.3%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX,OM, P, PA,PE, SG)	90%	
6203.42.45	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX, OM, P, PA,PE, SG) 9.9% (KR)	90%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.42.40 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.42.07 and 6203.42.45 of such Schedule, as added by subparagraph (A), on and after such effective date. Applicability.

(11)(A) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the superior text to subheading 6203.43.01 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the effective date of this section): Applicability.

"

	Recreational performance outerwear:			
6203.43.01	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
	Bib and brace overalls:			
6203.43.03	Water resistant	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA,MX,OM, P, PA,PE,SG)	65%
6203.43.05	Other	14.9%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	76%
	Other:			
6203.43.09	Containing 36 percent or more by weight of wool or fine animal hair ...	49.6¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA,PE,SG)	52.9¢/kg + 58.5%
	Other:			

6203.43.11	Water resistant trousers or breeches	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA,PE,SG) 1.4% (KR)	65%
6203.43.13	Other	27.9%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA, PE,SG) 5.5% (KR)	90%
	Other:			
6203.43.45	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
	Bib and brace overalls:			
6203.43.55	Water resistant	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	65%
6203.43.60	Other	14.9%	Free (AU,BH, CA, CL, CO,IL,JO, KR, MA, MX,OM, P, PA, PE,SG)	76%
	Other:			
6203.43.65	Certified hand-loomed and folklore products	12.2%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	76%
	Other:			
6203.43.70	Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	52.9¢/kg + 58.5%
	Other:			

6203.43.75	Water resistant trousers or breeches	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA,PE,SG) 1.4% (KR)	65%	
6203.43.90	Other	27.9%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA, PE,SG) 5.5% (KR)	90%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.43.35 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.43.11 and 6203.43.75 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6203.43.40 of such Schedule before the effective date of this section shall apply to subheadings 6203.43.13 and 6203.43.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(12)(A) By striking subheadings 6203.49.10 through 6203.49.80 and the immediate superior text to subheading 6203.49.10, and inserting the following, with the superior text to subheading 6203.49.01 having the same degree of indentation as the article description for subheading 6203.49.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:			
		Of artificial fibers:			
	6203.49.01	Bib and brace overalls	8.5%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P, PA,PE, SG)	76%
	6203.49.05	Trousers, breeches and shorts	27.9%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	90%
		Of other textile materials:			
	6203.49.07	Containing 70 percent or more by weight of silk or silk waste ...	Free		35%

6203.49.09	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO,MA, MX,OM, P, PA,PE, SG) 0.5% (KR)	35%	
	Other:				
	Of artificial fibers:				
6203.49.25	Bib and brace overalls	8.5%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P, PA,PE, SG)	76%	
	Trousers, breeches and shorts:				
6203.49.35	Certified hand-loomed and folklore products	12.2%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	76%	
6203.49.50	Other	27.9%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	90%	
	Of other textile materials:				
6203.49.60	Containing 70 percent or more by weight of silk or silk waste ...	Free		35%	
6203.49.90	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO,MA, MX,OM, P,PA,PE, SG) 0.5% (KR)	35%	".

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.49.80 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.49.09 and 6203.49.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

Applicability.

(13)(A) By striking subheadings 6204.61.10 through 6204.61.90 and inserting the following, with the superior text to subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				

6204.61.05	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 2.2% (OM)	58.5%	
6204.61.15	Other	13.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 4% (OM)	58.5%	
	Other:				
6204.61.60	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 2.2% (OM)	58.5%	
6204.61.80	Other	13.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 4% (OM)	58.5%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.61.10 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.61.05 and 6204.61.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6204.61.90 of such Schedule before the effective date of this section shall apply to subheadings 6204.61.15 and 6204.61.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(14)(A) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the superior text to subheading 6204.62.03 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the effective date of this section):

"	Recreational performance outerwear:				

6204.62.03	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%	
	Other:				
6204.62.05	Bib and brace overalls	8.9%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	90%	
6204.62.15	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX,OM, P, PA,PE, SG) 9.9% (KR)	90%	
	Other:				
6204.62.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%	
	Other:				
6204.62.60	Bib and brace overalls	8.9%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	90%	
	Other:				
6204.62.70	Certified hand-loomed and folklore products	7.1%	Free (AU,BH, CA, CL,CO, E, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	37.5%	
6204.62.80	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX,OM, P, PA,PE, SG) 9.9% (KR)	90%	".

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.62.40 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.62.15 and 6204.62.80

of such Schedule, as added by subparagraph (A), on and after such effective date.

(15)(A) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the superior text to subheading 6204.63.01 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:			
	6204.63.01	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%
		Other:			
		Bib and brace overalls:			
	6204.63.02	Water resistant	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%
	6204.63.03	Other	14.9%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	76%
		Other:			
	6204.63.08	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX,OM,P, PA,PE, SG)	58.5%
		Other:			
	6204.63.09	Water resistant trousers or breeches ...	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX,OM,P, PA,PE, SG)	65%
	6204.63.11	Other	28.6%	Free (AU,BH,CA, CL,CO, IL,JO, MA,MX,OM,P, PA,PE, SG) 5.7% (KR)	90%
		Other:			

6204.63.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down ..	Free		60%	
	Other:				
	Bib and brace overalls:				
6204.63.55	Water resistant	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%	
6204.63.60	Other	14.9%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	76%	
6204.63.65	Certified hand-loomed and folklore products	11.3%	Free (AU, BH, CA, CL, CO, E, IL, JO,KR, MA,MX,OM,P, PA,PE, SG)	76%	
	Other:				
6204.63.70	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	58.5%	
	Other:				
6204.63.75	Water resistant trousers or breeches ...	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%	
6204.63.90	Other	28.6%	Free (AU, BH, CA, CL, CO,IL, JO, MA, MX,OM, P, PA, PE,SG) 5.7% (KR)	90%	".

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.63.35 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.63.11 and 6204.63.90

of such Schedule, as added by subparagraph (A), on and after such effective date.

(16) By striking subheadings 6204.69.10 through 6204.69.90 and the immediate superior text to subheading 6204.69.10, and inserting the following, with the first superior text having the same degree of indentation as the article description of subheading 6204.69.10 (as in effect on the day before the date of enactment of this Act):

"

	Recreational performance outerwear:			
	Of artificial fibers:			
6204.69.01	Bib and brace overalls	13.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Trousers, breeches and shorts:			
6204.69.02	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	58.5%
6204.69.03	Other	28.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	90%
	Of silk or silk waste:			
6204.69.04	Containing 70 percent or more by weight of silk or silk waste	1.1%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6204.69.05	Other	7.1%	Free (AU,BH, CA, CL,CO, E*, IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	65%
6204.69.06	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
	Other:			
	Of artificial fibers:			

6204.69.15	Bib and brace overalls	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	76%	
	Trousers, breeches and shorts:				
6204.69.22	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	58.5%	
6204.69.28	Other	28.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	90%	
	Of silk or silk waste:				
6204.69.45	Containing 70 percent or more by weight of silk or silk waste	1.1%	Free (AU,BH, CA, CL,CO, E, IL, JO, KR, MA, MX, OM, P,PA, PE, SG)	65%	
6204.69.65	Other	7.1%	Free (AU,BH, CA, CL,CO, E*,IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	65%	
6204.69.80	Other	2.8%	Free (AU,BH, CA, CL,CO, E*, IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	35%	".

(17) By striking subheadings 6210.40.30 through 6210.40.90 and the immediate superior text to subheading 6210.40.30, and inserting the following, with the first superior text having the same degree of indentation as the immediate superior text to subheading 6210.40.30 (as in effect on the day before the effective date of this section):

"		Recreational performance outerwear:				
		Of man-made fibers:				

6210.40.15	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%
6210.40.25	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
	Other:			
6210.40.28	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
6210.40.29	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
	Other:			
	Of man-made fibers:			
6210.40.35	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6210.40.55	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%

	Other:				
6210.40.75	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6210.40.80	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	".

(18) By striking subheadings 6210.50.30 through 6210.50.90 and the immediate superior text to subheading 6210.50.30, and inserting the following, with the first superior text having the same degree of indentation as the immediate superior text to subheading 6210.50.30 (as in effect on the day before the effective date of this section):

"	Recreational performance outerwear:				
	Of man-made fibers:				
6210.50.03	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
6210.50.05	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
	Other:				

6210.50.12	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA,PE, SG)	37.5%
6210.50.22	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P,PA, PE, SG)	37.5%
	Other:			
	Of man-made fibers:			
6210.50.35	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%
6210.50.55	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%
	Other:			
6210.50.75	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%

6210.50.80	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	".

(19) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the effective date of this section):

"	6211.32	Of cotton:				
	6211.32.50	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
	6211.32.90	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	".

(20)(A) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the effective date of this section):

"	6211.33	Of man-made fibers:				
	6211.33.50	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA ,PE, SG) 4.8% (OM)	76%	
	6211.33.90	Other	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	76%	".

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.33.00 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.33.50 and 6211.33.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(21)(A) By striking subheadings 6211.39.05 through 6211.39.90 and inserting the following, with the first superior text having the same degree of indentation as the article description for subheading 6211.39.05 (as in effect on the day before the effective date of this section):

“		Recreational performance outerwear:				
	6211.39.03	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3.6% (OM)	58.5%	
	6211.39.07	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6211.39.15	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PE, SG)	35%	
		Other:				
	6211.39.30	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3.6% (OM)	58.5%	
	6211.39.60	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6211.39.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PE, SG)	35%	”.

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.39.05 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.39.03 and 6211.39.30 of such Schedule, as added by subparagraph (A), on and after such effective date.

(22) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the effective date of this section):

“	6211.42	Of cotton:				

6211.42.05	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
6211.42.10	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	".

(23)(A) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the effective date of this section):

" 6211.43	Of man-made fibers:				
6211.43.05	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	90%	
6211.43.10	Other	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	90%	".

Applicability.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.43.00 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.43.05 and 6211.43.10 of such Schedule, as added by subparagraph (A), on and after such effective date.

Applicability.

(24)(A) By striking subheadings 6211.49.10 through 6211.49.90 and inserting the following, with the first superior text having the same degree of indentation as the article description for subheading 6211.49.90 (as in effect on the day before the effective date of this section):

"	Recreational performance outerwear:				
6211.49.03	Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA,PE, SG)	35%	

6211.49.15	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA ,MX, P, PA, PE, SG) 3.6% (OM)	58.5%	
6211.49.25	Other	7.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.4% (KR)	35%	
	Other:				
6211.49.50	Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
6211.49.60	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE,SG) 3.6% (OM)	58.5%	
6211.49.80	Other	7.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, MA, MX,OM, P, PA, PE, SG) 1.4% (KR)	35%	".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.49.41 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.49.15 and 6211.49.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6211.49.90 of such Schedule before the effective date of this section shall apply to subheadings 6211.49.25 and 6211.49.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section—

(A) shall take effect on the 180th day after the date of the enactment of this Act; and

(B) shall apply to articles entered, or withdrawn from warehouse for consumption, on or after such 180th day. Applicability.

(2) SUBSECTION (a).—Subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 913. MODIFICATIONS TO DUTY TREATMENT OF PROTECTIVE ACTIVE FOOTWEAR.

(a) IN GENERAL.—Chapter 64 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating the Additional U.S. Note added by section 602(a) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 413) as Additional U.S. Note 6;

(2) in subheading 6402.91.42, by striking the matter in the column 1 special rate of duty column and inserting the following: "Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P, R, SG) 1%(PA) 6%(OM) 6%(PE) 12%(CO) 20%(KR)"; and

(3) in subheading 6402.99.32, by striking the matter in the column 1 special rate of duty column and inserting the following: "Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P, R, SG) 1%(PA) 6%(OM) 6%(PE) 12%(CO) 20%(KR)".

(b) STAGED RATE REDUCTIONS.—Section 602(c) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 414) is amended to read as follows:

Effective date.

"(c) STAGED RATE REDUCTIONS.—Beginning in calendar year 2016, the staged reductions in special rates of duty proclaimed before the date of the enactment of this Act—

"(1) for subheading 6402.91.90 of the Harmonized Tariff Schedule of the United States shall be applied to subheading 6402.91.42 of such Schedule, as added by subsection (b)(1); and

"(2) for subheading 6402.99.90 of such Schedule shall be applied to subheading 6402.99.32 of such Schedule, as added by subsection (b)(2).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect as if included in the enactment of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 362).

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article classified under subheading 6402.91.42 or 6402.99.32 of the Harmonized Tariff Schedule of the United States, that—

(i) was made—

(I) after the effective date specified in section 602(d) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 414), and

(II) before the date of the enactment of this Act, and

(ii) to which a lower rate of duty would be applicable if the entry were made after such date of enactment,

shall be liquidated or reliquidated as though such entry occurred on such date of enactment.

Deadline.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date

of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be). Deadline.

SEC. 914. AMENDMENTS TO BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.

(a) IMMIGRATION LAWS OF THE UNITED STATES.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(a)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(14) to ensure that trade agreements do not require changes to the immigration laws of the United States or obligate the United States to grant access or expand access to visas issued under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).".

(b) GREENHOUSE GAS EMISSIONS MEASURES.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(a)), as amended by subsection (a) of this section, is further amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(15) to ensure that trade agreements do not establish obligations for the United States regarding greenhouse gas emissions measures, including obligations that require changes to United States laws or regulations or that would affect the implementation of such laws or regulations, other than those fulfilling the other negotiating objectives in this section.".

(c) FISHERIES NEGOTIATIONS.—Section 102(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(b)) is amended by adding at the end the following:

"(22) FISHERIES NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in fish, seafood, and shellfish products are—

"(A) to obtain competitive opportunities for United States exports of fish, seafood, and shellfish products in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports of fish, seafood, and shellfish products in United States markets and to achieve fairer and more open conditions of trade in fish, seafood, and shellfish products, including by reducing or eliminating tariff and nontariff barriers;

"(B) to eliminate fisheries subsidies that distort trade, including subsidies of the type referred to in paragraph

9 of Annex D to the Ministerial Declaration adopted by the World Trade Organization at the Sixth Ministerial Conference at Hong Kong, China on December 18, 2005;

"(C) to pursue transparency in fisheries subsidies programs; and

"(D) to address illegal, unreported, and unregulated fishing.".

(d) ACCREDITATION.—Section 104 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4203) is amended—

(1) in subsection (b)(3), by striking "an official" and inserting "a delegate and official"; and

(2) in subsection (c)(2)(C)—

(A) by striking "an official" each place it appears and inserting "a delegate and official"; and

(B) by inserting after the first sentence the following: "In addition, the chairmen and ranking members described in subparagraphs (A)(i) and (B)(i) shall each be permitted to designate up to 3 personnel with proper security clearances to serve as delegates and official advisers to the United States delegation in negotiations for any trade agreement to which this title applies.".

(e) TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—Section 106(b)(6) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4205(b)(6)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCEPTION.—

President.

"(i) INVOKING EXCEPTION.—If the President submits to the appropriate congressional committees a letter stating that a country to which subparagraph (A) applies has taken concrete actions to implement the principal recommendations with respect to that country in the most recent annual report on trafficking in persons, the prohibition under subparagraph (A) shall not apply with respect to a trade agreement or trade agreements with that country.

"(ii) CONTENT OF LETTER; PUBLIC AVAILABILITY.—A letter submitted under clause (i) with respect to a country shall—

"(I) include a description of the concrete actions that the country has taken to implement the principal recommendations described in clause (i);

Records.

"(II) be accompanied by supporting documentation providing credible evidence of each such concrete action, including copies of relevant laws or regulations adopted or modified, and any enforcement actions taken, by that country, where appropriate; and

"(III) be made available to the public.

Deadlines.
President.

"(C) SPECIAL RULE FOR CHANGES IN CERTAIN DETERMINATIONS.—If a country is listed as a tier 3 country in an annual report on trafficking in persons submitted in calendar year 2014 or any calendar year thereafter and, in the annual report on trafficking in persons submitted in the next calendar year, is listed on the tier 2 watch

list, the President shall submit a detailed description of the credible evidence supporting the change in listing of the country, accompanied by copies of documents providing such evidence, where appropriate, to the appropriate congressional committees—

"(i) in the case of a change in listing reflected in the annual report on trafficking in persons submitted in calendar year 2015, not later than 90 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015; and

"(ii) in the case of a change in listing reflected in an annual report on trafficking in persons submitted in calendar year 2016 or any calendar year thereafter, not later than 90 days after the submission of that report.

"(D) SENSE OF CONGRESS.—It is the sense of Congress that the integrity of the process for making the determinations in the annual report on trafficking in persons, including determinations with respect to country rankings and the substance of the assessments in the report, should be respected and not affected by unrelated considerations.

"(E) DEFINITIONS.—In this paragraph:

"(i) ANNUAL REPORT ON TRAFFICKING IN PERSONS.—The term 'annual report on trafficking in persons' means the annual report on trafficking in persons required under section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)).

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

"(I) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

"(II) the Committee on Finance and the Committee on Foreign Relations of the Senate.

"(iii) TIER 2 WATCH LIST.—The term 'tier 2 watch list' means the list of countries required under section 110(b)(2)(A)(iii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A)(iii)).

"(iv) TIER 3 COUNTRY.—The term 'tier 3 country' means a country on the list of countries required under section 110(b)(1)(C) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)(C)).".

(2) CONFORMING AMENDMENT.—Section 106(b)(6)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4205(b)(6)(A)) is amended by striking "to which the minimum" and all that follows through "7107(b)(1))" and inserting "listed as a tier 3 country in the most recent annual report on trafficking in persons".

(f) TECHNICAL AMENDMENTS.—The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended—

(1) in section 105(b)(3) (Public Law 114–26; 129 Stat. 346; 19 U.S.C. 4204(b)(3))—

(A) in subparagraph (A)(ii), by striking "section 102(b)(16)" and inserting "section 102(b)(17)"; and

(B) in subparagraph (B)(ii), by striking "section 102(b)(16)" and inserting "section 102(b)(17)"; and

(2) in section 106(b)(5) (Public Law 114–26; 129 Stat. 354; 19 U.S.C. 4205(b)(5)), by striking "section 102(b)(15)(C)" and inserting "section 102(b)(16)(C)".

19 USC 4201 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 129 Stat. 320; 19 U.S.C. 4201 et seq.).

19 USC 4454.

SEC. 915. TRADE PREFERENCES FOR NEPAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Nepal is among the least developed countries in the world, with a per capita gross national income of $730 in 2014.

(2) Nepal suffered a devastating earthquake in April 2015, with subsequent aftershocks. More than 9,000 people died and approximately 23,000 people were injured.

(b) ELIGIBILITY REQUIREMENTS.—

President. Determination.

(1) IN GENERAL.—The President may authorize the provision of preferential treatment under this section to articles that are imported directly from Nepal into the customs territory of the United States pursuant to subsection (c) if the President determines—

(A) that Nepal meets the requirements set forth in paragraphs (1), (2), and (3) of section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)); and

(B) after taking into account the factors set forth in paragraphs (1) through (7) of subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462), that Nepal meets the eligibility requirements of such section 502.

Applicability.

(2) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TREATMENT; MANDATORY GRADUATION.—The provisions of subsections (d) and (e) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462) shall apply with respect to Nepal to the same extent and in the same manner as such provisions apply with respect to beneficiary developing countries under title V of that Act (19 U.S.C. 2461 et seq.).

(c) ELIGIBLE ARTICLES.—

(1) IN GENERAL.—An article described in paragraph (2) may enter the customs territory of the United States free of duty.

(2) ARTICLES DESCRIBED.—

(A) IN GENERAL.—An article is described in this paragraph if—

(i)(I) the article is the growth, product, or manufacture of Nepal; and

(II) in the case of a textile or apparel article, Nepal is the country of origin of the article, as determined under section 102.21 of title 19, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act);

(ii) the article is imported directly from Nepal into the customs territory of the United States;

(iii) the article is classified under any of the following subheadings of the Harmonized Tariff Schedule

of the United States (as in effect on the day before the date of the enactment of this Act):

4202.11.00	4202.22.60	4202.92.08
4202.12.20	4202.22.70	4202.92.15
4202.12.40	4202.22.80	4202.92.20
4202.12.60	4202.29.50	4202.92.30
4202.12.80	4202.29.90	4202.92.45
4202.21.60	4202.31.60	4202.92.60
4202.21.90	4202.32.40	4202.92.90
4202.22.15	4202.32.80	4202.99.90
4202.22.40	4202.32.95	4203.29.50
4202.22.45	4202.91.00	
.....		
5701.10.90	5702.91.30	5703.10.80
5702.31.20	5702.91.40	5703.90.00
5702.49.20	5702.92.90	5705.00.20
5702.50.40	5702.99.15	
5702.50.59	5703.10.20	
.....		
6117.10.60	6214.20.00	6217.10.85
6117.80.85	6214.40.00	6301.90.00
6214.10.10	6214.90.00	6308.00.00
6214.10.20	6216.00.80	
.....		
6504.00.90	6505.00.30	6505.00.90
6505.00.08	6505.00.40	6506.99.30
6505.00.15	6505.00.50	6506.99.60
6505.00.20	6505.00.60	
6505.00.25	6505.00.80	

President. Determination.

(iv) the President determines, after receiving the advice of the United States International Trade Commission in accordance with section 503(e) of the Trade Act of 1974 (19 U.S.C. 2463(e)), that the article is not import-sensitive in the context of imports from Nepal; and

(v) subject to subparagraph (C), the sum of the cost or value of the materials produced in, and the direct costs of processing operations performed in, Nepal or the customs territory of the United States is not less than 35 percent of the appraised value of the article at the time it is entered.

(B) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of Nepal for purposes of subparagraph (A)(i)(I) by virtue of having merely undergone—

(i) simple combining or packaging operations; or

(ii) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(C) LIMITATION ON UNITED STATES COST.—For purposes of subparagraph (A)(v), the cost or value of materials produced in, and the direct costs of processing operations performed in, the customs territory of the United States and attributed to the 35-percent requirement under that subparagraph may not exceed 15 percent of the appraised value of the article at the time it is entered.

(3) VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR TEXTILE AND APPAREL ARTICLES.—

Deadlines.

(A) IN GENERAL.—Not later than January 1, April 1, July 1, and October 1 of each calendar year, the Commissioner shall verify that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are not being unlawfully transshipped into the United States.

Determination.

(B) REPORT TO PRESIDENT.—If the Commissioner determines under subparagraph (A) that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are being unlawfully transshipped into the United States, the Commissioner shall report that determination to the President.

(d) TRADE FACILITATION AND CAPACITY BUILDING.—

(1) FINDINGS.—Congress makes the following findings:

(A) As a land-locked least-developed country, Nepal has severe challenges reaching markets and developing capacity to export goods. As of 2015, exports from Nepal are approximately $800,000,000 per year, with India the major market at $450,000,000 annually. The United States imports about $80,000,000 worth of goods from Nepal, or 10 percent of the total goods exported from Nepal.

(B) The World Bank has found evidence that the overall export competitiveness of Nepal has been declining since 2005. Indices compiled by the World Bank and the Organization for Economic Co-operation and Development found that export costs in Nepal are high with respect to both air cargo and container shipments relative to other low-income countries. Such indices also identify particular weaknesses in Nepal with respect to automation of customs and other trade functions, involvement of local exporters and importers in preparing regulations and trade rules, and export finance.

(C) Implementation by Nepal of the Agreement on Trade Facilitation of the World Trade Organization could directly address some of the weaknesses described in subparagraph (B).

Deadline. President. Consultation.

(2) ESTABLISHMENT OF TRADE FACILITATION AND CAPACITY BUILDING PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the President shall, in consultation with the Government of Nepal, establish a trade facilitation and capacity building program for Nepal—

(A) to enhance the central export promotion agency of Nepal to support successful exporters and to build awareness among potential exporters in Nepal about opportunities abroad and ways to manage trade documentation and regulations in the United States and other countries;

(B) to provide export finance training for financial institutions in Nepal and the Government of Nepal;

Web posting.

(C) to assist the Government of Nepal in maintaining publication on the Internet of all trade regulations, forms for exporters and importers, tax and tariff rates, and other documentation relating to exporting goods and developing a robust public-private dialogue, through its National Trade Facilitation Committee, for Nepal to identify timelines for implementation of key reforms and solutions, as provided for under the Agreement on Trade Facilitation of the World Trade Organization; and

(D) to increase access to guides for importers and exporters, through publication of such guides on the Internet, including rules and documentation for United States tariff preference programs.

(e) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall monitor, review, and report to Congress on the implementation of this section, the compliance of Nepal with subsection (b)(1), and the trade and investment policy of the United States with respect to Nepal. President. Review.

(f) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential treatment extended under this section shall remain in effect after December 31, 2025.

(g) EFFECTIVE DATE.—The provisions of this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 916. AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.

Section 107 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4206) is amended by adding at the end the following:

"(c) AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.—Notwithstanding the notification requirement described in section 103(a)(2), the President may exercise the proclamation authority provided for in section 103(a)(1)(B) to implement an agreement by members of the Asia-Pacific Economic Cooperation (APEC) to reduce any rate of duty on certain environmental goods included in Annex C of the APEC Leaders Declaration issued on September 9, 2012, if (and only if) the President, as soon as feasible after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and before exercising proclamation authority under section 103(a)(1)(B), notifies Congress of the negotiations relating to the agreement and the specific United States objectives in the negotiations.". President. Notification. Negotiations.

SEC. 917. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE COUNTRY OF ORIGIN MARKING OF CERTAIN CASTINGS.

(a) IN GENERAL.—Section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) is amended—

(1) in the subsection heading, by striking "MANHOLE RINGS OR FRAMES, COVERS, AND ASSEMBLIES THEREOF" and inserting "CASTINGS";

(2) by inserting "inlet frames, tree and trench grates, lampposts, lamppost bases, cast utility poles, bollards, hydrants, utility boxes," before "manhole rings,"; and

(3) by adding at the end before the period the following: "in a location such that it will remain visible after installation".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the importation of castings described in such amendments on or after the date that is 180 days after such date of enactment. Applicability. Time period. 19 USC 1304 note.

President.

SEC. 918. INCLUSION OF CERTAIN INFORMATION IN SUBMISSION OF NOMINATION FOR APPOINTMENT AS DEPUTY UNITED STATES TRADE REPRESENTATIVE.

Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following:

"(5)(A) When the President submits to the Senate for its advice and consent a nomination of an individual for appointment as a Deputy United States Trade Representative under paragraph (2), the President shall include in that submission information on the country, regional offices, and functions of the Office of the United States Trade Representative with respect to which that individual will have responsibility.

Notification.
Deadline.

"(B) The President shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not less than 30 days prior to making any change to the responsibilities of any Deputy United States Trade Representative included in a submission under subparagraph (A), including the reason for that change.".

SEC. 919. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.

(2) The imposition of duties on such goods creates artificial distortions in the economy of the United States that negatively affect United States manufacturers and consumers.

(3) It would be in the interests of the United States if the Harmonized Tariff Schedule were updated regularly and predictably to eliminate such artificial distortions by suspending or reducing duties on such goods.

(4) The manufacturing competitiveness of the United States around the world would be enhanced if the Harmonized Tariff Schedule were updated regularly and predictably to suspend or reduce duties on such goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to remove the competitive disadvantage to United States manufacturers and consumers resulting from the imposition of such duties and to promote the competitiveness of United States manufacturers, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives are urged to advance, as soon as possible, after consultation with the public and Members of the Senate and the House of Representatives, a regular and predictable legislative process for the temporary suspension and reduction of duties that is consistent with the rules of the Senate and the House.

SEC. 920. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "July 7, 2025" and inserting "September 30, 2025"; and

(2) by striking subparagraph (D).

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended—

(1) by striking "June 30, 2025" and inserting "September 30, 2025"; and

(2) by striking subsection (c).

SEC. 921. INCREASE IN PENALTY FOR FAILURE TO FILE RETURN OF TAX.

(a) IN GENERAL.—Section 6651(a) of the Internal Revenue Code of 1986 is amended by striking "$135" in the last sentence and inserting "$205". 26 USC 6651.

(b) CONFORMING AMENDMENT.—Section 6651(i) of such Code is amended by striking "$135" and inserting "$205".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed in calendar years after 2015. 26 USC 6651 note.

SEC. 922. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND ON MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

(a) PERMANENT MORATORIUM.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "during the period beginning November 1, 2003, and ending October 1, 2015".

(b) TEMPORARY EXTENSION.—Section 1104(a)(2)(A) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "October 1, 2015" and inserting "June 30, 2020".

Approved February 24, 2016.

LEGISLATIVE HISTORY—H.R. 644:

HOUSE REPORTS: Nos. 114–18 (Comm. on Ways and Means) and 114–376 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 161 (2015): Feb. 12, considered and passed House.
May 14, considered and passed Senate, amended.
June 12, House concurred in Senate amendments with an amendment.
Dec. 11, House agreed to conference report.

Vol. 162 (2016): Feb. 9, 11, Senate considered and agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Feb. 24, Presidential remarks and statement.

Public Law 114–126
114th Congress

An Act

Feb. 24, 2016
[H.R. 1428]

To extend Privacy Act remedies to citizens of certified states, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Judicial Redress Act of 2015.
5 USC 552a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Redress Act of 2015".

SEC. 2. EXTENSION OF PRIVACY ACT REMEDIES TO CITIZENS OF DESIGNATED COUNTRIES.

(a) CIVIL ACTION; CIVIL REMEDIES.—With respect to covered records, a covered person may bring a civil action against an agency and obtain civil remedies, in the same manner, to the same extent, and subject to the same limitations, including exemptions and exceptions, as an individual may bring and obtain with respect to records under—

(1) section 552a(g)(1)(D) of title 5, United States Code, but only with respect to disclosures intentionally or willfully made in violation of section 552a(b) of such title; and

(2) subparagraphs (A) and (B) of section 552a(g)(1) of title 5, United States Code, but such an action may only be brought against a designated Federal agency or component.

(b) EXCLUSIVE REMEDIES.—The remedies set forth in subsection (a) are the exclusive remedies available to a covered person under this section.

(c) APPLICATION OF THE PRIVACY ACT WITH RESPECT TO A COVERED PERSON.—For purposes of a civil action described in subsection (a), a covered person shall have the same rights, and be subject to the same limitations, including exemptions and exceptions, as an individual has and is subject to under section 552a of title 5, United States Code, when pursuing the civil remedies described in paragraphs (1) and (2) of subsection (a).

(d) DESIGNATION OF COVERED COUNTRY.—

(1) IN GENERAL.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, designate a foreign country or regional economic integration organization, or member country of such organization, as a "covered country" for purposes of this section if—

(A)(i) the country or regional economic integration organization, or member country of such organization, has entered into an agreement with the United States that provides for appropriate privacy protections for information shared for the purpose of preventing, investigating, detecting, or prosecuting criminal offenses; or

(ii) the Attorney General has determined that the country or regional economic integration organization, or member country of such organization, has effectively shared information with the United States for the purpose of preventing, investigating, detecting, or prosecuting criminal offenses and has appropriate privacy protections for such shared information; Determination.

(B) the country or regional economic integration organization, or member country of such organization, permits the transfer of personal data for commercial purposes between the territory of that country or regional economic organization and the territory of the United States, through an agreement with the United States or otherwise; and

(C) the Attorney General has certified that the policies regarding the transfer of personal data for commercial purposes and related actions of the country or regional economic integration organization, or member country of such organization, do not materially impede the national security interests of the United States. Certification.

(2) REMOVAL OF DESIGNATION.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, revoke the designation of a foreign country or regional economic integration organization, or member country of such organization, as a "covered country" if the Attorney General determines that such designated "covered country"—

(A) is not complying with the agreement described under paragraph (1)(A)(i);

(B) no longer meets the requirements for designation under paragraph (1)(A)(ii);

(C) fails to meet the requirements under paragraph (1)(B);

(D) no longer meets the requirements for certification under paragraph (1)(C); or

(E) impedes the transfer of information (for purposes of reporting or preventing unlawful activity) to the United States by a private entity or person.

(e) DESIGNATION OF DESIGNATED FEDERAL AGENCY OR COMPONENT.— Determinations.

(1) IN GENERAL.—The Attorney General shall determine whether an agency or component thereof is a "designated Federal agency or component" for purposes of this section. The Attorney General shall not designate any agency or component thereof other than the Department of Justice or a component of the Department of Justice without the concurrence of the head of the relevant agency, or of the agency to which the component belongs.

(2) REQUIREMENTS FOR DESIGNATION.—The Attorney General may determine that an agency or component of an agency is a "designated Federal agency or component" for purposes of this section, if—

(A) the Attorney General determines that information exchanged by such agency with a covered country is within the scope of an agreement referred to in subsection (d)(1)(A); or

(B) with respect to a country or regional economic integration organization, or member country of such

organization, that has been designated as a "covered country" under subsection (d)(1)(B), the Attorney General determines that designating such agency or component thereof is in the law enforcement interests of the United States.

Publication.

(f) FEDERAL REGISTER REQUIREMENT; NONREVIEWABLE DETERMINATION.—The Attorney General shall publish each determination made under subsections (d) and (e). Such determination shall not be subject to judicial or administrative review.

(g) JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any claim arising under this section.

(h) DEFINITIONS.—In this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 552(f) of title 5, United States Code.

(2) COVERED COUNTRY.—The term "covered country" means a country or regional economic integration organization, or member country of such organization, designated in accordance with subsection (d).

(3) COVERED PERSON.—The term "covered person" means a natural person (other than an individual) who is a citizen of a covered country.

(4) COVERED RECORD.—The term "covered record" has the same meaning for a covered person as a record has for an individual under section 552a of title 5, United States Code, once the covered record is transferred—

(A) by a public authority of, or private entity within, a country or regional economic organization, or member country of such organization, which at the time the record is transferred is a covered country; and

(B) to a designated Federal agency or component for purposes of preventing, investigating, detecting, or prosecuting criminal offenses.

(5) DESIGNATED FEDERAL AGENCY OR COMPONENT.—The term "designated Federal agency or component" means a Federal agency or component of an agency designated in accordance with subsection (e).

(6) INDIVIDUAL.—The term "individual" has the meaning given that term in section 552a(a)(2) of title 5, United States Code.

(i) PRESERVATION OF PRIVILEGES.—Nothing in this section shall be construed to waive any applicable privilege or require the disclosure of classified information. Upon an agency's request, the district court shall review in camera and ex parte any submission by the agency in connection with this subsection.

(j) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of the enactment of this Act.

Approved February 24, 2016.

LEGISLATIVE HISTORY—H.R. 1428:

HOUSE REPORTS: No. 114–294, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Oct. 20, considered and passed House.
Vol. 162 (2016): Feb. 9, considered and passed Senate, amended.
Feb. 10, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Feb. 24, Presidential remarks.

Public Law 114–127
114th Congress

An Act

Feb. 29, 2016
[H.R. 487]

To allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Miami Tribe of Oklahoma may lease, sell, convey, warrant, or otherwise transfer all or any part of its interests in any real property that is not held in trust by the United States for the benefit of such tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section shall—

(1) authorize the Miami Tribe of Oklahoma to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of such tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

Approved February 29, 2016.

LEGISLATIVE HISTORY—H.R. 487:

HOUSE REPORTS: No. 114–250 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–205 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Sept. 16, considered and passed House.
Vol. 162 (2016): Feb. 11, considered and passed Senate.

Public Law 114–128
114th Congress

An Act

To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida.

Feb. 29, 2016
[H.R. 890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

16 USC 3503 note.

(a) IN GENERAL.—The maps subtitled "Cape Romano Unit P15, Tigertail Unit FL–63P" and "Keewaydin Island Unit P16" included in the set of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) and relating to certain John H. Chafee Coastal Barrier Resources System units in Florida are hereby replaced by other maps relating to the units subtitled "Cape Romano Unit P15/P15P", "Keewaydin Island Unit P16/P16P, Tigertail Unit FL–63P", and "Keewaydin Island Unit P16/P16P", respectively, and dated April 10, 2015.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement maps referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Approved February 29, 2016.

LEGISLATIVE HISTORY—H.R. 890:

HOUSE REPORTS: No. 114–417 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 9, considered and passed House.
Feb. 22, considered and passed Senate.

Public Law 114–129
114th Congress

An Act

Feb. 29, 2016
[H.R. 3262]

To provide for the conveyance of land of the Illiana Health Care System of the Department of Veterans Affairs in Danville, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, DANVILLE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the Danville Area Community College of Danville, Illinois, all right, title, and interest of the United States in and to certain real property, including any improvements thereon, consisting of approximately .6 acres known as "Building Number 48", which is part of the Illiana Health Care System of the Department of Veterans Affairs.

Danville Area Community College.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Danville Area Community College shall convey to the United States all right, title, and interest of Danville Area Community College in and to certain real property, including any improvements thereon, consisting of approximately 1.06 acres with a gazebo located approximately 293 feet south of the Danville Area Community College Library Building, which is part of the Danville Area Community College.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the recipient accept the conveyed real property in its condition at the time of the conveyance.

Determination.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

Approved February 29, 2016.

LEGISLATIVE HISTORY—H.R. 3262:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 9, considered and passed House.
Feb. 22, considered and passed Senate.

Public Law 114–130
114th Congress

An Act

To direct the Secretary of Veterans Affairs to convey to the Florida Department of Veterans Affairs all right, title, and interest of the United States to the property known as "The Community Living Center" at the Lake Baldwin Veterans Affairs Outpatient Clinic, Orlando, Florida.

Feb. 29, 2016
[H.R. 4056]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS LAND CONVEYANCE, LAKE BALDWIN VETERANS AFFAIRS OUTPATIENT CLINIC, ORLANDO, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs shall convey to the Florida Department of Veterans Affairs all right, title, and interest of the United States in and to the property known as "The Community Living Center", including any improvements thereon, which is part of the Lake Baldwin Veterans Affairs Outpatient Clinic, Orlando, Florida, located at 5201 Raymond Street, Orlando, Florida.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) The recipient shall agree to accept the conveyed real property in its condition at the time of the conveyance.

(2) The recipient shall agree not to apply the small house design model of the Department of Veterans Affairs Office of Construction and Facilities Management Design Guide for Community Living Centers to the conveyed real property.

(c) USE OF PROPERTY.—The deed of conveyance for the parcels of real property conveyed under subsection (a) shall provide that all of the property be used and maintained for the sole purpose of providing nursing home, domiciliary, or adult day health care to veterans.

Determination.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Approved February 29, 2016.

LEGISLATIVE HISTORY—H.R. 4056:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 9, considered and passed House.
Feb. 22, considered and passed Senate.

Public Law 114–131
114th Congress

An Act

Feb. 29, 2016
[H.R. 4437]

To extend the deadline for the submittal of the final report required by the Commission on Care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

38 USC 1701 note.

SECTION 1. EXTENSION OF DEADLINE FOR SUBMITTAL OF FINAL REPORT BY COMMISSION ON CARE.

128 Stat. 1775.

Section 202(b)(3)(B) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1773) is amended by striking "Not later than 180 days after the date of the initial meeting of the Commission" and inserting "Not later than June 30, 2016".

Approved February 29, 2016.

LEGISLATIVE HISTORY—H.R. 4437:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 9, considered and passed House.
Feb. 22, considered and passed Senate.

Public Law 114–132
114th Congress

An Act

To direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

Feb. 29, 2016
[S. 2109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Directing Dollars to Disaster Relief Act of 2015.
42 USC 5121 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Directing Dollars to Disaster Relief Act of 2015".

42 USC 5165e note.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "administrative cost"—

(A) means a cost incurred by the Agency in support of the delivery of disaster assistance for a major disaster; and

(B) does not include a cost incurred by a grantee or subgrantee;

(2) the term "Administrator" means the Administrator of the Agency;

(3) the term "Agency" means the Federal Emergency Management Agency;

(4) the term "direct administrative cost" means a cost incurred by a grantee or subgrantee of a program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that can be identified separately and assigned to a specific project;

(5) the term "hazard mitigation program" means the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

(6) the term "individual assistance program" means the individual assistance grant program authorized under sections 408, 410, 415, 416, 426, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174, 5177, 5182, 5183, 5189d, and 5192(a));

(7) the term "major disaster" means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(8) the term "mission assignment" has the meaning given the term in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741); and

(9) the term "public assistance program" means the public assistance grant program authorized under sections 403(a)(3), 406, 418, 419, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3), 5172, 5185, 5186, 5189f, and 5192(a)).

42 USC 5165e.

SEC. 3. INTEGRATED PLAN FOR ADMINISTRATIVE COST REDUCTION.

Deadline.

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) develop and implement an integrated plan to control and reduce administrative costs for major disasters, which shall include—

(A) steps the Agency will take to reduce administrative costs;

(B) milestones needed for accomplishing the reduction of administrative costs;

(C) strategic goals for the average annual percentage of administrative costs of major disasters for each fiscal year;

(D) the assignment of clear roles and responsibilities, including the designation of officials responsible for monitoring and measuring performance; and

(E) a timetable for implementation;

(2) compare the costs and benefits of tracking the administrative cost data for major disasters by the public assistance, individual assistance, hazard mitigation, and mission assignment programs, and if feasible, track this information; and

(3) clarify Agency guidance and minimum documentation requirements for a direct administrative cost claimed by a grantee or subgrantee of a public assistance grant program.

Deadline.

(b) CONGRESSIONAL UPDATE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the plan required to be developed under subsection (a)(1).

Reports.
Notification.

(c) UPDATES.—If the Administrator modifies the plan or the timetable under subsection (a), the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report notifying Congress of the modification, which shall include the details of the modification.

Time periods.
42 USC 5165e note.
Effective date.

SEC. 4. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Not later than November 30 of each year for 7 years beginning on the date of enactment of this Act, the Administrator shall submit to Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the development and implementation of the integrated plan required under section 3 for the previous fiscal year.

(b) REPORT UPDATES.—

(1) THREE YEAR UPDATE.—Not later than 3 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 3-fiscal-year period.

(2) FIVE YEAR UPDATE.—Not later than 5 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 5-fiscal-year period.

(c) CONTENTS OF REPORTS.—Each report required under subsections (a) and (b) shall contain, at a minimum—

(1) the total amount spent on administrative costs for the fiscal year period for which the report is being submitted;

(2) the average annual percentage of administrative costs for the fiscal year period for which the report is being submitted;

(3) an assessment of the effectiveness of the plan developed under section 3(a)(1); Assessment.

(4) an analysis of— Analysis.

(A) whether the Agency is achieving the strategic goals established under section 3(a)(1)(C); and

(B) in the case of the Agency not achieving such strategic goals, what is preventing the Agency from doing so;

(5) any actions the Agency has identified as useful in improving upon and reaching the goals for administrative costs established under section 3(a)(1)(C); and

(6) any data described in section 3(a)(2), if the Agency determines it is feasible to track such data.

(d) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Administrator submits a report to Congress under this section, the Administrator shall make the report publicly available on the website of the Agency. Web posting.

Approved February 29, 2016.

LEGISLATIVE HISTORY—S. 2109:

SENATE REPORTS: No. 114–173 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 9, considered and passed Senate.
Feb. 23, considered and passed House.

Public Law 114–133
114th Congress

An Act

Mar. 9, 2016
[S. 238]

To amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Eric Williams Correctional Officer Protection Act of 2015.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eric Williams Correctional Officer Protection Act of 2015".

SEC. 2. OFFICERS AND EMPLOYEES OF THE BUREAU OF PRISONS AUTHORIZED TO CARRY OLEORESIN CAPSICUM SPRAY.

(a) IN GENERAL.—Chapter 303 of part III of title 18, United States Code, is amended by adding at the end the following:

18 USC 4049.

"§ 4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray

"(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

"(1) any officer or employee of the Bureau of Prisons who—

"(A) is employed in a prison that is not a minimum or low security prison; and

"(B) may respond to an emergency situation in such a prison; and

"(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

"(b) TRAINING REQUIREMENT.—

"(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

"(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

"(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the

officer or employee would be compensated for conducting the officer or employee's regular duties.

"(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

"(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

"(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 303 of part III of title 18, United States Code, is amended by inserting after the item relating to section 4048 the following:

18 USC prec. 4041.

"4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.".

SEC. 3. GAO REPORT.

Evaluation. Recommendations.

Not later than the date that is 3 years after the date on which the Director of the Bureau of Prisons begins to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons pursuant to section 4049 of title 18, United States Code, as added by this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An evaluation of the effectiveness of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are not minimum or low security prisons on—

(A) reducing crime in such prisons; and

(B) reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons.

(2) An evaluation of the advisability of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are minimum or low security prisons, including—

(A) the effectiveness that issuing such spray in such prisons would have on reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons; and

(B) the cost of issuing such spray in such prisons.

(3) Recommendations to improve the safety of officers and employees of the Bureau of Prisons in prisons.

Approved March 9, 2016.

LEGISLATIVE HISTORY—S. 238:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 16, considered and passed Senate.
Vol. 162 (2016): Feb. 24, considered and passed House.

Public Law 114–134
114th Congress

An Act

To designate the facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, as the "Specialist Joseph W. Riley Post Office Building".

Mar. 9, 2016
[S. 1596]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST JOSEPH W. RILEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, shall be known and designated as the "Specialist Joseph W. Riley Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Joseph W. Riley Post Office Building".

Approved March 9, 2016.

LEGISLATIVE HISTORY—S. 1596:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Aug. 5, considered and passed Senate.
Vol. 162 (2016): Mar. 1, considered and passed House.

Public Law 114–135
114th Congress

An Act

Mar. 18, 2016
[H.R. 1755]

To amend title 36, United States Code, to make certain improvements in the congressional charter of the Disabled American Veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CHARTER OF DISABLED AMERICAN VETERANS.

(a) PURPOSES.—Section 50302 of title 36, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "The purposes of the corporation are—" and inserting "The corporation is organized exclusively for charitable and educational purposes. The purposes of the corporation shall include—";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (9); and

(4) by inserting after paragraph (6) the following new paragraphs:

"(7) to educate the public about the sacrifices and needs of disabled veterans;

"(8) to educate disabled veterans about the benefits and resources available to them; and".

(b) DISSOLUTION.—Chapter 503 of such title is amended by adding at the end the following new section:

36 USC 50309.

"§ 50309. Dissolution

"On dissolution or final liquidation of the corporation, any assets remaining after the discharge or satisfactory provision for the discharge of all liabilities shall be transferred to the Secretary of Veterans Affairs for the care of disabled veterans.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 503 of such title is amended by inserting after the item relating to section 50308 the following:

36 USC prec. 50301.

"50309. Dissolution.".

Approved March 18, 2016.

LEGISLATIVE HISTORY—H.R. 1755:

HOUSE REPORTS: No. 114–350 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 30, considered and passed House.
Vol. 162 (2016): Mar. 8, considered and passed Senate.

Public Law 114–136
114th Congress

An Act

To improve the process of presidential transition.

Mar. 18, 2016
[S. 1172]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015".

SEC. 2. PRESIDENTIAL TRANSITION IMPROVEMENTS.

(a) IN GENERAL.—The Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

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

(2) by inserting after section 3 the following:

"SEC. 4. TRANSITION SERVICES AND ACTIVITIES BEFORE ELECTION.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Administrator' means the Administrator of General Services;

"(2) the term 'agency' means an Executive agency, as defined in section 105 of title 5, United States Code;

"(3) the term 'eligible candidate' has the meaning given that term in section 3(h)(4); and

"(4) the term 'Presidential election' means a general election held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

"(b) GENERAL DUTIES.—The President shall take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including by—

"(1) establishing and operating a White House transition coordinating council in accordance with subsection (d); and

"(2) establishing and operating an agency transition directors council in accordance with subsection (e).

"(c) FEDERAL TRANSITION COORDINATOR.—The Administrator shall designate an employee of the General Services Administration who is a senior career appointee to— Designation.

"(1) carry out the duties and authorities of the General Services Administration relating to Presidential transitions under this Act or any other provision of law;

"(2) serve as the Federal Transition Coordinator with responsibility for coordinating transition planning across agencies, including through the agency transition directors council established under subsection (e);

"(3) ensure agencies comply with all statutory requirements relating to transition planning and reporting; and

"(4) act as a liaison to eligible candidates.

"(d) WHITE HOUSE TRANSITION COORDINATING COUNCIL.—

Deadline.

"(1) ESTABLISHMENT.—Not later than 6 months before the date of a Presidential election, the President shall establish a White House transition coordinating council for purposes of facilitating the Presidential transition.

"(2) DUTIES.—The White House transition coordinating council shall—

"(A) provide guidance to agencies and the Federal Transition Coordinator regarding preparations for the Presidential transition, including succession planning and preparation of briefing materials;

"(B) facilitate communication and information sharing between the transition representatives of eligible candidates and senior employees in agencies and the Executive Office of the President; and

"(C) prepare and host interagency emergency preparedness and response exercises.

"(3) MEMBERSHIP.—The members of the White House transition coordinating council shall include—

"(A) senior employees of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States;

"(B) the Federal Transition Coordinator;

"(C) the transition representative for each eligible candidate, who shall serve in an advisory capacity; and

"(D) any other individual the President determines appropriate.

"(4) CHAIRPERSON.—The Chairperson of the White House transition coordinating council shall be a senior employee in the Executive Office of the President, designated by the President.

"(e) AGENCY TRANSITION DIRECTORS COUNCIL.—

Establishment.

"(1) IN GENERAL.—The President shall establish and operate an agency transition directors council, which shall—

"(A) ensure the Federal Government has an integrated strategy for addressing interagency challenges and responsibilities around Presidential transitions and turnover of noncareer appointees;

"(B) coordinate transition activities between the Executive Office of the President, agencies, and the transition team of eligible candidates and the President-elect and Vice-President-elect; and

"(C) draw on guidance provided by the White House transition coordinating council and lessons learned from previous Presidential transitions in carrying out its duties.

"(2) DUTIES.—As part of carrying out the responsibilities under paragraph (1), the agency transition directors council shall—

"(A) assist the Federal Transition Coordinator in identifying and carrying out the responsibilities of the Federal Transition Coordinator relating to a Presidential transition;

"(B) provide guidance to agencies in gathering briefing materials and information relating to the Presidential transition that may be requested by eligible candidates;

"(C) ensure materials and information described in subparagraph (B) are prepared not later than November 1 of a year during which a Presidential election is held;

"(D) ensure agencies adequately prepare career employees who are designated to fill non-career positions under subsection (f) during a Presidential transition; and

"(E) consult with the President's Management Council, or any successor thereto, in carrying out the duties of the agency transition directors council.

"(3) MEMBERSHIP.—The members of the agency transition directors council shall include—

"(A) the Federal Transition Coordinator and the Deputy Director for Management of the Office of Management and Budget, who shall serve as Co-Chairpersons of the agency transition directors council;

"(B) other senior employees serving in the Executive Office of the President, as determined by the President;

"(C) a senior representative from each agency described in section 901(b)(1) of title 31, United States Code, the Office of Personnel Management, the Office of Government Ethics, and the National Archives and Records Administration whose responsibilities include leading Presidential transition efforts within the agency;

"(D) a senior representative from any other agency determined by the Co-Chairpersons to be an agency that has significant responsibilities relating to the Presidential transition process; and

"(E) during a year during which a Presidential election will be held, a transition representative for each eligible candidate, who shall serve in an advisory capacity.

"(4) MEETINGS.—The agency transition directors council shall meet— Time periods.

"(A) subject to subparagraph (B), not less than once per year; and

"(B) during the period beginning on the date that is 6 months before a Presidential election and ending on the date on which the President-elect is inaugurated, on a regular basis as necessary to carry out the duties and authorities of the agency transition directors council.

"(f) INTERIM AGENCY LEADERSHIP FOR TRANSITIONS.— Deadlines.

"(1) OVERSIGHT AND IMPLEMENTATION OF TRANSITION.—Not later than 6 months before the date of a Presidential election, the head of each agency shall designate a senior career employee of the agency and a senior career employee of each major component and subcomponent of the agency to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition. Designation.

Deadline.

"(2) ACTING OFFICERS.—Not later than September 15 of a year during which a Presidential election occurs, and in accordance with subchapter III of chapter 33 of title 5, United States Code, for each noncareer position in an agency that the head of the agency determines is critical, the head of the agency shall designate a qualified career employee to serve in the position in an acting capacity if the position becomes vacant.

"(g) MEMORANDUMS OF UNDERSTANDING.—

Deadline.

"(1) IN GENERAL.—Not later than November 1 of a year during which a Presidential election occurs, the President (acting through the Federal Transition Coordinator) shall, to the maximum extent practicable, negotiate a memorandum of understanding with the transition representative of each eligible candidate, which shall include, at a minimum, the conditions of access to employees, facilities, and documents of agencies by transition staff.

"(2) EXISTING RESOURCES.—To the maximum extent practicable, the memorandums of understanding negotiated under paragraph (1) shall be based on memorandums of understanding from previous Presidential transitions.

"(h) EQUITY IN ASSISTANCE.—Any information or other assistance provided to eligible candidates under this section shall be offered on an equal basis and without regard to political affiliation.

"(i) REPORTS.—

"(1) IN GENERAL.—The President, acting through the Federal Transition Coordinator, shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and agencies to prepare for the transfer of power to a new President.

"(2) TIMING.—The reports under paragraph (1) shall be provided 6 months and 3 months before the date of a Presidential election.".

(b) OTHER IMPROVEMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)—

(A) in paragraph (8)—

(i) in subparagraph (A)(i)—

(I) by inserting "and during the term of a President" after "during the transition"; and

(II) by striking "after inauguration"; and

(ii) in subparagraph (B), by inserting "or Executive agencies (as defined in section 105 of title 5, United States Code)" before the period; and

(B) in paragraph (10), by inserting "including, to the greatest extent practicable, human resource management system software compatible with the software used by the incumbent President and likely to be used by the President-elect and Vice President-elect" before the period;

(2) in subsection (b)(2), by striking "30 days" and inserting "180 days";

(3) in subsection (g), by inserting "except for activities under subsection (a)(8)(A)," before "there shall be no"; and

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

"(D) An eligible candidate shall have a right to the services and facilities described in this paragraph until the date on which the Administrator is able to determine the apparent successful candidates for the office of President and Vice President.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3 of the Pre-Election Presidential Transition Act of 2010 (3 U.S.C. 102 note) is repealed.

(2) The Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(A) in section 3—

(i) in subsection (a)(4)(B), by striking "section 6" and inserting "section 7";

(ii) in subsection (b), in the matter preceding paragraph (1), by striking "section 3 of this Act" and inserting "this section"; and

(iii) in subsection (h)(3)(B)(iii), by striking "section 5" each place it appears and inserting "section 6";

(B) in section 6, as redesignated by subsection (a) of this section, by striking "section 6(a)(1)" each place it appears and inserting "section 7(a)(1)"; and

(C) in section 7(a)(2), as redesignated by subsection (a) of this section, by striking "section 4" and inserting "section 5".

(3) Section 8331(1)(K) of title 5, United States Code, is amended by striking "section 4" and inserting "section 5".

(4) Section 8701(a)(10) of title 5, United States Code, is amended by striking "section 4" and inserting "section 5".

(5) Section 8901(1)(I) of title 5, United States Code, is amended by striking "section 4" and inserting "section 5".

SEC. 3. NATIONAL ARCHIVES PRESIDENTIAL TRANSITION.

Section 2203(g) of title 44, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

"(3) When the President considers it practicable and in the public interest, the President shall include in the President's budget transmitted to Congress, for each fiscal year in which the term of office of the President will expire, such funds as may be necessary for carrying out the authorities of this subsection.".

SEC. 4. REPORTS ON POLITICAL APPOINTEES APPOINTED TO NON-POLITICAL PERMANENT POSITIONS. 5 USC 3101 note.

(a) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code;

(2) the term "covered civil service position" means a position in the civil service (as defined in section 2101 of title 5, United States Code) that is not—

(A) a temporary position; or

(B) a political position;

(3) the term "former political appointee" means an individual who—

(A) is not serving in an appointment to a political position; and

(B) served as a political appointee during the 5-year period ending on the date of the request for an appointment to a covered civil service position in any agency;

(4) the term "political appointee" means an individual serving in an appointment to a political position; and

(5) the term "political position" means—

(A) a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(B) a noncareer appointment in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of title 5, United States Code; or

(C) a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations.

(b) REPORTING ON CURRENT OR RECENT POLITICAL APPOINTEES APPOINTED TO COVERED CIVIL SERVICE POSITIONS.—

(1) ANNUAL REPORT.—Except as provided in paragraph (2), the Director of the Office of Personnel Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report regarding requests by agencies to appoint political appointees or former political appointees to covered civil service positions. Each report shall cover one calendar year and shall—

(A) for each request by an agency that a political appointee be appointed to a covered civil service position during the period covered by the report, provide—

(i) the date on which the request was received by the Office of Personnel Management;

(ii) subject to subsection (c), the name of the individual and the political position held by the individual, including title, office, and agency;

(iii) the date on which the individual was first appointed to a political position in the agency in which the individual is serving as a political appointee;

(iv) the grade and rate of basic pay for the individual as a political appointee;

(v) the proposed covered civil service position, including title, office, and agency, and the proposed grade and rate of basic pay for the individual;

(vi) whether the Office of Personnel Management approved or denied the request; and

(vii) the date on which the individual was appointed to a covered civil service position, if applicable; and

(B) for each request by an agency that a former political appointee be appointed to a covered civil service position during the period covered by the report, provide—

(i) the date on which the request was received by the Office of Personnel Management;

(ii) subject to subsection (c), the name of the individual and the political position held by the individual, including title, office, and agency;

(iii) the date on which the individual was first appointed to any political position;

(iv) the grade and rate of basic pay for the individual as a political appointee;

(v) the date on which the individual ceased to serve in a political position;

(vi) the proposed covered civil service position, including title, office, and agency, and the proposed grade and rate of basic pay for the individual;

(vii) whether the Office of Personnel Management approved or denied the request; and

(viii) the date on which the individual was first appointed to a covered civil service position, if applicable.

(2) QUARTERLY REPORT IN CERTAIN YEARS.—In the last year of the term of a President, or, if applicable, the last year of the second consecutive term of a President, the report required under paragraph (1) shall be submitted quarterly and shall cover each quarter of the year, except that the last quarterly report shall also cover January 1 through 20 of the following year.

(c) NAMES AND TITLES OF CERTAIN APPOINTEES.—If determined appropriate by the Director of the Office of Personnel Management, a report submitted under subsection (b) may exclude the name or title of a political appointee or former political appointee—

(1) who—

(A) was requested to be appointed to a covered civil service position; and

(B) was not appointed to a covered civil service position; or

(2) relating to whom a request to be appointed to a covered civil service position is pending at the end of the period covered by that report.

SEC. 5. REPORT ON REGULATIONS PROMULGATED NEAR THE END OF PRESIDENTIAL TERMS.

(a) DEFINITIONS.—In this section:

(1) The term "covered presidential transition period" means each of the following:

(A) The 120-day period ending on January 20, 2001.

(B) The 120-day period ending on January 20, 2009.

(C) The 120-day period ending on January 20, 2017.

(2) The term "covered regulation" means a final significant regulatory action promulgated by an Executive department.

(3) The term "significant regulatory action" means any regulatory action that is likely to result in a rule that may—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues.

(4) The term "Executive department" has the meaning given that term under section 101 of title 5, United States Code.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding covered regulations promulgated during each covered presidential transition period.

(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall, to the extent feasible, for each covered presidential transition period—

Time periods.

(A) compare the number, scope, and impact of, and type of rulemaking procedure used for, covered regulations promulgated during the covered presidential transition period to the number, scope, and impact of, and type of rulemaking procedure used for, covered regulations promulgated during the 120-day periods ending on January 20 of each year after 1996, other than 2001, 2009, and 2017;

Determination.

(B) determine the statistical significance of any differences identified under subparagraph (A) and whether and to what extent such differences indicate any patterns;

Evaluation.

(C) evaluate the size, scope, and effect of the covered regulations promulgated during the covered presidential transition period; and

Assessment.

(D) assess the extent to which the regularly required processes for the promulgation of covered regulations were followed during the covered presidential transition period, including compliance with the requirements under—

(i) chapter 8 of title 5, United States Code (commonly known as the "Congressional Review Act");

(ii) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note);

(iii) sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532–1535);

(iv) chapter 6 of title 5, United States Code (commonly known as the "Regulatory Flexibility Act"); and

(v) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

SEC. 6. ANALYSIS OF THREATS AND VULNERABILITIES.

Deadline. Reports.

(a) IN GENERAL.—Not later than February 15, 2016, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Government Reform and Homeland Security of the House of Representatives a report analyzing the threats and vulnerabilities facing the United States during a presidential transition, which—

(1) shall identify and discuss vulnerabilities related to border security and threats related to terrorism, including from weapons of mass destruction;

(2) shall identify steps being taken to address the threats and vulnerabilities during a presidential transition; and

(3) may include recommendations for actions by components and agencies within the Department of Homeland Security.

(b) FORM.—The report submitted under subsection (a) shall be prepared in unclassified form, but may contain a classified annex.

Approved March 18, 2016.

LEGISLATIVE HISTORY—S. 1172:

HOUSE REPORTS: No. 114–384, Pt. 1 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–94 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): July 30, considered and passed Senate.
Vol. 162 (2016): Feb. 29, considered and passed House, amended.
Mar. 8, Senate concurred in House amendment.

Public Law 114–137
114th Congress

An Act

Mar. 18, 2016
[S. 1580]

To allow additional appointing authorities to select individuals from competitive service certificates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Competitive Service Act of 2015.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Competitive Service Act of 2015".

SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COMPETITIVE SERVICE.

(a) IN GENERAL.—Section 3318 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

"(b) OTHER APPOINTING AUTHORITIES.—

Time period.
Effective date.

"(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate (in this subsection referred to as the 'other appointing authority') may select an individual from that certificate in accordance with this subsection for an appointment to a position that is—

"(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

"(B) at a similar grade level as the original position.

"(2) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

"(3) REQUIREMENTS.—The selection of an individual under paragraph (1)—

"(A) shall be made in accordance with subsection (a); and

"(B) subject to paragraph (4), may be made without any additional posting under section 3327.

"(4) INTERNAL NOTICE.—Before selecting an individual under paragraph (1), and subject to the requirements of any collective bargaining obligation of the other appointing authority, the other appointing authority shall—

"(A) provide notice of the available position to employees of the other appointing authority;

"(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and Time period.

"(C) review the qualifications of employees submitting an application.

"(5) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.".

(b) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) SELECTION.—

"(1) IN GENERAL.—An appointing official may select any applicant in the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, in a merged category consisting of the highest and the second highest quality categories.

"(2) USE BY OTHER APPOINTING OFFICIALS.—Under regulations prescribed by the Office of Personnel Management, appointing officials other than the appointing official described in paragraph (1) (in this subsection referred to as the 'other appointing official') may select an applicant for an appointment to a position that is— Regulations.

"(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

"(B) at a similar grade level as the original position.

"(3) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

"(4) REQUIREMENTS.—The selection of an individual under paragraph (2)—

"(A) shall be made in accordance with this subsection; and

"(B) subject to paragraph (5), may be made without any additional posting under section 3327.

"(5) INTERNAL NOTICE.—Before selecting an individual under paragraph (2), and subject to the requirements of any collective bargaining obligation of the other appointing authority (within the meaning given that term in section 3318(b)(1)), the other appointing official shall—

"(A) provide notice of the available position to employees of the appointing authority employing the other appointing official;

"(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and Time period.

"(C) review the qualifications of employees submitting an application.

"(6) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.

"(7) PREFERENCE ELIGIBLES.—Notwithstanding paragraphs (1) and (2), an appointing official may not pass over a preference eligible in the same category from which selection is made,

unless the requirements of section 3317(b) and 3318(c), as applicable, are satisfied.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9510(b)(5) of title 5, United States Code, is amended by striking "3318(b)" and inserting "3318(c)".

Deadline.
5 USC 3318 note.

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue an interim final rule with comment to carry out the amendments made by this section.

Approved March 18, 2016.

LEGISLATIVE HISTORY—S. 1580:

HOUSE REPORTS: No. 114–367 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–143 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Sept. 17, considered and passed Senate.
Vol. 162 (2016): Feb. 29, considered and passed House, amended.
Mar. 8, Senate concurred in House amendment.

Public Law 114–138
114th Congress

An Act

To designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James "Maggie" Megellas Post Office.

Mar. 18, 2016
[S. 1826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEUTENANT COLONEL JAMES "MAGGIE" MEGELLAS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, shall be known and designated as the "Lieutenant Colonel James 'Maggie' Megellas Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Colonel James 'Maggie' Megellas Post Office".

Approved March 18, 2016.

LEGISLATIVE HISTORY—S. 1826:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Aug. 5, considered and passed Senate.
Vol. 162 (2016): Mar. 1, 3, considered and passed House.

Public Law 114–139
114th Congress

An Act

Mar. 18, 2016
[S. 2426]

To direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Safety, security and peace is important to every citizen of the world, and shared information ensuring wide assistance among police authorities of nations for expeditious dissemination of information regarding criminal activities greatly assists in these efforts.

(2) Direct and unobstructed participation in the International Criminal Police Organization (INTERPOL) is beneficial for all nations and their police authorities. Internationally shared information with authorized police authorities is vital to peacekeeping efforts.

(3) With a history dating back to 1914, the role of INTERPOL is defined in its constitution: "To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights.".

(4) Ongoing international threats, including international networks of terrorism, show the ongoing necessity to be ever inclusive of nations willing to work together to combat criminal activity. The ability of police authorities to coordinate, preempt, and act swiftly and in unison is an essential element of crisis prevention and response.

(5) Taiwan maintained full membership in INTERPOL starting in 1964 through its National Police Administration but was ejected in 1984 when the People's Republic of China (PRC) applied for membership.

(6) Nonmembership prevents Taiwan from gaining access to INTERPOL's I–24/7 global police communications system, which provides real-time information on criminals and global criminal activities. Taiwan is relegated to second-hand information from friendly nations, including the United States.

(7) Taiwan is unable to swiftly share information on criminals and suspicious activity with the international community, leaving a huge void in the global crime-fighting efforts and leaving the entire world at risk.

(8) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations and has consistently reiterated that support.

(9) Following the enactment of Public Law 108–235, a law authorizing the Secretary of State to initiate and implement a plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly and subsequent advocacy by the United States, Taiwan was granted observer status to the World Health Assembly for six consecutive years since 2009. Both prior to and in its capacity as an observer, Taiwan has contributed significantly to the international community's collective efforts in pandemic control, monitoring, early warning, and other related matters.

(10) INTERPOL's constitution allows for observers at its meetings by "police bodies which are not members of the Organization".

(b) TAIWAN'S PARTICIPATION IN INTERPOL.—The Secretary of State shall—

(1) develop a strategy to obtain observer status for Taiwan in INTERPOL and at other related meetings, activities, and mechanisms thereafter; and

(2) instruct INTERPOL Washington to officially request observer status for Taiwan in INTERPOL and to actively urge INTERPOL member states to support such observer status and participation for Taiwan.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN IN INTERPOL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report, in unclassified form, describing the United States strategy to endorse and obtain observer status for Taiwan in appropriate international organizations, including INTERPOL, and at other related meetings, activities, and mechanisms thereafter. The report shall include the following:

(1) A description of the efforts the Secretary has made to encourage member states to promote Taiwan's bid to obtain observer status in appropriate international organizations, including INTERPOL.

(2) A description of the actions the Secretary will take to endorse and obtain observer status for Taiwan in appropriate

international organizations, including INTERPOL, and at other related meetings, activities, and mechanisms thereafter.

Approved March 18, 2016.

LEGISLATIVE HISTORY—S. 2426:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 8, considered and passed Senate.
Mar. 14, considered and passed House.

Public Law 114–140
114th Congress

An Act

To establish the Commission on Evidence-Based Policymaking, and for other purposes.

Mar. 30, 2016
[H.R. 1831]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Evidence-Based Policymaking Commission Act of 2016.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Evidence-Based Policymaking Commission Act of 2016".

SEC. 2. ESTABLISHMENT.

There is established in the executive branch a commission to be known as the "Commission on Evidence-Based Policymaking" (in this Act referred to as the "Commission").

SEC. 3. MEMBERS OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be comprised of 15 members as follows:

(1) Three shall be appointed by the President, of whom— President.

(A) one shall be an academic researcher, data expert, or have experience in administering programs;

(B) one shall be an expert in protecting personally-identifiable information and data minimization; and

(C) one shall be the Director of the Office of Management and Budget (or the Director's designee).

(2) Three shall be appointed by the Speaker of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(3) Three shall be appointed by the Minority Leader of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(4) Three shall be appointed by the Majority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(5) Three shall be appointed by the Minority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall be an expert in protecting personally-identifiable information and data minimization.

(b) EXPERTISE.—In making appointments under this section, consideration should be given to individuals with expertise in economics, statistics, program evaluation, data security, confidentiality, or database management.

President.

(c) CHAIRPERSON AND CO-CHAIRPERSON.—The President shall select the chairperson of the Commission and the Speaker of the House of Representatives shall select the co-chairperson.

Deadline.

(d) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(e) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION.—Members of the Commission shall serve without pay.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

Recommendations.

(a) STUDY OF DATA.—The Commission shall conduct a comprehensive study of the data inventory, data infrastructure, database security, and statistical protocols related to Federal policy-making and the agencies responsible for maintaining that data to—

(1) determine the optimal arrangement for which administrative data on Federal programs and tax expenditures, survey data, and related statistical data series may be integrated and made available to facilitate program evaluation, continuous improvement, policy-relevant research, and cost-benefit analyses by qualified researchers and institutions while weighing how integration might lead to the intentional or unintentional access, breach, or release of personally-identifiable information or records;

(2) make recommendations on how data infrastructure, database security, and statistical protocols should be modified to best fulfill the objectives identified in paragraph (1); and

(3) make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design.

(b) CLEARINGHOUSE.—In undertaking the study required by subsection (a), the Commission shall—

(1) consider whether a clearinghouse for program and survey data should be established and how to create such a clearinghouse; and

Evaluation.

(2) evaluate—

(A) what administrative data and survey data are relevant for program evaluation and Federal policy-making and should be included in a potential clearinghouse;

(B) which survey data the administrative data identified in subparagraph (A) may be linked to, in addition to linkages across administrative data series, including the effect such linkages may have on the security of those data;

(C) what are the legal and administrative barriers to including or linking these data series;

(D) what data-sharing infrastructure should be used to facilitate data merging and access for research purposes;

(E) how a clearinghouse could be self-funded;

(F) which types of researchers, officials, and institutions should have access to data and what the qualifications of the researchers, officials, and institutions should be;

(G) what limitations should be placed on the use of data provided;

(H) how to protect information and ensure individual privacy and confidentiality;

(I) how data and results of research can be used to inform program administrators and policymakers to improve program design;

(J) what incentives may facilitate interagency sharing of information to improve programmatic effectiveness and enhance data accuracy and comprehensiveness; and

(K) how individuals whose data are used should be notified of its usages.

Recommendations.

(c) REPORT.—Upon the affirmative vote of at least three-quarters of the members of the Commission, the Commission shall submit to the President and Congress a detailed statement of its findings and conclusions as a result of the activities required by subsections (a) and (b), together with its recommendations for such legislation or administrative actions as the Commission considers appropriate in light of the results of the study.

(d) DEADLINE.—The report under subsection (c) shall be submitted not later than the date that is 15 months after the date a majority of the members of the Commission are appointed pursuant to section 3.

(e) DEFINITION.—In this section, the term "administrative data" means data—

(1) held by an agency or a contractor or grantee of an agency (including a State or unit of local government); and

(2) collected for other than statistical purposes.

SEC. 5. OPERATION AND POWERS OF THE COMMISSION.

Consultation.

(a) EXECUTIVE BRANCH ASSISTANCE.—The heads of the following agencies shall advise and consult with the Commission on matters within their respective areas of responsibility:

(1) The Bureau of the Census.
(2) The Internal Revenue Service.
(3) The Department of Health and Human Services.
(4) The Department of Agriculture.
(5) The Department of Housing and Urban Development.
(6) The Social Security Administration.
(7) The Department of Education.
(8) The Department of Justice.
(9) The Office of Management and Budget.
(10) The Bureau of Economic Analysis.
(11) The Bureau of Labor Statistics.

(12) Any other agency, as determined by the Commission.

Deadline.

(b) MEETINGS.—The Commission shall meet not later than 30 days after the date upon which a majority of its members have been appointed and at such times thereafter as the chairperson or co-chairperson shall determine.

(c) RULES OF PROCEDURE.—The chairperson and co-chairperson shall, with the approval of a majority of the members of the Commission, establish written rules of procedure for the Commission, which shall include a quorum requirement to conduct the business of the Commission.

(d) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(e) CONTRACTS.—The Commission may contract with and compensate government and private agencies or persons for any purpose necessary to enable it to carry out this Act.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. FUNDING.

(a) IN GENERAL.—Subject to subsection (b) and the availability of appropriations—

(1) at the request of the Director of the Census, the agencies identified as "Principal Statistical Agencies" in the report, published by the Office of Management and Budget, entitled "Statistical Programs of the United States Government, Fiscal Year 2015" shall transfer funds, as specified in advance in appropriations Acts and in a total amount not to exceed $3,000,000, to the Bureau of the Census for purposes of carrying out the activities of the Commission as provided in this Act; and

(2) the Bureau of the Census shall provide administrative support to the Commission, which may include providing physical space at, and access to, the headquarters of the Bureau of the Census, located in Suitland, Maryland.

(b) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise available for the Bureau of the Census or the agencies described in subsection (a)(1).

SEC. 7. PERSONNEL.

Appointment.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the chairperson with the concurrence of the co-chairperson. The Director shall be paid at a rate of pay established by the chairperson and co-chairperson, not to exceed the annual rate of basic pay payable for level V of the Executive Schedule (section 5316 of title 5, United States Code).

(b) STAFF.—The Director may appoint and fix the pay of additional staff as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay for a comparable position paid under the General Schedule.

SEC. 8. TERMINATION.

The Commission shall terminate not later than 18 months after the date of enactment of this Act.

Approved March 30, 2016.

LEGISLATIVE HISTORY—H.R. 1831 (S. 991):

HOUSE REPORTS: No. 114–211 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–151 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 991.
CONGRESSIONAL RECORD:
Vol. 161 (2015): July 27, considered and passed House.
Vol. 162 (2016): Mar. 16, considered and passed Senate, amended.
Mar. 17, House concurred in Senate amendment.

Public Law 114–141
114th Congress

An Act

Mar. 30, 2016
[H.R. 4721]

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airport and Airway Extension Act of 2016.
26 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport and Airway Extension Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Time periods.

TITLE I—AIRPORT AND AIRWAY PROGRAMS

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(a) of title 49, United States Code, is amended by striking "$1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016" and inserting "$2,652,083,333 for the period beginning on October 1, 2015, and ending on July 15, 2016.".

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2016, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements

under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2015, and ending on July 15, 2016, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2016 were $3,350,000,000; and

(B) then reduce by 20.83 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended, in the matter preceding paragraph (1), by striking "March 31, 2016," and inserting "July 15, 2016,".

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking "April 1, 2016" and inserting "July 16, 2016".

(b) Section 47115(j) of title 49, United States Code, is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by striking "$5,175,000 for the period beginning on October 1, 2015, and ending on March 31, 2016," and inserting "$8,193,750 for the period beginning on October 1, 2015, and ending on July 15, 2016,".

(d) Section 47141(f) of title 49, United States Code, is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(e) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(f) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(g) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(h) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking "March 31, 2016" and inserting "July 15, 2016".

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1), by amending subparagraph (E) to read as follows:

"(E) $7,711,387,500 for the period beginning on October 1, 2015, and ending on July 15, 2016."; and

(2) in paragraph (3) by striking "March 31, 2016" and inserting "July 15, 2016".

SEC. 104. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(5) of title 49, United States Code, is amended to read as follows:

"(5) $2,058,333,333 for the period beginning on October 1, 2015, and ending on July 15, 2016.".

SEC. 105. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(9) of title 49, United States Code, is amended to read as follows:

"(9) $124,093,750 for the period beginning on October 1, 2015, and ending on July 15, 2016.".

SEC. 106. COMPLIANCE WITH AVIATION FUNDING REQUIREMENT.

The budget authority authorized in this Act, including the amendments made by this Act, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for the period beginning on October 1, 2015, and ending on July 15, 2016.

SEC. 107. ESSENTIAL AIR SERVICE.

Section 41742(a)(2) of title 49, United States Code, is amended by striking "$77,500,000 for the period beginning on October 1, 2015, and ending on March 31, 2016," and inserting "$122,708,333 for the period beginning on October 1, 2015, and ending on July 15, 2016,".

TITLE II—REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

26 USC 9502.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A), by striking "April 1, 2016" and inserting "July 16, 2016"; and

(2) in subparagraph (A), by striking the semicolon at the end and inserting "or the Airport and Airway Extension Act of 2016;".

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking "April 1, 2016" and inserting "July 16, 2016".

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking "March 31, 2016" and inserting "July 15, 2016".

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NON-COMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking "April 1, 2016" and inserting "July 16, 2016".

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking "March 31, 2016" and inserting "July 15, 2016".

Approved March 30, 2016.

LEGISLATIVE HISTORY—H.R. 4721:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 14, considered and passed House.
Mar. 17, considered and passed Senate, amended.
Mar. 21, House concurred in Senate amendment.

Public Law 114–142
114th Congress

An Act

Mar. 31, 2016
[S. 2393]

To extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreclosure Relief and Extension for Servicemembers Act of 2015.
50 USC 3901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreclosure Relief and Extension for Servicemembers Act of 2015".

SEC. 2. TEMPORARY EXTENSION OF EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended—

(1) in paragraph (1), by striking "December 31, 2015" and inserting "December 31, 2017"; and

(2) in paragraph (3), by striking "January 1, 2016" and inserting "January 1, 2018".

Approved March 31, 2016.

LEGISLATIVE HISTORY—S. 2393:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 10, considered and passed Senate.
Vol. 162 (2016): Mar. 21, considered and passed House.

Public Law 114–143
114th Congress

An Act

To amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

Apr. 11, 2016
[S. 1180]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Integrated Public Alert and Warning System Modernization Act of 2015.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Integrated Public Alert and Warning System Modernization Act of 2015".

SEC. 2. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

Disasters.
Terrorism.
6 USC 3210.

"SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

"(a) IN GENERAL.—To provide timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety, the Administrator shall—

"(1) modernize the integrated public alert and warning system of the United States (in this section referred to as the 'public alert and warning system') to help ensure that under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by natural disasters, acts of terrorism, and other man-made disasters or threats to public safety; and

"(2) implement the public alert and warning system to disseminate timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety.

"(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Administrator shall—

"(1) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

"(2) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate and to the extent technically feasible;

"(3) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities, individuals with access and functional needs, and individuals with limited-English proficiency, to the extent technically feasible;

"(4) ensure that training, tests, and exercises are conducted for the public alert and warning system, including by—

"(A) incorporating the public alert and warning system into other training and exercise programs of the Department, as appropriate;

"(B) establishing and integrating into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled Emergency Alert System; and

Time period.

"(C) conducting, not less than once every 3 years, periodic nationwide tests of the public alert and warning system;

"(5) to the extent practicable, ensure that the public alert and warning system is resilient and secure and can withstand acts of terrorism and other external attacks;

"(6) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States reasonably understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

Consultation.
Coordination.

"(7) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers;

Consultation.
Coordination.

"(8) consult and coordinate with the Federal Communications Commission, taking into account rules and regulations promulgated by the Federal Communications Commission; and

Coordination.

"(9) coordinate with and consider the recommendations of the Integrated Public Alert and Warning System Subcommittee established under section 2(b) of the Integrated Public Alert and Warning System Modernization Act of 2015.

"(c) SYSTEM REQUIREMENTS.—The public alert and warning system shall—

"(1) to the extent determined appropriate by the Administrator, incorporate multiple communications technologies;

"(2) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

"(3) to the extent technically feasible, be designed—

"(A) to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, individuals with disabilities, individuals with access and functional needs, and individuals with limited-English proficiency; and

"(B) to improve the ability of remote areas to receive alerts;

"(4) promote local and regional public and private partnerships to enhance community preparedness and response;

"(5) provide redundant alert mechanisms where practicable so as to reach the greatest number of people; and

"(6) to the extent feasible, include a mechanism to ensure the protection of individual privacy.

"(d) USE OF SYSTEM.—Except to the extent necessary for testing the public alert and warning system, the public alert and warning system shall not be used to transmit a message that does not relate to a natural disaster, act of terrorism, or other man-made disaster or threat to public safety.

"(e) PERFORMANCE REPORTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2015, and annually thereafter through 2018, the Administrator shall make available on the public website of the Agency a performance report, which shall— Public information. Web posting.

"(A) establish performance goals for the implementation of the public alert and warning system by the Agency;

"(B) describe the performance of the public alert and warning system, including—

"(i) the type of technology used for alerts and warnings issued under the system;

"(ii) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities, individuals with access and function needs, and individuals with limited-English proficiency; and

"(iii) the training, tests, and exercises performed and the outcomes obtained by the Agency;

"(C) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

"(D) identify other necessary improvements to the system; and

"(E) provide an analysis comparing the performance of the public alert and warning system with the performance goals established under subparagraph (A). Analysis.

"(2) CONGRESS.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).".

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM SUBCOMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the "Administrator") shall establish a subcommittee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Subcommittee (in this subsection referred to as the "Subcommittee"). Deadline.

(2) MEMBERSHIP.—Notwithstanding section 508(c) of the Homeland Security Act of 2002 (6 U.S.C. 318(c)), the Subcommittee shall be composed of the following members (or their designees):

(A) The Deputy Administrator for Protection and National Preparedness of the Federal Emergency Management Agency.

(B) The Chairman of the Federal Communications Commission.

(C) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.

(D) The Assistant Secretary for Communications and Information of the Department of Commerce.

(E) The Under Secretary for Science and Technology of the Department of Homeland Security.

(F) The Under Secretary for the National Protection and Programs Directorate.

(G) The Director of Disability Integration and Coordination of the Federal Emergency Management Agency.

(H) The Chairperson of the National Council on Disability.

(I) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers.

(ii) Representatives from federally recognized Indian tribes and national Indian organizations.

(iii) Individuals who have the requisite technical knowledge and expertise to serve on the Subcommittee, including representatives of—

(I) communications service providers;

(II) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(III) third-party service bureaus;

(IV) the broadcasting industry, including public broadcasting;

(V) the commercial mobile radio service industry;

(VI) the cable industry;

(VII) the satellite industry;

(VIII) national organizations representing individuals with disabilities, the blind, deaf, and hearing-loss communities, individuals with access and functional needs, and the elderly;

(IX) consumer or privacy advocates; and

(X) organizations representing individuals with limited-English proficiency.

(iv) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Deputy Administrator for Protection and National Preparedness of the Federal Emergency Management Agency shall serve as the Chairperson of the Subcommittee.

Deadlines.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Subcommittee shall take place not later than 120 days after the date of enactment of this Act.

(B) OTHER MEETINGS.—After the initial meeting, the Subcommittee shall meet, at least annually, at the call of the Chairperson.

(5) CONSULTATION WITH NONMEMBERS.—The Subcommittee and the program offices for the integrated public alert and warning system for the United States shall consult with individuals and entities that are not represented on the Subcommittee to consider new and developing technologies that may be beneficial to the public alert and warning system, including—

(A) the Defense Advanced Research Projects Agency;

(B) entities engaged in federally funded research; and

(C) academic institutions engaged in relevant work and research.

(6) RECOMMENDATIONS.—The Subcommittee shall—

(A) develop recommendations for an integrated public alert and warning system; and

(B) in developing the recommendations under subparagraph (A), consider—

(i) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system; and

(ii) recommendations to provide for a public alert and warning system that—

(I) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(II) has the capability to alert and warn individuals with disabilities and individuals with limited-English proficiency;

(III) to the extent appropriate, incorporates multiple communications technologies;

(IV) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(V) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(VI) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(VII) provides redundant alert mechanisms, if practicable, to reach the greatest number of people regardless of whether they have access to, or use, any specific medium of communication or any particular device.

(7) REPORT.—

(A) SUBCOMMITTEE SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall submit to the National Advisory Council a report containing any recommendations required to be developed

Recommendations.

under paragraph (6) for approval by the National Advisory Council.

(B) SUBMISSION BY NATIONAL ADVISORY COUNCIL.—If the National Advisory Council approves the recommendations contained in the report submitted under subparagraph (A), the National Advisory Council shall submit the report to—

(i) the head of each agency represented on the Subcommittee;

(ii) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate; and

(iii) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

Deadline.

(8) TERMINATION.—The Subcommittee shall terminate not later than 3 years after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act and the amendments made by this Act such sums as may be necessary for each of fiscal years 2016, 2017, and 2018.

6 USC 3210 note.

(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

(1) DEFINITION.—In this subsection, the term "participating commercial mobile service provider" has the meaning given that term under section 10.10(f) of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) LIMITATIONS.—Nothing in this Act, including an amendment made by this Act, shall be construed—

(A) to affect any authority—

(i) of the Department of Commerce;

(ii) of the Federal Communications Commission; or

(iii) provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) to provide the Secretary of Homeland Security with authority to require any action by the Department of Commerce, the Federal Communications Commission, or any nongovernmental entity;

(C) to apply to, or to provide the Administrator of the Federal Emergency Management Agency with authority over, any participating commercial mobile service provider;

(D) to alter in any way the wireless emergency alerts service established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.) or any related orders issued by the Federal Communications Commission after October 13, 2006; or

(E) to provide the Federal Emergency Management Agency with authority to require a State or local jurisdiction to use the integrated public alert and warning system of the United States.

Approved April 11, 2016.

LEGISLATIVE HISTORY—S. 1180 (H.R. 1472) (H.R. 1738):

HOUSE REPORTS: Nos. 114–900 (Comm. on Transportation and Infrastructure) accompanying H.R. 1472; and 114–854, Pt. 1 (Comm. on Homeland Security) accompanying H.R. 1738.

SENATE REPORTS: No. 114–73 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:
Vol. 161 (2015): July 9, considered and passed Senate.
Vol. 162 (2016): Mar. 21, considered and passed House.

Public Law 114–144
114th Congress

An Act

Apr. 19, 2016
[S. 192]

To reauthorize the Older Americans Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Older Americans Act Reauthorization Act of 2016.
42 USC 3001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Reauthorization Act of 2016".

SEC. 2. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The term 'abuse' means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.";

(2) by striking paragraph (3) and inserting the following:

"(3) The term 'adult protective services' means such services provided to adults as the Secretary may specify and includes services such as—

"(A) receiving reports of adult abuse, neglect, or exploitation;

"(B) investigating the reports described in subparagraph (A);

"(C) case planning, monitoring, evaluation, and other casework and services; and

"(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.";

(3) by striking paragraph (4) and inserting the following:

"(4) The term 'Aging and Disability Resource Center' means an entity, network, or consortium established by a State as part of the State system of long-term care, to provide a coordinated and integrated system for older individuals and individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and the caregivers of older individuals and individuals with disabilities, that provides—

"(A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care services, and Federal or State programs

that provide long-term care services and supports through home and community-based service programs;

"(B) person-centered counseling to assist individuals in assessing their existing or anticipated long-term care needs and goals, and developing and implementing a person-centered plan for long-term care that is consistent with the desires of such an individual and designed to meet the individual's specific needs, goals, and circumstances;

"(C) access for individuals to the full range of publicly-supported long-term care services and supports for which the individuals may be eligible, including home and community-based service options, by serving as a convenient point of entry for such programs and supports; and

"(D) in cooperation with area agencies on aging, centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), and other community-based entities, information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community.";

(4) in paragraph (14)(B), by inserting "oral health," after "bone density,";

(5) by striking paragraph (17) and inserting the following:

"(17) The term 'elder justice' means—

"(A) from a societal perspective, efforts to—

"(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

"(ii) protect older individuals with diminished capacity while maximizing their autonomy; and

"(B) from an individual perspective, the recognition of an older individual's rights, including the right to be free of abuse, neglect, and exploitation."; and

(6) in paragraph (18)(A), by striking "term 'exploitation' means" and inserting "terms 'exploitation' and 'financial exploitation' mean".

SEC. 3. ADMINISTRATION ON AGING.

(a) BEST PRACTICES.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended—

(1) in subsection (d)(3)—

(A) in subparagraph (H), by striking "202(a)(21)" and inserting "202(a)(18)";

(B) in subparagraph (K), by striking "and" at the end;

(C) in subparagraph (L)—

(i) by striking "Older Americans Act Amendments of 1992" and inserting "Older Americans Act Reauthorization Act of 2016"; and

(ii) by striking "712(h)(4)." and inserting "712(h)(5); and"; and

(D) by adding at the end the following:

"(M) collect and analyze best practices related to responding to elder abuse, neglect, and exploitation in long-term care facilities, and publish a report of such best practices."; and

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Reports.

(2) in subsection (e)(2), in the matter preceding subparagraph (A), by inserting ", and in coordination with the heads

of State adult protective services programs and the Director of the Office of Long-Term Care Ombudsman Programs" after "and services".

(b) TRAINING.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting "health and economic" before "needs of older individuals";

(B) in paragraph (7), by inserting "health and economic" before "welfare";

(C) in paragraph (14), by inserting "(including the Health Resources and Services Administration)" after "other agencies";

(D) in paragraph (27), by striking "and" at the end;

(E) in paragraph (28), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(29) provide information and technical assistance to States, area agencies on aging, and service providers, in collaboration with relevant Federal agencies, on providing efficient, person-centered transportation services, including across geographic boundaries;

"(30) identify model programs and provide information and technical assistance to States, area agencies on aging, and service providers (including providers operating multipurpose senior centers), to support the modernization of multipurpose senior centers; and

"(31) provide technical assistance to and share best practices with States, area agencies on aging, and Aging and Disability Resource Centers, on how to collaborate and coordinate services with health care entities, such as Federally-qualified health centers, as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)), in order to improve care coordination for individuals with multiple chronic illnesses.";

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

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"(D) when feasible, developing, in consultation with States and national organizations, a consumer-friendly tool to assist older individuals and their families in choosing home and community-based services, with a particular focus on ways for consumers to assess how providers protect the health, safety, welfare, and rights, including the rights provided under section 314, of older individuals;";

(B) in paragraph (8)—

(i) in subparagraph (B), by inserting "to identify and articulate goals of care and" after "individuals";

(ii) in subparagraph (D)—

(I) by inserting "respond to or" before "plan"; and

(II) by striking "future long-term care needs; and" and inserting "long-term care needs;";

(iii) in subparagraph (E), by adding "and" at the end; and

(iv) by adding at the end the following:

"(F) to provide information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community;"; and

(3) by adding at the end the following:

"(g) The Assistant Secretary shall, as appropriate, ensure that programs authorized under this Act include appropriate training in the prevention of abuse, neglect, and exploitation and provision of services that address elder justice and the exploitation of older individuals.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Older Americans Act of 1965 (42 U.S.C.3016) is amended by striking subsection (c).

(d) REPORTS.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (2), by striking "202(a)(19)" and inserting "202(a)(16)"; and

(2) in paragraph (4), by striking "202(a)(17)" and inserting "202(a)(14)".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a), by striking "such sums" and all that follows through the period at the end, and inserting "$40,063,000 for each of the fiscal years 2017, 2018, and 2019.";

(2) by amending subsection (b) to read as follows:

"(b) There are authorized to be appropriated—

"(1) to carry out section 202(a)(21) (relating to the National Eldercare Locator Service), $2,088,758 for fiscal year 2017, $2,132,440 for fiscal year 2018, and $2,176,121 for fiscal year 2019;

"(2) to carry out section 215, $1,904,275 for fiscal year 2017, $1,944,099 for fiscal year 2018, and $1,983,922 for fiscal year 2019;

"(3) to carry out section 202 (relating to Elder Rights Support Activities under this title), $1,312,904 for fiscal year 2017, $1,340,361 for fiscal year 2018, and $1,367,817 for fiscal year 2019; and

"(4) to carry out section 202(b) (relating to the Aging and Disability Resource Centers), $6,271,399 for fiscal year 2017, $6,402,551 for fiscal year 2018, and $6,533,703 for fiscal year 2019."; and

(3) by striking subsection (c).

SEC. 4. STATE AND COMMUNITY PROGRAMS ON AGING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsection (a)(1), by striking "such sums" and all that follows through the period at the end, and inserting "$356,717,276 for fiscal year 2017, $364,456,847 for fiscal year 2018, and $372,196,069 for fiscal year 2019.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "such sums" and all that follows through the period at the end, and inserting

"$459,937,586 for fiscal year 2017, $469,916,692 for fiscal year 2018, and $479,895,348 for fiscal year 2019."; and

(B) in paragraph (2), by striking "such sums" and all that follows through the period at the end, and inserting "$232,195,942 for fiscal year 2017, $237,233,817 for fiscal year 2018, and $242,271,465 for fiscal year 2019.";

(3) in subsection (d), by striking "such sums" and all that follows through the period at the end, and inserting "$20,361,334 for fiscal year 2017, $20,803,107 for fiscal year 2018, and $21,244,860 for fiscal year 2019.";

(4) in subsection (e)—

(A) by striking "(1)" and all that follows through "(2)"; and

(B) by striking "$166,500,000" and all that follows through the period at the end, and inserting "$154,336,482 for fiscal year 2017, $157,564,066 for fiscal year 2018, and $160,791,658 for fiscal year 2019."

(b) ALLOTMENT.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(1) in subsection (a)(3), by striking subparagraph (D) and inserting the following:

"(D)(i) For each of fiscal years 2017 through 2019, no State shall be allotted an amount that is less than 99 percent of the amount allotted to such State for the previous fiscal year.

"(ii) For fiscal year 2020 and each subsequent fiscal year, no State shall be allotted an amount that is less than 100 percent of the amount allotted to such State for fiscal year 2019."; and

(2) in subsection (b), by striking "subpart 1 of".

(c) PLANNING AND SERVICE AREAS.—Section 305(b)(5)(C)(i)(III) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)(C)(i)(III)) is amended by striking "planning and services areas" and inserting "planning and service areas".

(d) AREA PLANS.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "establishment, maintenance, or construction of multipurpose senior centers," and inserting "establishment, maintenance, modernization, or construction of multipurpose senior centers (including a plan to use the skills and services of older individuals in paid and unpaid work, including multigenerational and older individual to older individual work),"; and

(B) in paragraph (6)—

(i) in subparagraph (G), by adding "and" at the end; and

(ii) by adding at the end the following:

"(H) in coordination with the State agency and with the State agency responsible for elder abuse prevention services, increase public awareness of elder abuse, neglect, and exploitation, and remove barriers to education, prevention, investigation, and treatment of elder abuse, neglect, and exploitation, as appropriate;"; and

(2) in subsection (b)(3)—

(A) in subparagraph (J), by striking "and" at the end;

(B) by redesignating subparagraph (K) as subparagraph (L); and

(C) by inserting after subparagraph (J) the following:

"(K) protection from elder abuse, neglect, and exploitation; and".

(e) STATE PLANS.—Section 307(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(2)(A)) is amended by striking "202(a)(29)" and inserting "202(a)(26)".

(f) NUTRITION SERVICES INCENTIVE PROGRAM.—Section 311(e) of the Older Americans Act of 1965 (42 U.S.C. 3030a(e)) is amended by striking "such sums" and all that follows through the period at the end, and inserting "$164,055,664 for fiscal year 2017, $167,486,502 for fiscal year 2018, and $170,917,349 for fiscal year 2019.".

(g) SUPPORTIVE SERVICES.—Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "or referral services" and inserting "referral, chronic condition self-care management, or falls prevention services";

(B) in paragraph (8), by striking "(including" and all that follows and inserting the following: "(including mental and behavioral health screening and falls prevention services screening) to detect or prevent (or both) illnesses and injuries that occur most frequently in older individuals;" and

(C) in paragraph (15), by inserting before the semicolon the following: ", and screening for elder abuse, neglect, and exploitation";

(2) in subsection (b)(1), by inserting "or modernization" after "construction";

(3) in subsection (c), by inserting before the period the following: ", and pursue opportunities for the development of intergenerational shared site models for programs or projects, consistent with the purposes of this Act"; and

(4) by adding at the end the following:

"(e) In this section, the term 'adult child with a disability' means a child who— Definition.

"(1) is age 18 or older;

"(2) is financially dependent on an older individual who is a parent of the child; and

"(3) has a disability.".

(h) HOME DELIVERED NUTRITION SERVICES PROGRAM.—Section 336(1) of the Older Americans Act of 1965 (42 U.S.C. 3030f(1)) is amended by striking "canned" and all that follows through "meals" and inserting "canned, or fresh foods and, as appropriate, supplemental foods, and any additional meals".

(i) NUTRITION SERVICES.—Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended

(1) in paragraph (1), by striking "solicit" and inserting "utilize"; and

(2) in paragraph (2)—

(A) in subparagraph (J), by striking "and" at the end;

(B) in subparagraph (K), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(L) where feasible, encourages the use of locally grown foods in meal programs and identifies potential partnerships and contracts with local producers and providers of locally grown foods.".

(j) EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION SERVICES PROGRAM.—Part D of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended—

(1) in the part heading, by inserting "EVIDENCE-BASED" before "DISEASE"; and

42 USC 3030m.

(2) in section 361(a), by inserting "evidence-based" after "to provide".

(k) OLDER RELATIVE CAREGIVERS.—

(1) TECHNICAL AMENDMENT.—Part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s et seq.) is amended by striking the subpart heading for subpart 1.

(2) DEFINITIONS.—Section 372 of such Act (42 U.S.C. 3030s) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "or who is an individual with a disability"; and

(ii) by striking paragraph (2) and inserting the following:

"(2) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), who is not less than age 18 and not more than age 59.

"(3) OLDER RELATIVE CAREGIVER.—The term 'older relative caregiver' means a caregiver who—

"(A)(i) is age 55 or older; and

"(ii) lives with, is the informal provider of in-home and community care to, and is the primary caregiver for, a child or an individual with a disability;

"(B) in the case of a caregiver for a child—

"(i) is the grandparent, stepgrandparent, or other relative (other than the parent) by blood, marriage, or adoption, of the child;

"(ii) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers of the child; and

"(iii) has a legal relationship to the child, such as legal custody, adoption, or guardianship, or is raising the child informally; and

"(C) in the case of a caregiver for an individual with a disability, is the parent, grandparent, or other relative by blood, marriage, or adoption, of the individual with a disability."; and

(B) in subsection (b)—

(i) by striking "subpart" and all that follows through "family caregivers" and inserting "part, for family caregivers";

(ii) by striking "; and" and inserting a period; and

(iii) by striking paragraph (2).

(l) NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.—Section 373 of the Older Americans Act of 1965 (42 U.S.C. 3030s–1) is amended—

(1) in subsection (a)(2), by striking "grandparents or older individuals who are relative caregivers." and inserting "older relative caregivers.";

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "grandparents and older individuals who are relative caregivers, and who" and inserting "older relative caregivers, who"; and

(B) in paragraph (2)(B), by striking "to older individuals providing care to individuals with severe disabilities, including children with severe disabilities" and inserting "to older relative caregivers of children with severe disabilities, or individuals with disabilities who have severe disabilities";

(3) in subsection (e)(3), by striking "grandparents or older individuals who are relative caregivers" and inserting "older relative caregivers";

(4) in subsection (f)(1)(A), by striking "for fiscal years 2007, 2008, 2009, 2010, and 2011" and inserting "for a fiscal year"; and

(5) in subsection (g)(2)(C), by striking "grandparents and older individuals who are relative caregivers of a child who is not more than 18 years of age" and inserting "older relative caregivers".

(m) CONFORMING AMENDMENT.—Part E of title III is amended by striking "this subpart" each place it appears and inserting "this part". 42 USC 3030s–3030s–2.

SEC. 5. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY.

(a) GRANT PROGRAMS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (12), by striking "and" at the end;

(B) by redesignating paragraph (13) as paragraph (14); and

(C) by inserting after paragraph (12) the following:

"(13) continuing support for program integrity initiatives concerning the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that train senior volunteers to prevent and identify health care fraud and abuse; and";

(2) in subsection (b), by striking "out" and all that follows through the period at the end, and inserting the following: "out—

"(1) aging network support activities under this section, $6,216,054 for fiscal year 2017, $6,346,048 for fiscal year 2018, and $6,476,043 for fiscal year 2019; and

"(2) elder rights support activities under this section, $10,856,828 for fiscal year 2017, $11,083,873 for fiscal year 2018, and $11,310,919 for fiscal year 2019.".

(b) NATIVE AMERICAN PROGRAMS.—Section 418(b) of the Older Americans Act of 1965 (42 U.S.C. 3032g(b)) is amended by striking "a national meeting to train" and inserting "national trainings for".

(c) LEGAL ASSISTANCE FOR OLDER AMERICANS.—Section 420(c) of the Older Americans Act of 1965 (42 U.S.C. 3032i(c)) is amended by striking "national".

(d) REPEALS.—Sections 415, 419, and 421 of the Older Americans Act of 1965 (42 U.S.C. 3032d, 3032h, 3032j) are repealed.

(e) CONFORMING AMENDMENT.—Section 417(a)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3032f(a)(1)(A)) is amended by striking "grandparents and other older individuals who are relative caregivers" and inserting "older relative caregivers (as defined in section 372)".

SEC. 6. AMENDMENTS TO COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT.

(a) OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.—Section 502 of the Community Service Senior Opportunities Act (42 U.S.C. 3056) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (C)(ii), by striking "513(a)(2)(D)" and inserting "513(a)(2)(E)"; and

(B) in subparagraph (N)(i) by striking "Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)" and inserting "Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)";

(2) in subsection (d)—

(A) by inserting "and the local workforce development board" after "service area"; and

(B) by striking "and" after "State agency" and inserting ", the local workforce development board, and"; and

(3) in subsection (e)(3), by inserting ", with the State workforce development board and local workforce development board," after "aging".

(b) ADMINISTRATION.—Section 503 of the Community Service Senior Opportunities Act (42 U.S.C. 3056a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(B) in paragraph (3), by striking "paragraph (7)" and inserting "paragraph (8)";

(C) in paragraph (4), by striking subparagraph (F) and inserting the following:

"(F) how the activities of grantees in the State under this title will be coordinated with activities carried out in the State under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.) and other related programs (referred to in this subparagraph as 'WIOA and related activities'), and how the State will reduce unnecessary duplication between the activities carried out under this title and the WIOA and related activities."; and

(D) by inserting after paragraph (5) the following:

"(6) COMBINED STATE PLAN.—In lieu of the plan described in paragraph (1), a State may develop and submit a combined State plan in accordance with section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113). For a State that obtains approval of such a combined State plan, that section 103 shall apply in lieu of this subsection and a reference in any other provision of this title (other than this subsection)

Applicability.

to a State plan shall be considered to be a reference to that combined State plan."; and

(2) in subsection (b)(2)(B)(i), by striking "Workforce Investment Act of 1998" and inserting "Workforce Innovation and Opportunity Act".

(c) COORDINATION.—The heading of section 511 of the Community Service Senior Opportunities Act (42 U.S.C. 3056i) is amended by striking "**WORKFORCE INVESTMENT ACT OF 1998**" and inserting "**WORKFORCE INNOVATION AND OPPORTUNITY ACT**".

(d) PERFORMANCE.—Section 513 of the Community Service Senior Opportunities Act (42 U.S.C. 3056k) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "AND INDICATORS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "AND INDICATORS"; and

(ii) by striking "and additional indicators of performance" each place it appears;

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "(A)" and all that follows through "The" and inserting "(A) COMPOSITION OF MEASURES.—The"; and

(II) by striking clause (ii);

(ii) by striking subparagraph (B);

(iii) in subparagraph (C)—

(I) by striking "(C)" and inserting "(B)"; and

(II) in the first sentence, by striking "(A)(i)" and inserting "(A)"; and

(III) by striking the second sentence; and

(iv) by striking subparagraphs (D) and (E) and inserting the following:

"(C) AGREEMENT ON EXPECTED LEVELS OF PERFORMANCE.—

"(i) FIRST 2 YEARS.—Each grantee shall reach agreement with the Secretary on levels of performance for each measure described in subparagraph (A)(i), for each of the first 2 program years covered by the grant agreement. In reaching the agreement, the grantee and the Secretary shall take into account the expected levels proposed by the grantee and the factors described in subparagraph (D). The levels agreed to shall be considered to be the expected levels of performance for the grantee for such program years.

"(ii) THIRD AND FOURTH YEAR.—Each grantee shall reach agreement with the Secretary, prior to the third program year covered by the grant agreement, on levels of performance for each measure described in subparagraph (A), for each of the third and fourth program years so covered. In reaching the agreement, the grantee and the Secretary shall take into account the expected levels proposed by the grantee and the factors described in subparagraph (D). The levels agreed to shall be considered to be the expected levels of performance for the grantee for such program years.

"(D) FACTORS.—In reaching the agreements described in subparagraph (B), each grantee and the Secretary shall—

"(i) take into account how the levels involved compare with the expected levels of performance established for other grantees;

"(ii) ensure that the levels involved are adjusted, using an objective statistical model based on the model established by the Secretary in accordance with section 116(a)(3)(A)(viii)) of the Workforce Investment and Opportunity Act (29 U.S.C. 3141(a)(3)(A)(viii)); and

"(iii) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the core measures and ensure optimal return on the investment of Federal funds.

"(E) ADJUSTMENTS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary shall, in accordance with the objective statistical model developed pursuant to subparagraph (D)(ii), adjust the expected levels of performance for a program year for grantees, to reflect the actual economic conditions and characteristics of participants in the corresponding projects during such program year."; and

(D) in paragraph (3), by striking "and to report information on the additional indicators of performance";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "(a)(2)(A)(i)" and inserting "(a)(2)(A)"; and

(ii) by striking subparagraphs (B) through (E) and inserting the following:

"(B) the percentage of project participants who are in unsubsidized employment during the second quarter after exit from the project;

"(C) the percentage of project participants who are in unsubsidized employment during the fourth quarter after exit from the project;

"(D) the median earnings of project participants who are in unsubsidized employment during the second quarter after exit from the project;

"(E) indicators of effectiveness in serving employers, host agencies, and project participants; and

"(F) the number of eligible individuals served, including the number of participating individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(3) in subsection (c)—

(A) by striking "shall—" and all that follows through "annually evaluate" and inserting "shall annually evaluate";

(B) by striking "(a)(2)(C)" and inserting "(a)(2)(B)";

(C) by striking "(a)(2)(D)); and" and inserting "(a)(2)(E)).''; and

(D) by striking paragraph (2);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "2007" and inserting "2016";

(II) in clause (i)—

(aa) by striking "(a)(2)(C)" and inserting "(a)(2)(B)";

(bb) by striking "(a)(2)(D)" and inserting "(a)(2)(E)"; and

(cc) by striking "described" and all that follows and inserting a period;

(III) by striking clause (ii); and

(IV) by striking "2006" and all that follows through "(i) met" and inserting "2016, met"; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking "(A)(i); or" at the end and inserting "(A),";

(II) by striking clause (ii);

(III) by striking "2006—" and all that follows through "(i) failed" and inserting "2016, failed"; and

(IV) by striking "and achieve the applicable percentage";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "(a)(2)(C)" and inserting "(a)(2)(B)"; and

(II) by striking "(a)(2)(D)" and inserting "(a)(2)(E)"; and

(ii) in subparagraph (B)(iii)—

(I) by striking "(beginning with program year 2007)"; and

(II) by adding at the end the following:

"(iv) USE OF CORE INDICATORS.—For purposes of assessing grantee performance under this subparagraph before program year 2017, the Secretary shall use the core indicators of performance in effect at the time of the award and the most recent corresponding expected levels of performance.";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "(a)(2)(C)" and inserting "(a)(2)(B)"; and

(II) by striking "(a)(2)(D)" and inserting "(a)(2)(E)"; and

(ii) in subparagraph (B)(iii), by striking "(beginning with program year 2007)"; and

(D) by amending paragraph (4) to read as follows:

"(4) SPECIAL RULE FOR IMPLEMENTATION.—The Secretary shall implement the core measures of performance described in this section not later than December 31, 2017."; and Deadline.

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

"(e) IMPACT ON GRANT COMPETITION.—Effective on January 1, 2018, the Secretary may not publish a notice announcing a Effective date.

grant competition under this title, or solicit proposals for grants, until the day on which the Secretary implements the core measures of performance.".

(e) COMPETITIVE REQUIREMENTS.—Section 514(c)(4) of the Community Service Senior Opportunities Act (42 U.S.C. 3056l(c)(4)) is amended—

(1) by striking "and addressing additional indicators of performance"; and

(2) by striking "and additional indicators of performance".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 517 of the Older Americans Act of 1965 (42 U.S.C. 3056o) is amended—

(1) in subsection (a), by striking "such sums" and all that follows through the period at the end, and inserting "$445,189,405 for fiscal year 2017, $454,499,494 for fiscal year 2018, and $463,809,605 for fiscal year 2019."; and

(2) in subsection (b)—

(A) in the 1st sentence—

(i) by inserting "Federal" after "available for"; and

(ii) by striking "July" and inserting "April"; and

(B) by inserting after the 1st sentence the following: "Such amounts obligated to grantees shall be available for obligation and expenditure by grantees during the program year that begins on July 1 of the calendar year immediately following the beginning of the fiscal year in which the amounts are appropriated and that ends on June 30 of the following calendar year.". Time period.

(g) DEFINITIONS.—Section 518(a) of the Community Service Senior Opportunities Act (42 U.S.C. 3056p(a)) is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

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

"(5) LOCAL WORKFORCE DEVELOPMENT BOARD; STATE WORKFORCE DEVELOPMENT BOARD.—The terms 'local workforce development board' and 'State workforce development board' have the meanings given the terms 'local board' and 'State board', respectively, in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).". Definition.

SEC. 7. GRANTS FOR NATIVE AMERICANS.

Section 643 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended—

(1) in paragraph (1), by striking "such sums" and all that follows through the semicolon, and inserting "$31,934,018 for fiscal year 2017, $32,601,843 for fiscal year 2018, and $33,269,670 for fiscal year 2019;"; and

(2) in paragraph (2), by striking "such sums" and all that follows through the period at the end, and inserting "$7,718,566 for fiscal year 2017, $7,879,982 for fiscal year 2018, and $8,041,398 for fiscal year 2019.".

SEC. 8. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended—

(1) in subsection (a), by striking "such sums" and all that follows through the period at the end, and inserting "$16,280,630 for fiscal year 2017, $16,621,101 for fiscal year 2018, and $16,961,573 for fiscal year 2019.";

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

"(b) OTHER PROGRAMS.—There are authorized to be appropriated to carry out chapters 3 and 4, $4,891,876 for fiscal year 2017, $4,994,178 for fiscal year 2018, and $5,096,480 for fiscal year 2019."; and

(3) by striking subsection (c).

(b) OMBUDSMAN DEFINITIONS.—Section 711(6) of the Older Americans Act of 1965 (42 U.S.C. 3058f(6)) is amended by striking "older".

(c) OMBUDSMAN PROGRAMS.—Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: "The Ombudsman shall be responsible for the management, including the fiscal management, of the Office.";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) are made by, or on behalf of, residents, including residents with limited or no decisionmaking capacity and who have no known legal representative, and if such a resident is unable to communicate consent for an Ombudsman to work on a complaint directly involving the resident, the Ombudsman shall seek evidence to indicate what outcome the resident would have communicated (and, in the absence of evidence to the contrary, shall assume that the resident wishes to have the resident's health, safety, welfare, and rights protected) and shall work to accomplish that outcome; and";

(ii) in subparagraph (D), by striking "regular and timely" and inserting "regular, timely, private, and unimpeded";

(iii) in subparagraph (H)(iii)—

(I) by inserting ", actively encourage, and assist in" after "provide technical support for"; and

(II) by striking "and" after the semicolon;

(iv) by redesignating subparagraph (I) as subparagraph (J); and

(v) by inserting after subparagraph (H) the following:

"(I) when feasible, continue to carry out the functions described in this section on behalf of residents transitioning from a long-term care facility to a home care setting; and";

(C) in paragraph (5)(B)—

(i) in clause (vi)—

(I) by inserting ", actively encourage, and assist in" after "support"; and

(II) by striking "and" after the semicolon;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

"(vii) identify, investigate, and resolve complaints described in clause (iii) that are made by or on behalf of residents with limited or no decisionmaking capacity and who have no known legal representative, and if such a resident is unable to communicate consent for an Ombudsman to work on a complaint directly

involving the resident, the Ombudsman shall seek evidence to indicate what outcome the resident would have communicated (and, in the absence of evidence to the contrary, shall assume that the resident wishes to have the resident's health, safety, welfare, and rights protected) and shall work to accomplish that outcome; and";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "access" and inserting "private and unimpeded access"; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking "the medical and social records of a" and inserting "all files, records, and other information concerning a"; and

(bb) in subclause (II), by striking "to consent" and inserting "to communicate consent"; and

(II) in clause (ii), in the matter before subclause (I), by striking "the records" and inserting "the files, records, and information"; and

(B) by adding at the end the following:

"(3) HEALTH OVERSIGHT AGENCY.—For purposes of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (including regulations issued under that section) (42 U.S.C. 1320d–2 note), the Ombudsman and a representative of the Office shall be considered a 'health oversight agency,' so that release of residents' individually identifiable health information to the Ombudsman or representative is not precluded in cases in which the requirements of clause (i) or (ii) of paragraph (1)(B), or the requirements of paragraph (1)(D), are otherwise met.";

(3) in subsection (c)(2)(D), by striking "202(a)(21)" and inserting "202(a)(18)";

(4) in subsection (d)—

(A) in paragraph (1), by striking "files" and inserting "files, records, and other information"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "files and records" each place such term appears and inserting "files, records, and other information"; and

(II) by striking "and" after the semicolon;

(ii) in subparagraph (B)—

(I) by striking "files or records" and inserting "files, records, or other information"; and

(II) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) notwithstanding subparagraph (B), ensure that the Ombudsman may disclose information as needed in order to best serve residents with limited or no decision-making capacity who have no known legal representative and are unable to communicate consent, in order for the

Ombudsman to carry out the functions and duties described in paragraphs (3)(A) and (5)(B) of subsection (a).";

(5) by striking subsection (f) and inserting the following:

"(f) CONFLICT OF INTEREST.—

"(1) INDIVIDUAL CONFLICT OF INTEREST.—The State agency shall—

"(A) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(B) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest; and

"(C) ensure that the Ombudsman—

"(i) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

"(ii) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

"(iii) is not employed by, or participating in the management of, a long-term care facility or a related organization, and has not been employed by such a facility or organization within 1 year before the date of the determination involved;

"(iv) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility;

"(v) does not have management responsibility for, or operate under the supervision of an individual with management responsibility for, adult protective services; and

"(vi) does not serve as a guardian or in another fiduciary capacity for residents of long-term care facilities in an official capacity (as opposed to serving as a guardian or fiduciary for a family member, in a personal capacity).

"(2) ORGANIZATIONAL CONFLICT OF INTEREST.—

"(A) IN GENERAL.—The State agency shall comply with subparagraph (B)(i) in a case in which the Office poses an organizational conflict of interest, including a situation in which the Office is placed in an organization that— Compliance.

"(i) is responsible for licensing, certifying, or surveying long-term care services in the State;

"(ii) is an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals;

"(iii) provides long-term care services, including programs carried out under a Medicaid waiver approved under section 1115 of the Social Security Act (42 U.S.C. 1315) or under subsection (b) or (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n), or under a Medicaid State plan amendment

under subsection (i), (j), or (k) of section 1915 of the Social Security Act (42 U.S.C. 1396n);

"(iv) provides long-term care case management;

"(v) sets rates for long-term care services;

"(vi) provides adult protective services;

"(vii) is responsible for eligibility determinations for the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(viii) conducts preadmission screening for placements in facilities described in clause (ii); or

"(ix) makes decisions regarding admission or discharge of individuals to or from such facilities.

"(B) IDENTIFYING, REMOVING, AND REMEDYING ORGANIZATIONAL CONFLICT.—

"(i) IN GENERAL.—The State agency may not operate the Office or carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization, in a case in which there is an organizational conflict of interest (within the meaning of subparagraph (A)) unless such conflict of interest has been—

"(I) identified by the State agency;

"(II) disclosed by the State agency to the Assistant Secretary in writing; and

"(III) remedied in accordance with this subparagraph.

"(ii) ACTION BY ASSISTANT SECRETARY.—In a case in which a potential or actual organizational conflict of interest (within the meaning of subparagraph (A)) involving the Office is disclosed or reported to the Assistant Secretary by any person or entity, the Assistant Secretary shall require that the State agency, in accordance with the policies and procedures established by the State agency under subsection (a)(5)(D)(iii)—

"(I) remove the conflict; or

Plan.

"(II) submit, and obtain the approval of the Assistant Secretary for, an adequate remedial plan that indicates how the Ombudsman will be unencumbered in fulfilling all of the functions specified in subsection (a)(3).''; and

(6) in subsection (h)—

(A) in paragraph (3)(A)(i), by striking "older";

(B) in paragraph (4), by striking all that precedes "procedures" and inserting the following:

"(4) strengthen and update";

(C) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

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

"(4) ensure that the Ombudsman or a designee participates in training provided by the National Ombudsman Resource Center established in section 202(a)(18);";

(E) in paragraph (6)(A), as redesignated by subparagraph (C) of this paragraph, by striking "paragraph (4)" and inserting "paragraph (5)";

(F) in paragraph (7)(A), as redesignated by subparagraph (C) of this paragraph, by striking "subtitle C of the" and inserting "subtitle C of title I of the"; and

(G) in paragraph (10), as redesignated by subparagraph (C) of this paragraph, by striking "(6), or (7)" and inserting "(7), or (8)".

(d) OMBUDSMAN REGULATIONS.—Section 713 of the Older Americans Act of 1965 (42 U.S.C. 3058h) is amended—

(1) in paragraph (1), by striking "paragraphs (1) and (2) of section 712(f)" and inserting "subparagraphs (A) and (B) of section 712(f)(1)"; and

(2) in paragraph (2), by striking "subparagraphs (A) through (D) of section 712(f)(3)" and inserting "clauses (i) through (vi) of section 712(f)(1)(C)".

(e) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "(including financial exploitation)";

(B) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

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

"(5) promoting the submission of data on elder abuse, neglect, and exploitation for the appropriate database of the Administration or another database specified by the Assistant Secretary;";

(D) in paragraph (10)(C), as redesignated by subparagraph (B) of this paragraph—

(i) in clause (ii), by inserting ", such as forensic specialists," after "such personnel"; and

(ii) in clause (v), by inserting before the comma the following: ", including programs and arrangements that protect against financial exploitation"; and

(E) in paragraph (12), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking "and" at the end; and

(ii) by adding at the end the following:

"(F) supporting and studying innovative practices in communities to develop partnerships across disciplines for the prevention, investigation, and prosecution of abuse, neglect, and exploitation; and"; and

(2) in subsection (e)(2), in the matter preceding subparagraph (A)—

(A) by striking "subsection (b)(9)(B)(i)" and inserting "subsection (b)(10)(B)(i)"; and

(B) by striking "subsection (b)(9)(B)(ii)" and inserting "subsection (b)(10)(B)(ii)".

SEC. 9. BEHAVIORAL HEALTH.

The Older Americans Act of 1965 is amended—

(1) in section 102 (42 U.S.C. 3002)—

(A) in paragraph (14)(G), by inserting "and behavioral" after "mental";

(B) in paragraph (36), by inserting "and behavioral" after "mental"; and

(C) in paragraph (47)(B), by inserting "and behavioral" after "mental";

(2) in section 201(f)(1) (42 U.S.C. 3011(f)(1)), by inserting "and behavioral" after "mental";

(3) in section 202(a)(5) (42 U.S.C. 3012(a)(5)), by inserting "and behavioral" after "mental";

(4) in section 306(a) (42 U.S.C. 3026(a))—

(A) in paragraph (2)(A), by inserting "and behavioral" after "mental"; and

(B) in paragraph (6)(F), by striking "mental health services" each place such term appears and inserting "mental and behavioral health services"; and

(5) in section 321(a) (42 U.S.C. 3030d)—

(A) in paragraph (1), as amended by section 4(g), by inserting "and behavioral" after "mental";

(B) in paragraph (14)(B), by inserting "and behavioral" after "mental"; and

(C) in paragraph (23), by inserting "and behavioral" after "mental".

State governments. 42 USC 3001 note. Applicability.

SEC. 10. GUIDANCE ON SERVING HOLOCAUST SURVIVORS.

(a) IN GENERAL.—Because the services under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) are critical to meeting the urgent needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life, the Assistant Secretary for Aging shall issue guidance to States, that shall be applicable to States, area agencies on aging, and providers of services for older individuals, with respect to serving Holocaust survivors, including guidance on promising practices for conducting outreach to that population. In developing the guidance, the Assistant Secretary for Aging shall consult with experts and organizations serving Holocaust survivors, and shall take into account the possibility that the needs of Holocaust survivors may differ based on geography.

Consultation.

(b) CONTENTS.—The guidance shall include the following:

(1) How nutrition service providers may meet the special health-related or other dietary needs of participants in programs under the Older Americans Act of 1965, including needs based on religious, cultural, or ethnic requirements.

(2) How transportation service providers may address the urgent transportation needs of Holocaust survivors.

(3) How State long-term care ombudsmen may address the unique needs of residents of long-term care facilities for whom institutional settings may produce sights, sounds, smells, emotions, and routines, that can induce panic, anxiety, and retraumatization as a result of experiences from the Holocaust.

(4) How supportive services providers may consider the unique needs of Holocaust survivors.

(5) How other services provided under that Act, as determined by the Assistant Secretary for Aging, may serve Holocaust survivors.

(c) DATE OF ISSUANCE.—The guidance described in subsection (a) shall be issued not later than 180 days after the date of enactment of this Act. Deadline.

Approved April 19, 2016.

LEGISLATIVE HISTORY—S. 192:

CONGRESSIONAL RECORD:
Vol. 161 (2015): July 16, considered and passed Senate.
Vol. 162 (2016): Mar. 21, considered and passed House, amended.
Apr. 7, Senate concurred in House amendment.

Public Law 114–145
114th Congress

An Act

Apr. 19, 2016
[S. 483]

To improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ensuring Patient Access and Effective Drug Enforcement Act of 2016.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Patient Access and Effective Drug Enforcement Act of 2016".

SEC. 2. REGISTRATION PROCESS UNDER CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—

(1) FACTORS AS MAY BE RELEVANT TO AND CONSISTENT WITH THE PUBLIC HEALTH AND SAFETY.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(j) In this section, the phrase 'factors as may be relevant to and consistent with the public health and safety' means factors that are relevant to and consistent with the findings contained in section 101.".

(2) IMMINENT DANGER TO THE PUBLIC HEALTH OR SAFETY.—Section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)) is amended—

(A) by striking "(d) The Attorney General" and inserting "(d)(1) The Attorney General"; and

(B) by adding at the end the following:

"(2) In this subsection, the phrase 'imminent danger to the public health or safety' means that, due to the failure of the registrant to maintain effective controls against diversion or otherwise comply with the obligations of a registrant under this title or title III, there is a substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur in the absence of an immediate suspension of the registration.".

(b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION PLAN PRIOR TO REVOCATION OR SUSPENSION.—Subsection (c) of section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) by striking the last three sentences;

(2) by striking "(c) Before" and inserting "(c)(1) Before"; and

(3) by adding at the end the following:

"(2) An order to show cause under paragraph (1) shall—

"(A) contain a statement of the basis for the denial, revocation, or suspension, including specific citations to any laws

or regulations alleged to be violated by the applicant or registrant;

"(B) direct the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but not less than 30 days after the date of receipt of the order; and Deadline.

"(C) notify the applicant or registrant of the opportunity to submit a corrective action plan on or before the date of appearance. Notification.

"(3) Upon review of any corrective action plan submitted by an applicant or registrant pursuant to paragraph (2), the Attorney General shall determine whether denial, revocation, or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan. Determination.

"(4) Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5, United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The requirements of this subsection shall not apply to the issuance of an immediate suspension order under subsection (d).".

SEC. 3. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Agency for Healthcare Research and Quality, and the Director of the Centers for Disease Control and Prevention, in coordination with the Administrator of the Drug Enforcement Administration and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit a report to the Committee on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate identifying— Coordination. Consultation.

(1) obstacles to legitimate patient access to controlled substances;

(2) issues with diversion of controlled substances;

(3) how collaboration between Federal, State, local, and tribal law enforcement agencies and the pharmaceutical industry can benefit patients and prevent diversion and abuse of controlled substances;

(4) the availability of medical education, training opportunities, and comprehensive clinical guidance for pain management and opioid prescribing, and any gaps that should be addressed;

(5) beneficial enhancements to State prescription drug monitoring programs, including enhancements to require comprehensive prescriber input and to expand access to the programs for appropriate authorized users; and

(6) steps to improve reporting requirements so that the public and Congress have more information regarding prescription opioids, such as the volume and formulation of prescription opioids prescribed annually, the dispensing of such prescription opioids, and outliers and trends within large data sets.

(b) CONSULTATION.—The report under subsection (a) shall incorporate feedback and recommendations from the following:

(1) Patient groups.
(2) Pharmacies.
(3) Drug manufacturers.
(4) Common or contract carriers and warehousemen.
(5) Hospitals, physicians, and other health care providers.
(6) State attorneys general.
(7) Federal, State, local, and tribal law enforcement agencies.
(8) Health insurance providers and entities that provide pharmacy benefit management services on behalf of a health insurance provider.
(9) Wholesale drug distributors.
(10) Veterinarians.
(11) Professional medical societies and boards.
(12) State and local public health authorities.
(13) Health services research organizations.

Approved April 19, 2016.

LEGISLATIVE HISTORY—S. 483 (H.R. 471):

HOUSE REPORTS: No. 114–85, Pt. 1 (Comm. on Energy and Commerce) accompanying H.R. 471.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 17, considered and passed Senate.
Apr. 12, considered and passed House.

Public Law 114–146
114th Congress

An Act

To expand the tropical disease product priority review voucher program to encourage treatments for Zika virus.

Apr. 19, 2016
[S. 2512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Adding Zika Virus to the FDA Priority Review Voucher Program Act.
21 USC 301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adding Zika Virus to the FDA Priority Review Voucher Program Act".

SEC. 2. EXPANDING TROPICAL DISEASE PRODUCT PRIORITY REVIEW VOUCHER PROGRAM TO ENCOURAGE TREATMENTS FOR ZIKA VIRUS DISEASE.

Section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)) is amended—

(1) by redesignating subparagraph (R) as subparagraph (S);

(2) in subparagraph (Q), by striking "Filoviruses" and inserting "Filovirus Diseases"; and

(3) by inserting after subparagraph (Q) the following:

"(R) Zika Virus Disease.".

Approved April 19, 2016.

LEGISLATIVE HISTORY—S. 2512:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 17, considered and passed Senate.
Apr. 12, considered and passed House.

Public Law 114–147
114th Congress

An Act

Apr. 29, 2016
[H.R. 1670]

To direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National POW/MIA Remembrance Act of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National POW/MIA Remembrance Act of 2015".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In recent years, commemorative chairs honoring American Prisoners of War/Missing in Action have been placed in prominent locations across the United States.

(2) The United States Capitol is an appropriate location to place a commemorative chair honoring American Prisoners of War/Missing in Action.

SEC. 3. PLACEMENT OF A CHAIR IN UNITED STATES CAPITOL HONORING AMERICAN PRISONERS OF WAR/MISSING IN ACTION.

Contracts.

(a) OBTAINING CHAIR.—The Architect of the Capitol shall enter into an agreement to obtain a chair featuring the logo of the National League of POW/MIA Families under such terms and conditions as the Architect considers appropriate and consistent with applicable law.

Deadline.

(b) PLACEMENT.—Not later than 2 years after the date of enactment of this Act, the Architect shall place the chair obtained under subsection (a) in a suitable permanent location in the United States Capitol.

SEC. 4. FUNDING.

(a) DONATIONS.—The Architect of the Capitol may—

(1) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this Act; and

(2) accept donations of funds, property, and services to carry out the purposes of this Act.

(b) COSTS.—All costs incurred in carrying out the purposes of this Act shall be paid for with private donations received under subsection (a).

Approved April 29, 2016.

LEGISLATIVE HISTORY—H.R. 1670:

HOUSE REPORTS: No. 114–410 (Comm. on House Administration).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 21, considered and passed House.
Apr. 14, considered and passed Senate.

Public Law 114–148
114th Congress

An Act

Apr. 29, 2016
[H.R. 2722]

To require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Breast Cancer Awareness Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer Awareness Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Breast cancer is the most common cancer among American women, except for skin cancers. Today, about 1 in 8, or 12 percent of, women in the United States will develop invasive breast cancer during their lifetime. This is an increase from 1 in 11, or 9 percent of, women in 1975.

(2) Breast cancer is the second leading cause of cancer death in women. The chance of dying from breast cancer is about 1 in 36. Thanks to earlier detection, increased awareness, and improved treatment, death rates from breast cancer have decreased since about 1989.

(3) There is a strong interest among the American public to do more to tackle this disease. The National Cancer Institute estimates $16.5 billion is spent in the United States each year on breast cancer treatment. Assuming that incidence and survival rates follow recent trends, it is estimated that $17.2 billion will be spent on breast cancer care in the United States in 2014.

(4) Finding a cure for breast cancer is a goal of the United States Government.

(5) The National Institutes of Health dedicated an estimated $674 million for breast cancer research in Fiscal Year 2014. In Fiscal Year 2014, the Department of Defense's Breast Cancer Research Program received $120 million.

(6) While the National Institutes of Health and the Department of Defense program on Breast Cancer research remain the largest funders of breast cancer research in the United States, in 2013, the National Cancer Institute funding was reduced by nearly $66 million since 2011. The funding level for the Department of Defense Breast Cancer Research Program has remained consistent since 2012, however this amount represents a 20-percent decrease from 2011 funding levels.

(7) Additional private sector support for breast cancer research will help us find cures for breast cancer even faster.

(8) It is estimated that in the United States 231,840 women will be diagnosed with and 40,290 women will die of cancer of the breast in 2015. This means that every 13 minutes a woman dies of breast cancer in the United States.

(9) However, due to disease type and lack of adequate care, African-American women have the highest death rates of all racial and ethnic groups overall and are at least 44 percent more likely to die of breast cancer as compared to other racial and ethnic groups.

(10) Breast cancer used to be considered a disease of aging but recent trends show that more aggressive forms of the disease have been increasingly diagnosed in younger women.

(11) Breast cancer is the most frequently diagnosed cancer among nearly every racial and ethnic group, including African-American, American Indian/Alaska Native, Asian/Pacific Islander, and Hispanic/Latina women.

(12) Clinical advances, resulting from research, have led to increased survival from breast cancer. Since 1990, death rates from breast cancer have dropped over 34 percent.

(13) Among men in the United States it is estimated that there will be 2,350 new cases of invasive breast cancer and 440 breast cancer deaths in 2015.

(14) At this time there are more than 3.1 million breast cancer survivors in the United States.

(15) It is estimated that breast cancer costs $12.5 billion in lost productivity. Such productivity losses will increase with projected growth rate and aging of the U.S. population if cancer mortality rates stay constant in the future.

(16) There is a better chance of survival and there are more treatment options with early stage detection through mammograms and clinical breast exams.

(17) Breast cancer is the most common cancer in women worldwide, with an estimated 1.7 million new cases of breast cancer among women worldwide in 2012.

(18) Breast Cancer Research Foundation (BCRF) is considered one of the most efficient cancer research charities.

(19) Of every dollar donated to BCRF, $0.91 goes to research and awareness programs—88 cents towards research and 3 cents towards awareness.

(20) Founded in 1993, the BCRF has raised more than $500 million to fuel discoveries in tumor biology, genetics, prevention, treatment, survivorship, and metastasis, making BCRF one of the largest private funders of breast cancer research in the world. For 2014–2015, BCRF committed $58.6 million in research, including $11.6 million to the international Evelyn H. Lauder Founder's Fund focused on metastasis, to support the work of more than 220 researchers at leading medical institutions across 6 continents (25 states and 14 countries).

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 gold coins, which shall—

(A) have a diameter of 0.850 inches; and

(B) be made of "pink gold" which contains not less than 75 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the fight against breast cancer.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the face value of the coin;

(B) an inscription of the year "2018"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be selected by the Secretary based on the winning design from a juried, compensated design competition described under subsection (c).

(c) DESIGN COMPETITION.—

(1) IN GENERAL.—The Secretary shall hold a competition and provide compensation for its winner to design the obverse and reverse of the coins minted under this Act. The competition shall be judged by an expert jury chaired by the Secretary and consisting of three members from the Citizens Coinage Advisory Committee who shall be elected by such Committee and three members from the Commission of Fine Arts who shall be elected by such Commission.

(2) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public, and any designs submitted for the design review process described herein shall be anonymized until a final selection is made.

(3) ACCOMPANYING DESIGNS; PREFERENCE FOR PHYSICAL DESIGNS.—The Secretary shall encourage three-dimensional designs to be submitted as part of the proposals, and the jury shall give a preference for proposals that are accompanied by a three-dimensional physical design instead of, or in addition to, an electronic design.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than $5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a). Determination.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2018. Time period.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to the coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Breast Cancer Research Foundation, New York, New York, for the purpose of furthering breast cancer research funded by the Foundation.

(c) AUDITS.—The surcharge recipients under subsection (b) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under that subsection.

(d) LIMITATIONS.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual two commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the

date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Approved April 29, 2016.

LEGISLATIVE HISTORY—H.R. 2722:

CONGRESSIONAL RECORD:
Vol. 161 (2015): July 14, 15, considered and passed House.
Vol. 162 (2016): Apr. 19, considered and passed Senate.

Public Law 114–149
114th Congress

An Act

To rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

Apr. 29, 2016
[S. 719]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF THE ARMED FORCES RESERVE CENTER IN GREAT FALLS, MONTANA, AS THE CAPTAIN JOHN E. MORAN AND CAPTAIN WILLIAM WYLIE GALT ARMED FORCES RESERVE CENTER.

(a) RENAMING.—The Armed Forces Reserve Center in Great Falls, Montana, shall hereafter be known and designated as the "Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center".

(b) REFERENCES.—Any reference in any law, map, regulation, map, document, paper, other record of the United States to the facility referred to in subsection (a) shall be considered to be a reference to the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

Approved April 29, 2016.

LEGISLATIVE HISTORY—S. 719:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 16, considered and passed Senate.
Apr. 18, considered and passed House.

Public Law 114–150
114th Congress

An Act

Apr. 29, 2016
[S. 1638]

To direct the Secretary of Homeland Security to submit to Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Homeland Security Headquarters Consolidation Accountability Act of 2015.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Headquarters Consolidation Accountability Act of 2015".

SEC. 2. INFORMATION ON DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS CONSOLIDATION PROJECT.

Deadline. Coordination. Plans.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator, shall submit to the appropriate committees of Congress information on the implementation of the enhanced plan for the Department headquarters consolidation project within the National Capital Region, approved by the Office of Management and Budget and included in the budget of the President for fiscal year 2016 (as submitted to Congress under section 1105(a) of title 31, United States Code), that includes the following:

(1) A proposed occupancy plan for the consolidation project that includes specific information about which Department-wide operations, component operations, and support offices will be located at the site, the aggregate number of full time equivalent employees projected to occupy the site, the seat-to-staff ratio at the site, and schedule estimates for migrating operations to the site.

Assessment.

(2) A comprehensive assessment of the difference between the current real property and facilities needed by the Department in the National Capital Region in order to carry out the mission of the Department and the future needs of the Department.

Cost estimates.

(3) A current plan for construction of the headquarters consolidation at the St. Elizabeths campus that includes—

(A) the estimated costs and schedule for the current plan, which shall conform to relevant Federal guidance for cost and schedule estimates, consistent with the recommendation of the Government Accountability Office in the September 2014 report entitled "Federal Real Property: DHS and GSA Need to Strengthen the Management of DHS Headquarters Consolidation" (GAO–14–648); and

(B) any estimated cost savings associated with reducing the scope of the consolidation project and increasing the use of existing capacity developed under the project.

(4) A current plan for the leased portfolio of the Department in the National Capital Region that includes—

(A) an end-state vision that identifies which Department-wide operations, component operations, and support offices do not migrate to the St. Elizabeths campus and continue to operate at a property in the leased portfolio;

(B) for each year until the consolidation project is completed, the number of full-time equivalent employees who are expected to operate at each property, component, or office;

(C) the anticipated total rentable square feet leased per year during the period beginning on the date of enactment of this Act and ending on the date on which the consolidation project is completed; and Time period.

(D) timing and anticipated lease terms for leased space under the plan referred to in paragraph (3).

(5) An analysis that identifies the costs and benefits of leasing and construction alternatives for the remainder of the consolidation project that includes— Analysis.

(A) a comparison of the long-term cost that would result from leasing as compared to consolidating functions on Government-owned space; and

(B) the identification of any cost impacts in terms of premiums for short-term lease extensions or holdovers due to the uncertainty of funding for, or delays in, completing construction required for the consolidation.

(b) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—The Comptroller General of the United States shall review the cost and schedule estimates submitted under subsection (a) to evaluate the quality and reliability of the estimates.

(2) ASSESSMENT.—Not later than 90 days after the submittal of the cost and schedule estimates under subsection (a), the Comptroller General shall report to the appropriate committees of Congress on the results of the review required under paragraph (1). Deadline. Reports.

(c) DEFINITIONS.—In this Act:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "appropriate committees of Congress" means the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The term "Department" means the Department of Homeland Security.

(4) The term "National Capital Region" has the meaning given the term under section 2674(f)(2) of title 10, United States Code.

(5) The term "Secretary" means the Secretary of Homeland Security.

Approved April 29, 2016.

LEGISLATIVE HISTORY—S. 1638 (H.R. 1640):
HOUSE REPORTS: No. 114–166 (Comm. on Homeland Security) accompanying H.R. 1640.
SENATE REPORTS: No. 114–227 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 6, considered and passed Senate.
Apr. 18, considered and passed House.

Public Law 114–151
114th Congress

An Act

To protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

May 9, 2016
[H.R. 1493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protect and Preserve International Cultural Property Act. 19 USC 2601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect and Preserve International Cultural Property Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the President should establish an interagency coordinating committee to coordinate the efforts of the executive branch to protect and preserve international cultural property at risk from political instability, armed conflict, or natural or other disasters. Such committee should—

(1) be chaired by a Department of State employee of Assistant Secretary rank or higher, concurrent with that employee's other duties;

(2) include representatives of the Smithsonian Institution and Federal agencies with responsibility for the preservation and protection of international cultural property;

(3) consult with governmental and nongovernmental organizations, including the United States Committee of the Blue Shield, museums, educational institutions, and research institutions, and participants in the international art and cultural property market on efforts to protect and preserve international cultural property;

(4) coordinate core United States interests in—

(A) protecting and preserving international cultural property;

(B) preventing and disrupting looting and illegal trade and trafficking in international cultural property, particularly exchanges that provide revenue to terrorist and criminal organizations;

(C) protecting sites of cultural and archaeological significance; and

(D) providing for the lawful exchange of international cultural property.

SEC. 3. EMERGENCY PROTECTION FOR SYRIAN CULTURAL PROPERTY.

President.

(a) IN GENERAL.—The President shall exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) to impose import restrictions set forth in section 307 of that Act (19 U.S.C. 2606)

with respect to any archaeological or ethnological material of Syria—

Deadline.

(1) not later than 90 days after the date of the enactment of this Act;

(2) without regard to whether Syria is a State Party (as defined in section 302 of that Act (19 U.S.C. 2601)); and

(3) notwithstanding—

(A) the requirement of subsection (b) of section 304 of that Act (19 U.S.C. 2603(b)) that an emergency condition (as defined in subsection (a) of that section) applies; and

(B) the limitations under subsection (c) of that section.

(b) ANNUAL DETERMINATION REGARDING CERTIFICATION.—

(1) DETERMINATION.—

Notification.

(A) IN GENERAL.—The President shall, not less often than annually, determine whether at least 1 of the conditions specified in subparagraph (B) is met, and shall notify the appropriate congressional committees of such determination.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are the following:

(i) The Government of Syria is incapable, at the time a determination under such subparagraph is made, of fulfilling the requirements to request an agreement under section 303 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602), including the requirements under subsection (a)(3) of that section.

(ii) It would be against the United States national interest to enter into such an agreement.

Determination.

(2) TERMINATION OF RESTRICTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the import restrictions referred to in subsection (a) shall terminate on the date that is 5 years after the date on which the President determines that neither of the conditions specified in paragraph (1)(B) are met.

(B) REQUEST FOR TERMINATION.—If Syria requests to enter into an agreement with the United States pursuant to section 303 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602) on or after the date on which the President determines that neither of the conditions specified in paragraph (1)(B) are met, the import restrictions referred to in subsection (a) shall terminate on the earlier of—

(i) the date that is 3 years after the date on which Syria makes such a request; or

(ii) the date on which the United States and Syria enter into such an agreement.

(c) WAIVER.—

Certification.

(1) IN GENERAL.—The President may waive the import restrictions referred to in subsection (a) for specified archaeological and ethnological material of Syria if the President certifies to the appropriate congressional committees that the conditions described in paragraph (2) are met.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

(A)(i) The owner or lawful custodian of the specified archaeological or ethnological material of Syria has

requested that such material be temporarily located in the United States for protection purposes; or

(ii) if no owner or lawful custodian can reasonably be identified, the President determines that, for purposes of protecting and preserving such material, the material should be temporarily located in the United States. Determination.

(B) Such material shall be returned to the owner or lawful custodian when requested by such owner or lawful custodian.

(C) There is no credible evidence that granting a waiver under this subsection will contribute to illegal trafficking in archaeological or ethnological material of Syria or financing of criminal or terrorist activities.

(3) ACTION.—If the President grants a waiver under this subsection, the specified archaeological or ethnological material of Syria that is the subject of such waiver shall be placed in the temporary custody of the United States Government or in the temporary custody of a cultural or educational institution within the United States for the purpose of protection, restoration, conservation, study, or exhibition, without profit.

(4) IMMUNITY FROM SEIZURE.—Any archaeological or ethnological material that enters the United States pursuant to a waiver granted under this section shall have immunity from seizure under Public Law 89–259 (22 U.S.C. 2459). All provisions of Public Law 89–259 shall apply to such material as if immunity from seizure had been granted under that Public Law. Applicability.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

(2) ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIAL OF SYRIA.—The term "archaeological or ethnological material of Syria" means cultural property (as defined in section 302 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601)) that is unlawfully removed from Syria on or after March 15, 2011.

SEC. 4. REPORT.

President. Time period.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 6 years, the President shall submit to the appropriate congressional committees a report on the efforts of the executive branch, during the 12-month period preceding the submission of the report, to protect and preserve international cultural property, including—

(1) whether an interagency coordinating committee as described in section 2 has been established and, if such a committee has been established, a description of the activities undertaken by such committee, including a list of the entities participating in such activities;

(2) a description of measures undertaken pursuant to relevant statutes, including—

(A) actions to implement and enforce section 3 of this Act and section 3002 of the Emergency Protection for Iraqi

Cultural Antiquities Act of 2004 (Public Law 108–429; 118 Stat. 2599), including measures to dismantle international networks that traffic illegally in cultural property;

(B) a description of any requests for a waiver under section 3(c) of this Act and, for each such request, whether a waiver was granted;

List.

(C) a list of the statutes and regulations employed in criminal, civil, and civil forfeiture actions to prevent illegal trade and trafficking in cultural property;

(D) actions undertaken to ensure the consistent and effective application of law in cases relating to illegal trade and trafficking in cultural property; and

(E) actions undertaken to promote the legitimate commercial and non-commercial exchange and movement of cultural property; and

(3) actions undertaken in fulfillment of international agreements on cultural property protection, including the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague May 14, 1954.

Approved May 9, 2016.

LEGISLATIVE HISTORY—H.R. 1493:

CONGRESSIONAL RECORD:
Vol. 161 (2015): June 1, considered and passed House.
Vol. 162 (2016): Apr. 13, considered and passed Senate, amended.
Apr. 26, House concurred in Senate amendment.

Public Law 114–152
114th Congress

An Act

To adopt the bison as the national mammal of the United States.

May 9, 2016
[H.R. 2908]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Bison Legacy Act.
36 USC 301 note prec.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Bison Legacy Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) bison are considered a historical symbol of the United States;

(2) bison were integrally linked with the economic and spiritual lives of many Indian tribes through trade and sacred ceremonies;

(3) there are more than 60 Indian tribes participating in the Intertribal Buffalo Council;

(4) numerous members of Indian tribes are involved in bison restoration on tribal land;

(5) members of Indian tribes have a combined herd on more than 1,000,000 acres of tribal land;

(6) the Intertribal Buffalo Council is a tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 477);

(7) bison can play an important role in improving the types of grasses found in landscapes to the benefit of grasslands;

(8) a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remnants of the decimated herds;

(9) bison hold significant economic value for private producers and rural communities;

(10) according to the 2012 Census of Agriculture of the Department of Agriculture, as of 2012, 162,110 head of bison were under the stewardship of private producers, creating jobs and providing a sustainable and healthy meat source contributing to the food security of the United States;

(11) on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

(12) on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the "Bronx Zoo", to the first wildlife refuge in the United States, which was known as the "Wichita Mountains Wildlife Refuge", resulting in the first successful reintroduction

of a mammal species on the brink of extinction back into the natural habitat of the species;

(13) in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

(14) there are bison herds in National Wildlife Refuges and National Parks;

(15) there are bison in State-managed herds across 11 States;

(16) there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States;

(17) a bison is portrayed on 2 State flags;

(18) the bison has been adopted by 3 States as the official mammal or animal of those States;

(19) a bison has been depicted on the official seal of the Department of the Interior since 1912;

(20) the buffalo nickel played an important role in modernizing the currency of the United States;

(21) several sports teams have the bison as a mascot, which highlights the iconic significance of bison in the United States;

(22) in the 2nd session of the 113th Congress, 22 Senators led a successful effort to enact a resolution to designate November 1, 2014, as the third annual National Bison Day; and

(23) members of Indian tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have participated in the annual National Bison Day celebration at several events across the United States and are committed to continuing this tradition annually on the first Saturday of November.

SEC. 3. ESTABLISHMENT AND ADOPTION OF THE NORTH AMERICAN BISON AS THE NATIONAL MAMMAL.

(a) IN GENERAL.—The mammal commonly known as the "North American bison" is adopted as the national mammal of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or the adoption of the North American bison as the national mammal of the United States shall be construed or used as a reason to alter,

change, modify, or otherwise affect any plan, policy, management decision, regulation, or other action by the Federal Government.

Approved May 9, 2016.

LEGISLATIVE HISTORY—H.R. 2908 (S. 2032):

HOUSE REPORTS: No. 114–483 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 26, considered and passed House.
Apr. 28, considered and passed Senate.

Public Law 114–153
114th Congress

An Act

May 11, 2016
[S. 1890]

To amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defend Trade Secrets Act of 2016.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defend Trade Secrets Act of 2016".

SEC. 2. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) PRIVATE CIVIL ACTIONS.—

"(1) IN GENERAL.—An owner of a trade secret that is misappropriated may bring a civil action under this subsection if the trade secret is related to a product or service used in, or intended for use in, interstate or foreign commerce.

"(2) CIVIL SEIZURE.—

"(A) IN GENERAL.—

"(i) APPLICATION.—Based on an affidavit or verified complaint satisfying the requirements of this paragraph, the court may, upon ex parte application but only in extraordinary circumstances, issue an order providing for the seizure of property necessary to prevent the propagation or dissemination of the trade secret that is the subject of the action.

"(ii) REQUIREMENTS FOR ISSUING ORDER.—The court may not grant an application under clause (i) unless the court finds that it clearly appears from specific facts that—

"(I) an order issued pursuant to Rule 65 of the Federal Rules of Civil Procedure or another form of equitable relief would be inadequate to achieve the purpose of this paragraph because the party to which the order would be issued would evade, avoid, or otherwise not comply with such an order;

"(II) an immediate and irreparable injury will occur if such seizure is not ordered;

"(III) the harm to the applicant of denying the application outweighs the harm to the legitimate interests of the person against whom seizure would be ordered of granting the application and

substantially outweighs the harm to any third parties who may be harmed by such seizure;

"(IV) the applicant is likely to succeed in showing that—

"(aa) the information is a trade secret; and

"(bb) the person against whom seizure would be ordered—

"(AA) misappropriated the trade secret of the applicant by improper means; or

"(BB) conspired to use improper means to misappropriate the trade secret of the applicant;

"(V) the person against whom seizure would be ordered has actual possession of—

"(aa) the trade secret; and

"(bb) any property to be seized;

"(VI) the application describes with reasonable particularity the matter to be seized and, to the extent reasonable under the circumstances, identifies the location where the matter is to be seized;

"(VII) the person against whom seizure would be ordered, or persons acting in concert with such person, would destroy, move, hide, or otherwise make such matter inaccessible to the court, if the applicant were to proceed on notice to such person; and

"(VIII) the applicant has not publicized the requested seizure.

"(B) ELEMENTS OF ORDER.—If an order is issued under subparagraph (A), it shall—

"(i) set forth findings of fact and conclusions of law required for the order;

"(ii) provide for the narrowest seizure of property necessary to achieve the purpose of this paragraph and direct that the seizure be conducted in a manner that minimizes any interruption of the business operations of third parties and, to the extent possible, does not interrupt the legitimate business operations of the person accused of misappropriating the trade secret;

"(iii)(I) be accompanied by an order protecting the seized property from disclosure by prohibiting access by the applicant or the person against whom the order is directed, and prohibiting any copies, in whole or in part, of the seized property, to prevent undue damage to the party against whom the order has issued or others, until such parties have an opportunity to be heard in court; and

"(II) provide that if access is granted by the court to the applicant or the person against whom the order is directed, the access shall be consistent with subparagraph (D);

"(iv) provide guidance to the law enforcement officials executing the seizure that clearly delineates the scope of the authority of the officials, including—

"(I) the hours during which the seizure may be executed; and

"(II) whether force may be used to access locked areas;

Deadline.
Notification.

"(v) set a date for a hearing described in subparagraph (F) at the earliest possible time, and not later than 7 days after the order has issued, unless the party against whom the order is directed and others harmed by the order consent to another date for the hearing, except that a party against whom the order has issued or any person harmed by the order may move the court at any time to dissolve or modify the order after giving notice to the applicant who obtained the order; and

Requirement.

"(vi) require the person obtaining the order to provide the security determined adequate by the court for the payment of the damages that any person may be entitled to recover as a result of a wrongful or excessive seizure or wrongful or excessive attempted seizure under this paragraph.

Courts.

"(C) PROTECTION FROM PUBLICITY.—The court shall take appropriate action to protect the person against whom an order under this paragraph is directed from publicity, by or at the behest of the person obtaining the order, about such order and any seizure under such order.

"(D) MATERIALS IN CUSTODY OF COURT.—

"(i) IN GENERAL.—Any materials seized under this paragraph shall be taken into the custody of the court. The court shall secure the seized material from physical and electronic access during the seizure and while in the custody of the court.

"(ii) STORAGE MEDIUM.—If the seized material includes a storage medium, or if the seized material is stored on a storage medium, the court shall prohibit the medium from being connected to a network or the Internet without the consent of both parties, until the hearing required under subparagraph (B)(v) and described in subparagraph (F).

"(iii) PROTECTION OF CONFIDENTIALITY.—The court shall take appropriate measures to protect the confidentiality of seized materials that are unrelated to the trade secret information ordered seized pursuant to this paragraph unless the person against whom the order is entered consents to disclosure of the material.

"(iv) APPOINTMENT OF SPECIAL MASTER.—The court may appoint a special master to locate and isolate all misappropriated trade secret information and to facilitate the return of unrelated property and data to the person from whom the property was seized. The special master appointed by the court shall agree to be bound by a non-disclosure agreement approved by the court.

Records.

"(E) SERVICE OF ORDER.—The court shall order that service of a copy of the order under this paragraph, and the submissions of the applicant to obtain the order, shall be made by a Federal law enforcement officer who, upon

making service, shall carry out the seizure under the order. The court may allow State or local law enforcement officials to participate, but may not permit the applicant or any agent of the applicant to participate in the seizure. At the request of law enforcement officials, the court may allow a technical expert who is unaffiliated with the applicant and who is bound by a court-approved non-disclosure agreement to participate in the seizure if the court determines that the participation of the expert will aid the efficient execution of and minimize the burden of the seizure.

Determination.

"(F) SEIZURE HEARING.—

"(i) DATE.—A court that issues a seizure order shall hold a hearing on the date set by the court under subparagraph (B)(v).

"(ii) BURDEN OF PROOF.—At a hearing held under this subparagraph, the party who obtained the order under subparagraph (A) shall have the burden to prove the facts supporting the findings of fact and conclusions of law necessary to support the order. If the party fails to meet that burden, the seizure order shall be dissolved or modified appropriately.

"(iii) DISSOLUTION OR MODIFICATION OF ORDER.—A party against whom the order has been issued or any person harmed by the order may move the court at any time to dissolve or modify the order after giving notice to the party who obtained the order.

"(iv) DISCOVERY TIME LIMITS.—The court may make such orders modifying the time limits for discovery under the Federal Rules of Civil Procedure as may be necessary to prevent the frustration of the purposes of a hearing under this subparagraph.

"(G) ACTION FOR DAMAGE CAUSED BY WRONGFUL SEIZURE.—A person who suffers damage by reason of a wrongful or excessive seizure under this paragraph has a cause of action against the applicant for the order under which such seizure was made, and shall be entitled to the same relief as is provided under section 34(d)(11) of the Trademark Act of 1946 (15 U.S.C. 1116(d)(11)). The security posted with the court under subparagraph (B)(vi) shall not limit the recovery of third parties for damages.

"(H) MOTION FOR ENCRYPTION.—A party or a person who claims to have an interest in the subject matter seized may make a motion at any time, which may be heard ex parte, to encrypt any material seized or to be seized under this paragraph that is stored on a storage medium. The motion shall include, when possible, the desired encryption method.

"(3) REMEDIES.—In a civil action brought under this subsection with respect to the misappropriation of a trade secret, a court may—

"(A) grant an injunction—

"(i) to prevent any actual or threatened misappropriation described in paragraph (1) on such terms as the court deems reasonable, provided the order does not—

"(I) prevent a person from entering into an employment relationship, and that conditions placed on such employment shall be based on evidence of threatened misappropriation and not merely on the information the person knows; or

"(II) otherwise conflict with an applicable State law prohibiting restraints on the practice of a lawful profession, trade, or business;

"(ii) if determined appropriate by the court, requiring affirmative actions to be taken to protect the trade secret; and

"(iii) in exceptional circumstances that render an injunction inequitable, that conditions future use of the trade secret upon payment of a reasonable royalty for no longer than the period of time for which such use could have been prohibited;

"(B) award—

"(i)(I) damages for actual loss caused by the misappropriation of the trade secret; and

"(II) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss; or

"(ii) in lieu of damages measured by any other methods, the damages caused by the misappropriation measured by imposition of liability for a reasonable royalty for the misappropriator's unauthorized disclosure or use of the trade secret;

"(C) if the trade secret is willfully and maliciously misappropriated, award exemplary damages in an amount not more than 2 times the amount of the damages awarded under subparagraph (B); and

"(D) if a claim of the misappropriation is made in bad faith, which may be established by circumstantial evidence, a motion to terminate an injunction is made or opposed in bad faith, or the trade secret was willfully and maliciously misappropriated, award reasonable attorney's fees to the prevailing party.

"(c) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

"(d) PERIOD OF LIMITATIONS.—A civil action under subsection (b) may not be commenced later than 3 years after the date on which the misappropriation with respect to which the action would relate is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.".

(b) DEFINITIONS.—Section 1839 of title 18, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking "the public" and inserting "another person who can obtain economic value from the disclosure or use of the information"; and

(B) by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the term 'misappropriation' means—

"(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

"(B) disclosure or use of a trade secret of another without express or implied consent by a person who—

"(i) used improper means to acquire knowledge of the trade secret;

"(ii) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was—

"(I) derived from or through a person who had used improper means to acquire the trade secret;

"(II) acquired under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; or

"(III) derived from or through a person who owed a duty to the person seeking relief to maintain the secrecy of the trade secret or limit the use of the trade secret; or

"(iii) before a material change of the position of the person, knew or had reason to know that—

"(I) the trade secret was a trade secret; and

"(II) knowledge of the trade secret had been acquired by accident or mistake;

"(6) the term 'improper means'—

"(A) includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means; and

"(B) does not include reverse engineering, independent derivation, or any other lawful means of acquisition; and

"(7) the term 'Trademark Act of 1946' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the "Trademark Act of 1946" or the "Lanham Act")'.".

(c) EXCEPTIONS TO PROHIBITION.—Section 1833 of title 18, United States Code, is amended, in the matter preceding paragraph (1), by inserting "or create a private right of action for" after "prohibit".

(d) CONFORMING AMENDMENTS.—

(1) The section heading for section 1836 of title 18, United States Code, is amended to read as follows:

"§ 1836. Civil proceedings".

(2) The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

18 USC 1831 prec.

"1836. Civil proceedings.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any misappropriation of a trade secret (as defined in section 1839 of title 18, United States Code, as

Applicability. 18 USC 1833 note.

amended by this section) for which any act occurs on or after the date of the enactment of this Act.

18 USC 1833 note.

(f) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

18 USC 1833 note.

(g) APPLICABILITY TO OTHER LAWS.—This section and the amendments made by this section shall not be construed to be a law pertaining to intellectual property for purposes of any other Act of Congress.

SEC. 3. TRADE SECRET THEFT ENFORCEMENT.

(a) IN GENERAL.—Chapter 90 of title 18, United States Code, is amended—

(1) in section 1832(b), by striking "$5,000,000" and inserting "the greater of $5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided"; and

(2) in section 1835—

(A) by striking "In any prosecution" and inserting the following:

"(a) IN GENERAL.—In any prosecution"; and

(B) by adding at the end the following:

"(b) RIGHTS OF TRADE SECRET OWNERS.—The court may not authorize or direct the disclosure of any information the owner asserts to be a trade secret unless the court allows the owner the opportunity to file a submission under seal that describes the interest of the owner in keeping the information confidential. No submission under seal made under this subsection may be used in a prosecution under this chapter for any purpose other than those set forth in this section, or otherwise required by law. The provision of information relating to a trade secret to the United States or the court in connection with a prosecution under this chapter shall not constitute a waiver of trade secret protection, and the disclosure of information relating to a trade secret in connection with a prosecution under this chapter shall not constitute a waiver of trade secret protection unless the trade secret owner expressly consents to such waiver.".

(b) RICO PREDICATE OFFENSES.—Section 1961(1) of title 18, United States Code, is amended by inserting "sections 1831 and 1832 (relating to economic espionage and theft of trade secrets)," before "section 1951".

18 USC 1832 note.

SEC. 4. REPORT ON THEFT OF TRADE SECRETS OCCURRING ABROAD.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) FOREIGN INSTRUMENTALITY, ETC.—The terms "foreign instrumentality", "foreign agent", and "trade secret" have the meanings given those terms in section 1839 of title 18, United States Code.

(3) STATE.—The term "State" includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(4) UNITED STATES COMPANY.—The term "United States company" means an organization organized under the laws of the United States or a State or political subdivision thereof.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and biannually thereafter, the Attorney General, in consultation with the Intellectual Property Enforcement Coordinator, the Director, and the heads of other appropriate agencies, shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, and make publicly available on the Web site of the Department of Justice and disseminate to the public through such other means as the Attorney General may identify, a report on the following:

Consultation. Public information. Web posting.

(1) The scope and breadth of the theft of the trade secrets of United States companies occurring outside of the United States.

(2) The extent to which theft of trade secrets occurring outside of the United States is sponsored by foreign governments, foreign instrumentalities, or foreign agents.

(3) The threat posed by theft of trade secrets occurring outside of the United States.

(4) The ability and limitations of trade secret owners to prevent the misappropriation of trade secrets outside of the United States, to enforce any judgment against foreign entities for theft of trade secrets, and to prevent imports based on theft of trade secrets overseas.

(5) A breakdown of the trade secret protections afforded United States companies by each country that is a trading partner of the United States and enforcement efforts available and undertaken in each such country, including a list identifying specific countries where trade secret theft, laws, or enforcement is a significant problem for United States companies.

(6) Instances of the Federal Government working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the theft of trade secrets outside of the United States.

(7) Specific progress made under trade agreements and treaties, including any new remedies enacted by foreign countries, to protect against theft of trade secrets of United States companies outside of the United States.

(8) Recommendations of legislative and executive branch actions that may be undertaken to—

Recommendations.

(A) reduce the threat of and economic impact caused by the theft of the trade secrets of United States companies occurring outside of the United States;

(B) educate United States companies regarding the threats to their trade secrets when taken outside of the United States;

(C) provide assistance to United States companies to reduce the risk of loss of their trade secrets when taken outside of the United States; and

(D) provide a mechanism for United States companies to confidentially or anonymously report the theft of trade secrets occurring outside of the United States.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) trade secret theft occurs in the United States and around the world;

(2) trade secret theft, wherever it occurs, harms the companies that own the trade secrets and the employees of the companies;

(3) chapter 90 of title 18, United States Code (commonly known as the "Economic Espionage Act of 1996"), applies broadly to protect trade secrets from theft; and

(4) it is important when seizing information to balance the need to prevent or remedy misappropriation with the need to avoid interrupting the—

(A) business of third parties; and

(B) legitimate interests of the party accused of wrongdoing.

28 USC 620 note.

SEC. 6. BEST PRACTICES.

Deadline.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Federal Judicial Center, using existing resources, shall develop recommended best practices for—

(1) the seizure of information and media storing the information; and

(2) the securing of the information and media once seized.

(b) UPDATES.—The Federal Judicial Center shall update the recommended best practices developed under subsection (a) from time to time.

Records.

(c) CONGRESSIONAL SUBMISSIONS.—The Federal Judicial Center shall provide a copy of the recommendations developed under subsection (a), and any updates made under subsection (b), to the—

(1) Committee on the Judiciary of the Senate; and

(2) Committee on the Judiciary of the House of Representatives.

SEC. 7. IMMUNITY FROM LIABILITY FOR CONFIDENTIAL DISCLOSURE OF A TRADE SECRET TO THE GOVERNMENT OR IN A COURT FILING.

(a) AMENDMENT.—Section 1833 of title 18, United States Code, is amended—

(1) by striking "This chapter" and inserting "(a) IN GENERAL.—This chapter";

(2) in subsection (a)(2), as designated by paragraph (1), by striking "the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation" and inserting "the disclosure of a trade secret in accordance with subsection (b)"; and

(3) by adding at the end the following:

"(b) IMMUNITY FROM LIABILITY FOR CONFIDENTIAL DISCLOSURE OF A TRADE SECRET TO THE GOVERNMENT OR IN A COURT FILING.—

"(1) IMMUNITY.—An individual shall not be held criminally or civilly liable under any Federal or State trade secret law for the disclosure of a trade secret that—

"(A) is made—

"(i) in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney; and

"(ii) solely for the purpose of reporting or investigating a suspected violation of law; or

"(B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

"(2) USE OF TRADE SECRET INFORMATION IN ANTI-RETALIATION LAWSUIT.—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—

"(A) files any document containing the trade secret under seal; and

"(B) does not disclose the trade secret, except pursuant to court order.

"(3) NOTICE.—

"(A) IN GENERAL.—An employer shall provide notice of the immunity set forth in this subsection in any contract or agreement with an employee that governs the use of a trade secret or other confidential information. Contracts.

"(B) POLICY DOCUMENT.—An employer shall be considered to be in compliance with the notice requirement in subparagraph (A) if the employer provides a cross-reference to a policy document provided to the employee that sets forth the employer's reporting policy for a suspected violation of law.

"(C) NON-COMPLIANCE.—If an employer does not comply with the notice requirement in subparagraph (A), the employer may not be awarded exemplary damages or attorney fees under subparagraph (C) or (D) of section 1836(b)(3) in an action against an employee to whom notice was not provided.

"(D) APPLICABILITY.—This paragraph shall apply to contracts and agreements that are entered into or updated after the date of enactment of this subsection. Contracts.

"(4) EMPLOYEE DEFINED.—For purposes of this subsection, the term 'employee' includes any individual performing work as a contractor or consultant for an employer.

"(5) RULE OF CONSTRUCTION.—Except as expressly provided for under this subsection, nothing in this subsection shall be construed to authorize, or limit liability for, an act that is otherwise prohibited by law, such as the unlawful access of material by unauthorized means.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1838 of title 18, United States Code, is amended by striking "This

chapter" and inserting "Except as provided in section 1833(b), this chapter".

Approved May 11, 2016.

LEGISLATIVE HISTORY—S. 1890:

HOUSE REPORTS: No. 114–529 (Comm. on the Judiciary).
SENATE REPORTS: No. 114–220 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 4, considered and passed Senate.
Apr. 27, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
May 11, Presidential remarks.

Public Law 114–154
114th Congress

An Act

To provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

May 16, 2016
[S. 32]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Transnational Drug Trafficking Act of 2015.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transnational Drug Trafficking Act of 2015".

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking "It shall" and all that follows and inserting the following: "It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

"(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

"(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

"(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.".

SEC. 3. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Chapter 113 of title 18, United States Code, is amended—

(1) in section 2318(b)(2), by striking "section 2320(e)" and inserting "section 2320(f)"; and

(2) in section 2320—

(A) in subsection (a), by striking paragraph (4) and inserting the following:

"(4) traffics in a drug and knowingly uses a counterfeit mark on or in connection with such drug,";

(B) in subsection (b)(3), in the matter preceding subparagraph (A), by striking "counterfeit drug" and inserting "drug that uses a counterfeit mark on or in connection with the drug"; and

(C) in subsection (f), by striking paragraph (6) and inserting the following:

Definition.

"(6) the term 'drug' means a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).".

Approved May 16, 2016.

LEGISLATIVE HISTORY—S. 32 (H.R. 3380):

HOUSE REPORTS: No. 114–603, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 3380.

CONGRESSIONAL RECORD:

Vol. 161 (2015): Oct. 7, considered and passed Senate.

Vol. 162 (2016): May 10, considered and passed House.

Public Law 114–155
114th Congress

An Act

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

May 16, 2016
[S. 125]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015.
42 USC 3711 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015".

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended to read as follows:

"(23) There is authorized to be appropriated to carry out part Y, $25,000,000 for each of fiscal years 2016 through 2020.".

SEC. 3. EXPIRATION OF APPROPRIATED FUNDS.

Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended by adding at the end the following:

"(h) EXPIRATION OF APPROPRIATED FUNDS.—

"(1) DEFINITION.—In this subsection, the term 'appropriated funds' means any amounts that are appropriated for any of fiscal years 2016 through 2020 to carry out this part.

"(2) EXPIRATION.—All appropriated funds that are not obligated on or before December 31, 2022 shall be transferred to the General Fund of the Treasury not later than January 31, 2023.". Deadline.

SEC. 4. SENSE OF CONGRESS ON 2-YEAR LIMITATION ON FUNDS.

It is the sense of Congress that amounts made available to carry out part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) should be made available through the end of the first fiscal year following the fiscal year for which the amounts are appropriated and should not be made available until expended.

SEC. 5. MATCHING FUNDS LIMITATION.

Section 2501(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

"(3) LIMITATION ON MATCHING FUNDS.—A State, unit of local government, or Indian tribe may not use funding received under any other Federal grant program to pay or defer the cost, in whole or in part, of the matching requirement under paragraph (1).".

SEC. 6. APPLICATION OF BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM REQUIREMENTS TO ANY ARMOR VEST OR BODY ARMOR PURCHASED WITH FEDERAL GRANT FUNDS.

Section 521 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766a) is amended by adding at the end the following:

"(c)(1) Notwithstanding any other provision of law, a grantee that uses funds made available under this part to purchase an armor vest or body armor shall—

Compliance.

"(A) comply with any requirements established for the use of grants made under part Y;

"(B) have a written policy requiring uniformed patrol officers to wear an armor vest or body armor; and

"(C) use the funds to purchase armor vests or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

"(2) In this subsection, the terms 'armor vest' and 'body armor' have the meanings given such terms in section 2503.".

SEC. 7. UNIQUELY FITTED ARMOR VESTS.

Section 2501(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(c)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking "; or" and inserting "; and";

(3) by redesignating paragraph (4) as paragraph (5); and

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

"(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including vests uniquely fitted to individual female law enforcement officers; or".

Approved May 16, 2016.

LEGISLATIVE HISTORY—S. 125:

HOUSE REPORTS: No. 114–544 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 161 (2015): May 6, considered and passed Senate.
Vol. 162 (2016): May 10, considered and passed House.

Public Law 114–156
114th Congress

An Act

To provide Capitol-flown flags to the immediate family of firefighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty.

May 16, 2016
[S. 2755]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fallen Heroes Flag Act of 2016.
2 USC 1801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Heroes Flag Act of 2016".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Capitol-flown flag" means a flag of the United States flown over the Capitol in honor of the deceased individual for whom the flag is requested;

(2) the terms "chaplain", "firefighter", "law enforcement officer", "member of a rescue squad or ambulance crew", and "public agency" have the meanings given such terms in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b);

(3) the term "immediate family member", with respect to an individual, means—

(A) the spouse, parent, brother, sister, or child of the individual or a person to whom the individual stands in loco parentis; or

(B) any other person related to the individual by blood or marriage;

(4) the term "public safety officer" means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain; and

(5) the term "Representative" includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES OF FALLEN HEROES.

2 USC 1881a.

(a) IN GENERAL.—At the request of an immediate family member of a firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty, the Representative or Senator of the family may provide to the family a Capitol-flown flag, together with the certificate described in subsection (c).

(b) NO COST TO FAMILY.—A Capitol-flown flag provided under this section shall be provided at no cost to the family.

(c) CERTIFICATE.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative, or the President pro tempore of the Senate and the Senator, providing the Capitol-flown flag, as applicable, and which contains an expression of sympathy for the family involved from the House of Representatives or the Senate, as applicable.

2 USC 1881b.

SEC. 4. REGULATIONS AND PROCEDURES.

Deadline.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Architect of the Capitol shall issue regulations for carrying out this Act, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) REVIEW.—The regulations issued under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

2 USC 1881c.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2017 through 2022 such sums as may be necessary to carry out this Act, to be derived from amounts appropriated in each such fiscal year for the operation of the Architect of the Capitol, except that the aggregate amount appropriated to carry out this Act for all such fiscal years may not exceed $40,000.

2 USC 1881d.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except that a Capitol-flown flag may not be provided under section 3 until the regulations issued under section 4(a) take effect in accordance with section 4(b).

Approved May 16, 2016.

LEGISLATIVE HISTORY—S. 2755 (H.R. 723):

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 19, considered and passed Senate.
May 10, considered and passed House.

Public Law 114–157
114th Congress

An Act

To amend the Department of Energy Organization Act and the Local Public Works Capital Development and Investment Act of 1976 to modernize terms relating to minorities.

May 20, 2016
[H.R. 4238]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking "a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent" and inserting "Asian American, Native Hawaiian, a Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native".

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended by striking "Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts" and inserting "Asian American, Native Hawaiian, Pacific Islanders, African American, Hispanic, Native American, or Alaska Natives".

Approved May 20, 2016.

LEGISLATIVE HISTORY—H.R. 4238:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 29, considered and passed House.
May 9, considered and passed Senate.

Public Law 114–158
114th Congress

An Act

May 20, 2016
[H.R. 4336]

To amend title 38, United States Code, to provide for the inurnment in Arlington National Cemetery of the cremated remains of certain persons whose service has been determined to be active service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INURNMENT OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY OF CERTAIN PERSONS WHOSE SERVICE IS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 2410 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Army shall ensure that, under such regulations as the Secretary may prescribe, the cremated remains of any person described in paragraph (2) are eligible for above ground inurnment in Arlington National Cemetery with military honors in accordance with section 1491 of title 10.

"(2) A person described in this paragraph is a person whose service has been determined to be active duty service pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as of the date of the enactment of this paragraph.".

38 USC 2410 note.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to—

(A) the remains of a person that are not formally interred or inurned as of the date of the enactment of this Act; and

(B) a person who dies on or after the date of the enactment of this Act.

(2) FORMALLY INTERRED OR INURNED DEFINED.—In this subsection, the term "formally interred or inurned" means interred or inurned in a cemetery, crypt, mausoleum, columbarium, niche, or other similar formal location.

SEC. 2. REPORT ON CAPACITY OF ARLINGTON NATIONAL CEMETERY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Veterans' Affairs and the Committees on Armed Services of the House of Representatives and the Senate a report on the interment and inurnment capacity of Arlington National Cemetery, including—

Estimate. Determination.

(1) the estimated date that the Secretary determines the cemetery will reach maximum interment and inurnment capacity; and

(2) in light of the unique and iconic meaning of the cemetery to the United States, recommendations for legislative actions and nonlegislative options that the Secretary determines necessary to ensure that the maximum interment and inurnment capacity of the cemetery is not reached until well into the future, including such actions and options with respect to— Recommendations.

(A) redefining eligibility criteria for interment and inurnment in the cemetery; and

(B) considerations for additional expansion opportunities beyond the current boundaries of the cemetery.

Approved May 20, 2016.

LEGISLATIVE HISTORY—H.R. 4336:

HOUSE REPORTS: No. 114–459, Pt. 1 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 22, considered and passed House.
May 10, considered and passed Senate, amended.
May 11, House concurred in Senate amendments.

Public Law 114–159
114th Congress

An Act

May 20, 2016
[H.R. 4923]

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Manufacturing Competitiveness Act of 2016.
19 USC 1332 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Manufacturing Competitiveness Act of 2016".

SEC. 2. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL.

(a) FINDINGS.—Congress makes the following findings:

(1) As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.

(2) The imposition of duties on such goods creates artificial distortions in the economy of the United States that negatively affect United States manufacturers and consumers.

(3) The manufacturing competitiveness of the United States around the world will be enhanced if Congress regularly and predictably updates the Harmonized Tariff Schedule to suspend or reduce duties on such goods.

(4) Creating and maintaining an open and transparent process for consideration of petitions for duty suspensions and reductions builds confidence that the process is fair, open to all, and free of abuse.

(5) Complying with the Rules of the House of Representatives and the Senate, in particular with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, is essential to fostering and maintaining confidence in the process for considering a miscellaneous tariff bill.

(6) A miscellaneous tariff bill developed under this process will not contain any—

(A) congressional earmarks or limited tax benefits within the meaning of clause 9 of rule XXI of the Rules of the House of Representatives; or

(B) congressionally directed spending items or limited tax benefits within the meaning of rule XLIV of the Standing Rules of the Senate.

(7) Because any limited tariff benefits contained in any miscellaneous tariff bill following the process set forth by this Act will not have been the subject of legislation introduced

by an individual Member of Congress and will be fully vetted through a transparent and fair process free of abuse, it is appropriate for Congress to consider limited tariff benefits as part of that miscellaneous tariff bill as long as—

(A) in the case of a miscellaneous tariff bill considered in the House of Representatives, consistent with the Rules of the House of Representatives, a list of such limited tariff benefits is published in the reports of the Committee on Ways and Means of the House of Representatives accompanying the miscellaneous tariff bill, or in the Congressional Record; and

(B) in the case of a miscellaneous tariff bill considered in the Senate, consistent with the Standing Rules of the Senate—

(i) such limited tariff benefits have been identified through lists, charts, or other similar means; and

(ii) the information identified in clause (i) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before the vote on the motion to proceed to the miscellaneous tariff bill or the vote on the adoption of a report of a committee of conference in connection with the miscellaneous tariff bill, as the case may be.

(8) When the process set forth under paragraph (7) is followed, it is consistent with the letter and intent of the Rules of the House of Representatives and the Senate and other related guidance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to remove the competitive disadvantage to United States manufacturers and consumers and to promote the competitiveness of United States manufacturers, Congress should, not later than 90 days after the United States International Trade Commission issues a final report on petitions for duty suspensions and reductions under section 3(b)(3)(E), consider a miscellaneous tariff bill.

SEC. 3. PROCESS FOR CONSIDERATION OF PETITIONS FOR DUTY SUSPENSIONS AND REDUCTIONS.

(a) PURPOSE.—It is the purpose of this section to establish a process for the submission and consideration of petitions for duty suspensions and reductions.

(b) REQUIREMENTS OF COMMISSION.—

(1) INITIATION.—Not later than October 15, 2016, and October 15, 2019, the Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to submit to the Commission during the 60-day period beginning on the date of such publication—

Deadline.
Federal Register, publication.
Web posting.
Public information.
Notice.
Time period.
Effective date.

(A) petitions for duty suspensions and reductions; and

(B) Commission disclosure forms with respect to such duty suspensions and reductions.

(2) CONTENT OF PETITIONS.—Each petition for a duty suspension or reduction under paragraph (1)(A) shall include the following information:

(A) The name and address of the petitioner.

(B) A statement as to whether the petition provides for an extension of an existing duty suspension or reduction or provides for a new duty suspension or reduction.

Certification.

(C) A certification that the petitioner is a likely beneficiary of the proposed duty suspension or reduction.

(D) An article description for the proposed duty suspension or reduction to be included in the amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States.

(E) To the extent available—

(i) a classification of the article for purposes of the amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States;

(ii) a classification ruling of U.S. Customs and Border Protection with respect to the article; and

Records.

(iii) a copy of a U.S. Customs and Border Protection entry summary indicating where the article is classified in the Harmonized Tariff Schedule of the United States.

(F) A brief and general description of the article.

(G) A brief description of the industry in the United States that uses the article.

Estimate.
Time period.

(H) An estimate of the total value, in United States dollars, of imports of the article for each of the 5 calendar years after the calendar year in which the petition is filed, including an estimate of the total value of such imports by the person who submits the petition and by any other importers, if available.

(I) The name of each person that imports the article, if available.

(J) A description of any domestic production of the article, if available.

(K) Such other information as the Commission may require.

(3) REVIEW.—

Deadline.
Web posting.

(A) COMMISSION PUBLICATION AND PUBLIC AVAILABILITY.—As soon as practicable after the expiration of the 60-day period specified in paragraph (1), but in any case not later than 30 days after the expiration of such 60-day period, the Commission shall publish on a publicly available Internet website of the Commission—

(i) the petitions for duty suspensions and reductions submitted under paragraph (1)(A) that contain the information required under paragraph (2); and

(ii) the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(B) PUBLIC COMMENT.—

Federal Register, publication.
Public information.
Web posting.
Notice.
Time period.
Effective date.

(i) IN GENERAL.—The Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public to submit to the Commission during the 45-day period beginning on the date of publication described in subparagraph (A) comments on—

(I) the petitions for duty suspensions and reductions published by the Commission under subparagraph (A)(i); and

(II) the Commission disclosure forms with respect to such duty suspensions and reductions published by the Commission under subparagraph (A)(ii).

(ii) PUBLICATION OF COMMENTS.—The Commission shall publish a notice in the Federal Register directing members of the public to a publicly available Internet website of the Commission to view the comments of the members of the public received under clause (i).

Notice.
Federal Register, publication.
Public information.
Web posting.

(C) PRELIMINARY REPORT.—

(i) IN GENERAL.—As soon as practicable after the expiration of the 120-day period beginning on the date of publication described in subparagraph (A), but in any case not later than 30 days after the expiration of such 120-day period, the Commission shall submit to the appropriate congressional committees a preliminary report on the petitions for duty suspensions and reductions submitted under paragraph (1)(A). The preliminary report shall contain the following information with respect to each petition for a duty suspension or reduction:

(I) The heading or subheading of the Harmonized Tariff Schedule of the United States in which each article that is the subject of the petition for the duty suspension or reduction is classified, as identified by documentation supplied to the Commission, and any supporting information obtained by the Commission.

(II) A determination of whether or not domestic production of the article that is the subject of the petition for the duty suspension or reduction exists, taking into account the report of the Secretary of Commerce under subsection (c)(1), and, if such production exists, whether or not a domestic producer of the article objects to the duty suspension or reduction.

Determination.

(III) Any technical changes to the article description of the article that is the subject of the petition for the duty suspension or reduction that are necessary for purposes of administration when the article is presented for importation, taking into account the report of the Secretary of Commerce under subsection (c)(2).

(IV) An estimate of the amount of loss in revenue to the United States that would no longer be collected if the duty suspension or reduction takes effect.

Estimate.

(V) A determination of whether or not the duty suspension or reduction is available to any person that imports the article that is the subject of the duty suspension or reduction.

Determination.

(VI) The likely beneficiaries of each duty suspension or reduction, including whether the petitioner is a likely beneficiary.

Lists.
Recommendations.

(ii) CATEGORIES OF INFORMATION.—The preliminary report submitted under clause (i) shall also contain the following information:

(I) A list of petitions for duty suspensions and reductions that meet the requirements of this Act without modifications.

(II) A list of petitions for duty suspensions and reductions for which the Commission recommends technical corrections in order to meet the requirements of this Act, with the correction specified.

(III) A list of petitions for duty suspensions and reductions for which the Commission recommends modifications to the amount of the duty suspension or reduction that is the subject of the petition to comply with the requirements of this Act, with the modification specified.

(IV) A list of petitions for duty suspensions and reductions for which the Commission recommends modifications to the scope of the articles that are the subject of such petitions to address objections by domestic producers to such petitions, with the modifications specified.

(V) A list of the following:

(aa) Petitions for duty suspensions and reductions that the Commission has determined do not contain the information required under paragraph (2).

(bb) Petitions for duty suspensions and reductions with respect to which the Commission has determined the petitioner is not a likely beneficiary.

(VI) A list of petitions for duty suspensions and reductions that the Commission does not recommend for inclusion in a miscellaneous tariff bill, other than petitions specified in subclause (V).

(D) ADDITIONAL INFORMATION.—The Commission shall consider any information submitted by the appropriate congressional committees to the Commission relating to moving a petition that is contained in the list referred to in subclause (VI) of subparagraph (C)(ii) of the preliminary report submitted under subparagraph (C) to a list referred to in subclause (I), (II), (III), or (IV) of subparagraph (C)(ii).

(E) FINAL REPORT.—Not later than 60 days after the date on which the preliminary report is submitted under subparagraph (C), the Commission shall submit to the appropriate congressional committees a final report on each petition for a duty suspension or reduction specified in the preliminary report. The final report shall contain with respect to each such petition—

(i) the information required under clauses (i) and (ii) of subparagraph (C) and updated as appropriate under subparagraph (D); and

Determination.

(ii) a determination of the Commission whether—

(I) the duty suspension or reduction can likely be administered by U.S. Customs and Border Protection;

(II) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed $500,000 in a calendar year during which the duty suspension or reduction would be in effect; and Estimate.

(III) the duty suspension or reduction is available to any person importing the article that is the subject of the duty suspension or reduction.

(F) EXCLUSIONS.—The appropriate congressional committees may exclude from a miscellaneous tariff bill any petition for a duty suspension or reduction that—

(i) is contained in any list referred to in subclause (I), (II), (III), or (IV) of subparagraph (C)(ii), as updated as appropriate under subparagraph (E)(i);

(ii) is the subject of an objection from a Member of Congress; or

(iii) is for an article for which there is domestic production.

(G) ESTIMATES BY THE CONGRESSIONAL BUDGET OFFICE.—For purposes of reflecting the estimate of the Congressional Budget Office, the appropriate congressional committees shall adjust the amount of a duty suspension or reduction in a miscellaneous tariff bill only to assure that the estimated loss in revenue to the United States from that duty suspension or reduction, as estimated by the Congressional Budget Office, does not exceed $500,000 in a calendar year during which the duty suspension or reduction would be in effect.

(H) PROHIBITIONS.—Any petitions for duty suspensions or reductions that are contained in any list referred to in subclause (V) or (VI) of subparagraph (C)(ii), as updated as appropriate under subparagraph (E)(i), or have not otherwise undergone the processes required by this Act shall not be included in a miscellaneous tariff bill.

(4) CONFIDENTIAL BUSINESS INFORMATION.—The procedures concerning the release of confidential business information set forth in section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) shall apply with respect to information received by the Commission in posting petitions on a publicly available website of the Commission and in preparing reports under this subsection. Procedures. Applicability.

(5) PROCEDURES.—The Commission shall prescribe and publish in the Federal Register and on a publicly available Internet website of the Commission procedures to be complied with by members of the public submitting petitions for duty suspensions and reductions under subsection (b)(1)(A). Federal Register, publication. Public information. Web posting. Time period. Effective date. Consultation.

(c) DEPARTMENT OF COMMERCE REPORT.—Not later than the end of the 90-day period beginning on the date of publication of the petitions for duty suspensions and reductions under subsection (b)(3)(A), the Secretary of Commerce, in consultation with U.S. Customs and Border Protection and other relevant Federal agencies, shall submit to the Commission and the appropriate congressional committees a report on each petition for a duty

suspension or reduction submitted under subsection (b)(1)(A) that includes the following information:

Determination.

(1) A determination of whether or not domestic production of the article that is the subject of the petition for the duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the petition for the duty suspension or reduction.

(2) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

SEC. 4. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND REDUCTIONS ON UNITED STATES ECONOMY.

Assessment.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of a miscellaneous tariff bill, the Commission shall submit to the appropriate congressional committees a report on the effects on the United States economy of duty suspensions and reductions enacted pursuant to this Act, including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States, using case studies describing such effects on selected industries or by type of article as available data permit.

(b) RECOMMENDATIONS.—The Commission shall also solicit and append to the report required under subsection (a) recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions, either through a unilateral action of the United States or though negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions.

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

Congressional Record.

SEC. 5. PUBLICATION OF LIMITED TARIFF BENEFITS IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(a) HOUSE OF REPRESENTATIVES.—

List. Reports.

(1) IN GENERAL.—The chair of the Committee on Ways and Means of the House of Representatives shall include a list of limited tariff benefits contained in a miscellaneous tariff bill in the report to accompany such a bill or, in a case where a miscellaneous tariff bill is not reported by the committee, shall cause such a list to be printed in the appropriate section of the Congressional Record.

(2) LIMITED TARIFF BENEFIT DEFINED.—For purposes of this subsection and consistent with clause 9 of rule XXI of the Rules of the House of Representatives, as in effect during the One Hundred Fourteenth Congress, the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) SENATE.—

Certification.

(1) IN GENERAL.—The chairman of the Committee on Finance of the Senate, the Majority Leader of the Senate, or the designee of the Majority Leader of the Senate, shall provide for the publication in the Congressional Record of a certification that—

(A) each limited tariff benefit contained in a miscellaneous tariff bill considered in the Senate has been identified through lists, charts, or other similar means; and

(B) the information identified in subparagraph (A) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before the vote on the motion to proceed to the miscellaneous tariff bill or the vote on the adoption of a report of a committee of conference in connection with the miscellaneous tariff bill, as the case may be.

Public information. Web posting. Time period.

(2) SATISFACTION OF SENATE RULES.—Publication of a certification in the Congressional Record under paragraph (1) satisfies the certification requirements of paragraphs 1(a), 2(a), and 3(a) of rule XLIV of the Standing Rules of the Senate.

(3) LIMITED TARIFF BENEFIT DEFINED.—For purposes of this subsection and consistent with rule XLIV of the Standing Rules of the Senate, as in effect during the One Hundred Fourteenth Congress, the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(c) ENACTMENT AS EXERCISE OF RULEMAKING POWER OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

Procedures.

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

SEC. 6. JUDICIAL REVIEW PRECLUDED.

The exercise of functions under this Act shall not be subject to judicial review.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) COMMISSION DISCLOSURE FORM.—The term "Commission disclosure form" means, with respect to a petition for a duty suspension or reduction, a document submitted by a petitioner to the Commission that contains the following:

Certification.

(A) The contact information for any known importers of the article to which the proposed duty suspension or reduction would apply.

(B) A certification by the petitioner that the proposed duty suspension or reduction is available to any person importing the article to which the proposed duty suspension or reduction would apply.

(C) A certification that the petitioner is a likely beneficiary of the proposed duty suspension or reduction.

(4) DOMESTIC PRODUCER.—The term "domestic producer" means a person that demonstrates production, or imminent production, in the United States of an article that is identical to, or like or directly competitive with, an article to which a petition for a duty suspension or reduction would apply.

(5) DOMESTIC PRODUCTION.—The term "domestic production" means the production of an article that is identical to, or like or directly competitive with, an article to which a petition for a duty suspension or reduction would apply, for which a domestic producer has demonstrated production, or imminent production, in the United States.

Time period.

(6) DUTY SUSPENSION OR REDUCTION.—The term "duty suspension or reduction" refers to an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States for a period not to exceed 3 years that—

Extension.

(A) extends an existing temporary duty suspension or reduction on an article under that subchapter; or

(B) provides for a new temporary duty suspension or reduction on an article under that subchapter.

(7) LIKELY BENEFICIARY.—The term "likely beneficiary" means an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.

(8) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(9) MISCELLANEOUS TARIFF BILL.—The term "miscellaneous tariff bill" means a bill of either House of Congress that contains only duty suspensions and reductions and related technical corrections that—

(A) are included in the final report of the Commission submitted to the appropriate congressional committees under section 3(b)(3)(E), except for—

(i) petitions for duty suspensions or reductions that the Commission has determined do not contain the information required under section 3(b)(2);

(ii) petitions for duty suspensions and reductions with respect to which the Commission has determined the petitioner is not a likely beneficiary; and

(iii) petitions for duty suspensions and reductions that the Commission does not recommend for inclusion in the miscellaneous tariff bill;

(B) are not excluded under section 3(b)(3)(F); and

(C) otherwise meet the applicable requirements of this Act.

Approved May 20, 2016.

LEGISLATIVE HISTORY—H.R. 4923:

HOUSE REPORTS: No. 114–519, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 27, considered and passed House.
May 10, considered and passed Senate.

Public Law 114–160
114th Congress

An Act

May 20, 2016
[H.R. 4957]

To designate the Federal building located at 99 New York Avenue, N.E., in the District of Columbia as the "Ariel Rios Federal Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 99 New York Avenue, N.E., in the District of Columbia shall be known and designated as the "Ariel Rios Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ariel Rios Federal Building".

Approved May 20, 2016.

LEGISLATIVE HISTORY—H.R. 4957:

HOUSE REPORTS: No. 114–534 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 162 (2016):
May 10, considered and passed House.
May 16, considered and passed Senate.

Public Law 114–161
114th Congress

An Act

To direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska.

May 20, 2016
[S. 1492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAL PROPERTY CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ARCHIVIST.—The term "Archivist" means the Archivist of the United States.

(2) CITY.—The term "City" means the Municipality of Anchorage, Alaska.

(b) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and after completion of the survey and appraisal described in this section, the Administrator of General Services, on behalf of the Archivist, shall offer to convey to the City by quitclaim deed for the consideration and under the conditions described in subsection (d), all right, title, and interest of the United States in and to a parcel of real property described in subsection (c).

(2) COSTS OF CONVEYANCE.—The City shall be responsible for paying—

(A) the costs of an appraisal conducted pursuant to subsection (d)(1)(B); and

(B) any other costs relating to the conveyance of the Federal property under this Act.

(c) LEGAL DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The parcel to be conveyed under subsection (b) consists of approximately 9 acres and improvements located at 400 East Fortieth Avenue in the City that is administered by the National Archives and Records Administration.

(2) SURVEY REQUIRED.—As soon as practicable after the date of enactment of this Act, the exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey, paid for by the City, that is satisfactory to the Archivist.

(d) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—

(A) IN GENERAL.—As consideration for the conveyance of the property under subsection (b), the City shall pay to the Archivist an amount not less than the fair market value of the conveyed property, to be determined as provided in subparagraph (B).

(B) APPRAISAL.—The fair market value of the property to be conveyed under subsection (b) shall be determined based on an appraisal that—

(i) is conducted by a licensed, independent appraiser that is approved by the Archivist and the City;

(ii) is based on the highest and best use of the property;

(iii) is approved by the Archivist; and

(iv) is paid for by the City.

(2) PRECONVEYANCE ENTRY.—The Archivist, on terms and conditions the Archivist determines to be appropriate, may authorize the City to enter the property at no charge for preconstruction and construction activities.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Archivist may require additional terms and conditions in connection with the conveyance under subsection (b) as the Archivist considers appropriate to protect the interests of the United States.

(e) PROCEEDS.—Any net proceeds received by the Archivist as a result of the conveyance under this Act shall be deposited in the Treasury and used for deficit reduction, in such manner as the Secretary of the Treasury considers appropriate.

Approved May 20, 2016.

LEGISLATIVE HISTORY—S. 1492 (H.R. 336):

HOUSE REPORTS: No. 114–103 (Comm. on Transportation and Infrastructure) accompanying H.R. 336.

SENATE REPORTS: No. 114–228 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Apr. 6, considered and passed Senate.

May 16, considered and passed House.

Public Law 114–162
114th Congress

An Act

To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

May 20, 2016
[S. 1523]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPETITIVE AWARDS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by adding at the end the following:

"(4) COMPETITIVE AWARDS.—

"(A) IN GENERAL.—Using the amounts made available under subsection (i)(2)(B), the Administrator shall make competitive awards under this paragraph.

"(B) APPLICATION FOR AWARDS.—The Administrator shall solicit applications for awards under this paragraph from State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals.

"(C) SELECTION OF RECIPIENTS.—In selecting award recipients under this paragraph, the Administrator shall select recipients that are best able to address urgent and challenging issues that threaten the ecological and economic well-being of coastal areas. Such issues shall include—

"(i) extensive seagrass habitat losses resulting in significant impacts on fisheries and water quality;

"(ii) recurring harmful algae blooms;

"(iii) unusual marine mammal mortalities;

"(iv) invasive exotic species that may threaten wastewater systems and cause other damage;

"(v) jellyfish proliferation limiting community access to water during peak tourism seasons;

"(vi) flooding that may be related to sea level rise or wetland degradation or loss; and

"(vii) low dissolved oxygen conditions in estuarine waters and related nutrient management.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Grants.

Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator $26,500,000 for each of fiscal years 2017 through 2021 for—

"(A) expenses relating to the administration of grants or awards by the Administrator under this section, including the award and oversight of grants and awards, except that such expenses may not exceed 5 percent of the amount appropriated under this subsection for a fiscal year; and

"(B) making grants and awards under subsection (g).

"(2) ALLOCATIONS.—

"(A) CONSERVATION AND MANAGEMENT PLANS.—Not less than 80 percent of the amount made available under this subsection for a fiscal year shall be used by the Administrator to provide grant assistance for the development, implementation, and monitoring of each of the conservation and management plans eligible for grant assistance under subsection (g)(2).

"(B) COMPETITIVE AWARDS.—Not less than 15 percent of the amount made available under this subsection for a fiscal year shall be used by the Administrator for making competitive awards described in subsection (g)(4).".

Approved May 20, 2016.

LEGISLATIVE HISTORY—S. 1523:

SENATE REPORTS: No. 114–161 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Aug. 5, considered and passed Senate.
Vol. 162 (2016): Apr. 26, considered and passed House, amended.
May 12, Senate concurred in House amendment.

Public Law 114–163
114th Congress

An Act

To provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

May 20, 2016
[S. 2143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STARR-CAMARGO BRIDGE.

Public Law 87–532 (76 Stat. 153) is amended—

(1) in the first section, in subsection (a)(2)—

(A) by inserting ", and its successors and assigns," after "State of Texas";

(B) by inserting "consisting of not more than 14 lanes" after "approaches thereto"; and

(C) by striking "and for a period of sixty-six years from the date of completion of such bridge,";

(2) in section 2, by inserting "and its successors and assigns," after "companies";

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

(4) by inserting after section 2 the following:

"SEC. 3. RIGHTS OF STARR-CAMARGO BRIDGE COMPANY AND SUCCESSORS AND ASSIGNS.

"(a) IN GENERAL.—The Starr-Camargo Bridge Company and its successors and assigns shall have the rights and privileges granted to the B and P Bridge Company and its successors and assigns under section 2 of the Act of May 1, 1928 (45 Stat. 471, chapter 466).

"(b) REQUIREMENT.—In exercising the rights and privileges granted under subsection (a), the Starr-Camargo Bridge Company and its successors and assigns shall act in accordance with—

"(1) just compensation requirements;

"(2) public proceeding requirements; and

"(3) any other requirements applicable to the exercise of the rights referred to in subsection (a) under the laws of the State of Texas."; and

(5) in section 4 (as redesignated by paragraph (3))—

(A) by inserting "and its successors and assigns," after "such company";

(B) by striking "or" after "public agency,";

(C) by inserting "or to a corporation," after "international bridge authority or commission,"; and

(D) by striking "authority, or commission" each place it appears and inserting "authority, commission, or corporation".

Approved May 20, 2016.

LEGISLATIVE HISTORY—S. 2143:

SENATE REPORTS: No. 114–213 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 17, considered and passed Senate.
May 16, considered and passed House.

Public Law 114–164
114th Congress

An Act

To name the Department of Veterans Affairs community-based outpatient clinic in Sevierville, Tennessee, the Dannie A. Carr Veterans Outpatient Clinic.

June 3, 2016
[H.R. 2814]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The State of Tennessee, the Volunteer State, holds a proud tradition of selfless volunteerism to the United States Armed Forces.

(2) Specialist Four Dannie A. Carr, of Sevier County, Tennessee, served with distinction in B Company, 2nd Battalion, 7th Cavalry Regiment, 1st Cavalry Division during the Vietnam War in defense of the United States.

(3) Specialist Four Dannie A. Carr, twice wounded in battle and later killed in action by artillery fire on July 3, 1969, has been duly recognized by the Army, having been awarded the Bronze Star for Valor and the Purple Heart.

(4) The heroism of Dannie A. Carr is well known and held in high regard within the community of Sevier County, Tennessee.

(5) The municipalities of Pittman Center, Sevierville, Pigeon Forge, Gatlinburg, and Sevier County have agreed to and passed resolutions supporting the renaming of the Department of Veterans Affairs community-based outpatient clinic in Sevier County, Tennessee, in honor of Specialist Four Dannie Arthur Carr.

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, SEVIERVILLE, TENNESSEE.

The Department of Veterans Affairs community-based outpatient clinic located at 1124 Blanton Drive, Sevierville, Tennessee, shall after the date of the enactment of this Act be known and designated as the "Dannie A. Carr Veterans Outpatient Clinic". Any reference to such community-based outpatient clinic in any law, regulation, map, document, record, or other paper of the United

States shall be considered to be a reference to the Dannie A. Carr Veterans Outpatient Clinic.

Approved June 3, 2016.

LEGISLATIVE HISTORY—H.R. 2814:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 18, considered and passed Senate.

Public Law 114–165
114th Congress

An Act

To amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

June 3, 2016
[S. 184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Native American Children's Safety Act.
25 USC 3201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Children's Safety Act".

SEC. 2. CRIMINAL RECORDS CHECKS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended by adding at the end the following:

"(d) BY TRIBAL SOCIAL SERVICES AGENCY FOR FOSTER CARE PLACEMENTS IN TRIBAL COURT PROCEEDINGS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED INDIVIDUAL.—The term 'covered individual' includes—

"(i) any individual 18 years of age or older; and

"(ii) any individual who the tribal social services agency determines is subject to a criminal records check under paragraph (2)(A).

"(B) FOSTER CARE PLACEMENT.—The term 'foster care placement' means any action removing an Indian child from a parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator if—

"(i) the parent or Indian custodian cannot have the child returned on demand; and

"(ii)(I) parental rights have not been terminated; or

"(II) parental rights have been terminated but the child has not been permanently placed.

"(C) INDIAN CUSTODIAN.—The term 'Indian custodian' means any Indian—

"(i) who has legal custody of an Indian child under tribal law or custom or under State law; or

"(ii) to whom temporary physical care, custody, and control has been transferred by the parent of the child.

"(D) PARENT.—The term 'parent' means—

"(i) any biological parent of an Indian child; or

"(ii) any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom.

"(E) TRIBAL COURT.—The term 'tribal court' means a court—

"(i) with jurisdiction over foster care placements; and

"(ii) that is—

"(I) a Court of Indian Offenses;

"(II) a court established and operated under the code or custom of an Indian tribe; or

"(III) any other administrative body of an Indian tribe that is vested with authority over foster care placements.

"(F) TRIBAL SOCIAL SERVICES AGENCY.—The term 'tribal social services agency' means the agency of an Indian tribe that has the primary responsibility for carrying out foster care licensing or approval (as of the date on which the proceeding described in paragraph (2)(A) commences) for the Indian tribe.

"(2) CRIMINAL RECORDS CHECK BEFORE FOSTER CARE PLACEMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (3), no foster care placement shall be finally approved and no foster care license shall be issued until the tribal social services agency—

"(i) completes a criminal records check of each covered individual who resides in the household or is employed at the institution in which the foster care placement will be made; and

"(ii) concludes that each covered individual described in clause (i) meets such standards as the Indian tribe shall establish in accordance with subparagraph (B).

"(B) STANDARDS OF PLACEMENT.—The standards described in subparagraph (A)(ii) shall include—

"(i) requirements that each tribal social services agency described in subparagraph (A)—

"(I) perform criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3) of title 28, United States Code);

"(II) check any abuse registries maintained by the Indian tribe; and

Time period.

"(III) check any child abuse and neglect registry maintained by the State in which the covered individual resides for information on the covered individual, and request any other State in which the covered individual resided in the preceding 5 years, to enable the tribal social services agency to check any child abuse and neglect registry maintained by that State for such information; and

"(ii) any other additional requirement that the Indian tribe determines is necessary and permissible within the existing authority of the Indian tribe, such as the creation of voluntary agreements with State

entities in order to facilitate the sharing of information related to the performance of criminal records checks.

"(C) RESULTS.—Except as provided in paragraph (3), no foster care placement shall be ordered in any proceeding described in subparagraph (A) if an investigation described in clause (i) of that subparagraph reveals that a covered individual described in that clause has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)).

"(3) EMERGENCY PLACEMENT.—Paragraph (2) shall not apply to an emergency foster care placement, as determined by a tribal social services agency.

"(4) RECERTIFICATION OF FOSTER HOMES OR INSTITUTIONS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Indian tribe shall establish procedures to recertify homes or institutions in which foster care placements are made. Deadline. Procedures.

"(B) CONTENTS.—The procedures described in subparagraph (A) shall include, at a minimum, periodic intervals at which the home or institution shall be subject to recertification to ensure—

"(i) the safety of the home or institution for the Indian child; and

"(ii) that each covered individual who resides in the home or is employed at the institution is subject to a criminal records check in accordance with this subsection, including any covered individual who—

"(I) resides in the home or is employed at the institution on the date on which the procedures established under subparagraph (A) commences; and

"(II) did not reside in the home or was not employed at the institution on the date on which the investigation described in paragraph (2)(A)(i) was completed.

"(C) GUIDANCE ISSUED BY THE SECRETARY.—The procedures established under subparagraph (A) shall be subject to any regulation or guidance issued by the Secretary that is in accordance with the purpose of this subsection.

"(5) GUIDANCE.—Not later than 2 years after the date of enactment of this subsection and after consultation with Indian tribes, the Secretary shall issue guidance regarding— Deadline. Consultation.

"(A) procedures for a criminal records check of any covered individual who—

"(i) resides in the home or is employed at the institution in which the foster care placement is made after the date on which the investigation described in paragraph (2)(A)(i) is completed; and

"(ii) was not the subject of an investigation described in paragraph (2)(A)(i) before the foster care placement was made;

"(B) self-reporting requirements for foster care homes or institutions in which any covered individual described in subparagraph (A) resides if the head of the household or the operator of the institution has knowledge that the covered individual—

"(i) has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)); or

"(ii) is listed on a registry described in clause (II) or (III) of paragraph (2)(B)(i);

"(C) promising practices used by Indian tribes to address emergency foster care placement procedures under paragraph (3); and

"(D) procedures for certifying compliance with this Act.".

Approved June 3, 2016.

LEGISLATIVE HISTORY—S. 184 (H.R. 1168):

HOUSE REPORTS: No. 114–79 (Comm. on Natural Resources) accompanying H.R. 1168.

SENATE REPORTS: No. 114–37 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 161 (2015): June 1, considered and passed Senate.

Vol. 162 (2016): May 23, considered and passed House.

Public Law 114–166
114th Congress

An Act

To designate the facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, as the "Camp Pendleton Medal of Honor Post Office".

June 13, 2016
[H.R. 136]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAMP PENDLETON MEDAL OF HONOR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, shall be known and designated as the "Camp Pendleton Medal of Honor Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Camp Pendleton Medal of Honor Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 136:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–167
114th Congress

An Act

June 13, 2016
[H.R. 433]

To designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the "Specialist Ross A. McGinnis Memorial Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Ross Andrew McGinnis was born and raised in Knox, Pennsylvania, the son of Tom and Romayne McGinnis.

(2) Specialist McGinnis joined the Army in 2004 and following his training, was assigned to 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division.

(3) On December 4, 2006, McGinnis was killed in action while serving in Iraq. For his actions that day, he was awarded the Congressional Medal of Honor by President George W. Bush on June 2, 2008.

(4) From the official Medal of Honor Army Citation:

(A) Private First Class Ross A. McGinnis, United States Army. For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty.

(B) Private First Class Ross A. McGinnis distinguished himself by acts of gallantry and intrepidity above and beyond the call of duty while serving as an M2 .50-caliber Machine Gunner, 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment, in connection with combat operations against an armed enemy in Adhamiyah, Northeast Baghdad, Iraq, on 4 December 2006.

(C) That afternoon his platoon was conducting combat control operations in an effort to reduce and control sectarian violence in the area. While Private McGinnis was manning the M2 .50-caliber Machine Gun, a fragmentation grenade thrown by an insurgent fell through the gunner's hatch into the vehicle. Reacting quickly, he yelled "grenade," allowing all four members of his crew to prepare for the grenade's blast. Then, rather than leaping from the gunner's hatch to safety, Private McGinnis made the courageous decision to protect his crew. In a selfless act of bravery, in which he was mortally wounded, Private McGinnis covered the live grenade, pinning it between his body and the vehicle and absorbing most of the explosion.

(D) Private McGinnis' gallant action directly saved four men from certain serious injury or death. Private First Class McGinnis' extraordinary heroism and selflessness at the cost of his own life, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

SEC. 2. SPECIALIST ROSS A. MCGINNIS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, shall be known and designated as the "Specialist Ross A. McGinnis Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Ross A. McGinnis Memorial Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 433:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–168
114th Congress

An Act

June 13, 2016
[H.R. 1132]

To designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the "W. Ronald Coale Memorial Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. W. RONALD COALE MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, shall be known and designated as the "W. Ronald Coale Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "W. Ronald Coale Memorial Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 1132:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–169
114th Congress

An Act

To designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the "Lionel R. Collins, Sr. Post Office Building".

June 13, 2016
[H.R. 2458]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIONEL R. COLLINS, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, shall be known and designated as the "Lionel R. Collins, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lionel R. Collins, Sr. Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 2458:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–170
114th Congress

An Act

June 13, 2016
[H.R. 2928]

To designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the "Harold George Bennett Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HAROLD GEORGE BENNETT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, shall be known and designated as the "Harold George Bennett Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harold George Bennett Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 2928:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 18, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–171
114th Congress

An Act

To designate the facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, as the "Daryle Holloway Post Office Building".

June 13, 2016
[H.R. 3082]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DARYLE HOLLOWAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, shall be known and designated as the "Daryle Holloway Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Daryle Holloway Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 3082:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–172
114th Congress

An Act

June 13, 2016
[H.R. 3274]

To designate the facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, as the "Francis Manuel Ortega Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCIS MANUEL ORTEGA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, shall be known and designated as the "Francis Manuel Ortega Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Francis Manuel Ortega Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 3274:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–173
114th Congress

An Act

To designate the facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island, as the "Melvoid J. Benson Post Office Building".

June 13, 2016
[H.R. 3601]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MELVOID J. BENSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island, shall be known and designated as the "Melvoid J. Benson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Melvoid J. Benson Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 3601:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–174
114th Congress

An Act

June 13, 2016
[H.R. 3735]

To designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the "Maya Angelou Memorial Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAYA ANGELOU MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, shall be known and designated as the "Maya Angelou Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Maya Angelou Memorial Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 3735:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–175
114th Congress

An Act

To designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the "First Lieutenant Salvatore S. Corma II Post Office Building".

June 13, 2016
[H.R. 3866]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST LIEUTENANT SALVATORE S. CORMA II POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located 1265 Hurffville Road in Deptford Township, New Jersey, shall be known and designated as the "First Lieutenant Salvatore S. Corma II Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "First Lieutenant Salvatore S. Corma II Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 3866:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 18, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–176
114th Congress

An Act

June 13, 2016
[H.R. 4046]

To designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, as the Second Lt. Ellen Ainsworth Memorial Post Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECOND LT. ELLEN AINSWORTH MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, shall be known and designated as the "Second Lt. Ellen Ainsworth Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Second Lt. Ellen Ainsworth Memorial Post Office".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 4046:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 1, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–177
114th Congress

An Act

To designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the "Sgt. 1st Class Terryl L. Pasker Post Office Building".

June 13, 2016
[H.R. 4605]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SGT. 1ST CLASS TERRYL L. PASKER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa, shall be known and designated as the "Sgt. 1st Class Terryl L. Pasker Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. 1st Class Terryl L. Pasker Post Office Building".

Approved June 13, 2016.

LEGISLATIVE HISTORY—H.R. 4605:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 18, considered and passed House.
May 26, considered and passed Senate.

Public Law 114–178
114th Congress

An Act

June 22, 2016
[H.R. 812]

To provide for Indian trust asset management reform, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Trust Asset Reform Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

25 USC 5601 note.

(a) SHORT TITLE.—This Act may be cited as the "Indian Trust Asset Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

25 USC 5601.

SEC. 101. FINDINGS.

Congress finds that—

(1) there exists a unique relationship between the Government of the United States and the governments of Indian tribes;

(2) there exists a unique Federal responsibility to Indians;

(3) through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians;

(4) the fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made through written treaties and agreements securing peace, in exchange for which Indians have surrendered claims to vast tracts of land, which provided legal consideration for permanent, ongoing performance of Federal trust duties; and

(5) the foregoing historic Federal-tribal relations and understandings have benefitted the people of the United States as a whole for centuries and have established enduring and enforceable Federal obligations to which the national honor has been committed.

SEC. 102. REAFFIRMATION OF POLICY. 25 USC 5602.

Pursuant to the constitutionally vested authority of Congress over Indian affairs, Congress reaffirms that the responsibility of the United States to Indian tribes includes a duty to promote tribal self-determination regarding governmental authority and economic development.

TITLE II—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT

Indian Trust Asset Management Demonstration Project Act of 2016. 25 USC 5601 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Indian Trust Asset Management Demonstration Project Act of 2016".

SEC. 202. DEFINITIONS. 25 USC 5611.

In this title:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PROJECT.—The term "Project" means the Indian trust asset management demonstration project established under section 203(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 203. ESTABLISHMENT OF DEMONSTRATION PROJECT; SELECTION OF PARTICIPATING INDIAN TRIBES. 25 USC 5612.

(a) IN GENERAL.—The Secretary shall establish and carry out an Indian trust asset management demonstration project, in accordance with this title.

(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

(1) IN GENERAL.—An Indian tribe shall be eligible to participate in the project if—

(A) the Indian tribe submits to the Secretary an application under subsection (c); and

(B) the Secretary approves the application of the Indian tribe.

(2) NOTICE.—

(A) IN GENERAL.—The Secretary shall provide a written notice to each Indian tribe approved to participate in the project.

(B) CONTENTS.—A notice under subparagraph (A) shall include—

(i) a statement that the application of the Indian tribe has been approved by the Secretary; and

Plan.

(ii) a requirement that the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with section 204.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to participate in the project, an Indian tribe shall submit to the Secretary a written application in accordance with paragraph (2).

(2) REQUIREMENTS.—The Secretary shall consider an application under this subsection only if the application—

Records.

(A) includes a copy of a resolution or other appropriate action by the governing body of the Indian tribe, as determined by the Secretary, in support of or authorizing the application;

(B) is received by the Secretary after the date of enactment of this Act; and

(C) states that the Indian tribe is requesting to participate in the project.

(d) DURATION.—The project—

(1) shall remain in effect for a period of 10 years after the date of enactment of this Act; but

(2) may be extended at the discretion of the Secretary.

25 USC 5613.

SEC. 204. INDIAN TRUST ASSET MANAGEMENT PLAN.

(a) PROPOSED PLAN.—

(1) SUBMISSION.—After the date on which an Indian tribe receives a notice from the Secretary under section 203(b)(2), the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with paragraph (2).

(2) CONTENTS.—A proposed Indian trust asset management plan shall include provisions that—

(A) identify the trust assets that will be subject to the plan;

(B) establish trust asset management objectives and priorities for Indian trust assets that are located within the reservation, or otherwise subject to the jurisdiction, of the Indian tribe;

(C) allocate trust asset management funding that is available for the Indian trust assets subject to the plan in order to meet the trust asset management objectives and priorities;

(D) if the Indian tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) relating to the management of trust assets—

(i) identify the functions or activities that are being or will be performed by the Indian tribe under the contracts, compacts, or other agreements under that Act, which may include any of the surface leasing or forest land management activities authorized by the proposed plan pursuant to section 205(b); and

(ii) describe the practices and procedures that the Indian tribe will follow;

Procedures.

(E) establish procedures for nonbinding mediation or resolution of any dispute between the Indian tribe and

the United States relating to the trust asset management plan;

(F) include a process for the Indian tribe and the Federal agencies affected by the trust asset management plan to conduct evaluations to ensure that trust assets are being managed in accordance with the plan; and

(G) identify any Federal regulations that will be superseded by the plan.

(3) TECHNICAL ASSISTANCE AND INFORMATION.—On receipt of a written request from an Indian tribe, the Secretary shall provide to the Indian tribe any technical assistance and information, including budgetary information, that the Indian tribe determines to be necessary for preparation of a proposed plan.

(b) APPROVAL AND DISAPPROVAL OF PROPOSED PLANS.—

(1) APPROVAL.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits a proposed Indian trust asset management plan under subsection (a), the Secretary shall approve or disapprove the proposed plan. Deadline.

(B) REQUIREMENTS FOR DISAPPROVAL.—The Secretary shall approve a proposed plan unless the Secretary determines that— Determination.

(i) the proposed plan fails to address a requirement under subsection (a)(2);

(ii) the proposed plan includes 1 or more provisions that are inconsistent with subsection (c); or

(iii) the cost of implementing the proposed plan exceeds the amount of funding available for the management of trust assets that would be subject to the proposed plan.

(2) ACTION ON DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves a proposed plan under paragraph (1)(B), the Secretary shall provide to the Indian tribe a written notice of the disapproval, including any reason why the proposed plan was disapproved.

(B) ACTION BY TRIBES.—If a proposed plan is disapproved under paragraph (1)(B), the Indian tribe may resubmit an amended proposed plan by not later than 90 days after the date on which the Indian tribe receives the notice under subparagraph (A). Deadline.

(3) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to approve or disapprove a proposed plan in accordance with paragraph (1), the plan shall be considered to be approved.

(4) JUDICIAL REVIEW.—An Indian tribe may seek judicial review of a determination of the Secretary under this subsection in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), if—

(A) the Secretary disapproves the proposed plan of the Indian tribe under paragraph (1); and

(B) the Indian tribe has exhausted all other administrative remedies available to the Indian tribe.

(c) APPLICABLE LAWS.—Subject to section 205, an Indian trust asset management plan, and any activity carried out under the plan, shall not be approved unless the proposed plan is consistent

with any treaties, statutes, and Executive orders that are applicable to the trust assets, or the management of the trust assets, identified in the plan.

(d) TERMINATION OF PLAN.—

(1) IN GENERAL.—An Indian tribe may terminate an Indian trust asset management plan on any date after the date on which a proposed Indian trust asset management plan is approved by providing to the Secretary—

Notice.

(A) a notice of the intent of the Indian tribe to terminate the plan; and

(B) a resolution of the governing body of the Indian tribe authorizing the termination of the plan.

(2) EFFECTIVE DATE.—A termination of an Indian trust asset management plan under paragraph (1) takes effect on October 1 of the first fiscal year following the date on which a notice is provided to the Secretary under paragraph (1)(A).

25 USC 5614.

SEC. 205. FOREST LAND MANAGEMENT AND SURFACE LEASING ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FOREST LAND MANAGEMENT ACTIVITY.—The term "forest land management activity" means any activity described in section 304(4) of the National Indian Forest Resources Management Act (25 U.S.C. 3103(4)).

(2) INTERESTED PARTY.—The term "interested party" means an Indian or non-Indian individual, entity, or government the interests of which could be adversely affected by a tribal trust land leasing decision made by an applicable Indian tribe.

(3) SURFACE LEASING TRANSACTION.—The term "surface leasing transaction" means a residential, business, agricultural, or wind or solar resource lease of land the title to which is held—

(A) in trust by the United States for the benefit of an Indian tribe; or

(B) in fee by an Indian tribe, subject to restrictions against alienation under Federal law.

(b) APPROVAL BY SECRETARY.—The Secretary may approve an Indian trust asset management plan that includes a provision authorizing the Indian tribe to enter into, approve, and carry out a surface leasing transaction or forest land management activity without approval of the Secretary, regardless of whether the surface leasing transaction or forest land management activity would require such an approval under otherwise applicable law (including regulations), if—

(1) the resolution or other action of the governing body of the Indian tribe referred to in section 203(c)(2)(A) expressly authorizes the inclusion of the provision in the Indian trust asset management plan; and

(2) the Indian tribe has adopted regulations expressly incorporated by reference into the Indian trust asset management plan that—

(A) with respect to a surface leasing transaction—

(i) have been approved by the Secretary pursuant to subsection (h)(4) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(h)(4)); or

(ii) have not yet been approved by the Secretary in accordance with clause (i), but that the Secretary

determines at or prior to the time of approval under this paragraph meet the requirements of subsection (h)(3) of the first section of that Act (25 U.S.C. 415(h)(3)); or

(B) with respect to forest land management activities, the Secretary determines— Determination.

(i) are consistent with the regulations of the Secretary adopted under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.); and

(ii) provide for an environmental review process that includes— Review.

(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

(II) a process consistent with the regulations referred to in clause (i) for ensuring that—

(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed forest land management activity identified by the Indian tribe; and

(bb) the Indian tribe provides responses to relevant and substantive public comments on any such impacts before the Indian tribe approves the forest land management activity.

(c) TYPES OF TRANSACTIONS.—

(1) IN GENERAL.—At the discretion of the Indian tribe, an Indian trust asset management plan may authorize the Indian tribe to carry out a surface leasing transaction, a forest land management activity, or both.

(2) SELECTION OF SPECIFIC TRANSACTIONS AND ACTIVITIES.—At the discretion of the Indian tribe, the Indian tribe may include in the integrated resource management plan any 1 or more of the transactions and activities authorized to be included in the plan under subsection (b).

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance, on request of an Indian tribe, for development of a regulatory environmental review process required under subsection (b)(2)(B)(ii).

(2) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The technical assistance to be provided by the Secretary pursuant to paragraph (1) may be made available through contracts, grants, or agreements entered into in accordance with, and made available to entities eligible for, contracts, grants, or agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(e) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding subsection (b), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency, rather than any tribal environmental review process under this section.

(f) DOCUMENTATION.—If an Indian tribe executes a surface leasing transaction or forest land management activity, pursuant

to tribal regulations under subsection (b)(2), the Indian tribe shall provide to the Secretary

(1) a copy of the surface leasing transaction or forest land management activity documents, including any amendments to, or renewals of, the applicable transaction; and

(2) in the case of tribal regulations, a surface leasing transaction, or forest land management activities that allow payments to be made directly to the Indian tribe, documentation of the payments that is sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (g).

(g) TRUST RESPONSIBILITY.—

(1) IN GENERAL.—The United States shall not be liable for losses sustained—

(A) by an Indian tribe as a result of the execution of any forest land management activity pursuant to tribal regulations under subsection (b); or

(B) by any party to a lease executed pursuant to tribal regulations under subsection (b).

(2) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to Indian tribes under Federal law (including regulations), the Secretary may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under this section.

(h) COMPLIANCE.—

(1) IN GENERAL.—An interested party, after exhausting any applicable tribal remedies, may submit to the Secretary a petition, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of an applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

Determination.

(2) VIOLATIONS.—If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust land.

(3) DOCUMENTATION.—If the Secretary determines under paragraph (1) that a violation of tribal regulations has occurred and a remedy is necessary, the Secretary shall—

Determination.

(A) make a written determination with respect to the regulations that have been violated;

Notice.

(B) provide to the applicable Indian tribe a written notice of the alleged violation, together with the written determination; and

(C) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of the trust asset transaction approval responsibilities, provide to the applicable Indian tribe—

(i) a hearing on the record; and

(ii) a reasonable opportunity to cure the alleged violation.

SEC. 206. EFFECT OF TITLE. 25 USC 5614.

(a) LIABILITY.—Subject to section 205 and this section, nothing in this title or an Indian trust asset management plan approved under section 204 shall independently diminish, increase, create, or otherwise affect the liability of the United States or an Indian tribe participating in the project for any loss resulting from the management of an Indian trust asset under an Indian trust asset management plan.

(b) DEVIATION FROM STANDARD PRACTICES.—The United States shall not be liable to any party (including any Indian tribe) for any term of, or any loss resulting from the terms of, an Indian trust asset management plan that provides for management of a trust asset at a less-stringent standard than the Secretary would otherwise require or adhere to in absence of an Indian trust asset management plan.

(c) EFFECT OF TERMINATION OF PLAN.—Subsection (b) applies to losses resulting from a transaction or activity described in that subsection even if the Indian trust asset management plan is terminated under section 204(d) or rescinded under section 205(h). Applicability.

(d) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Except as provided in sections 204 and 205 and subsection (e), nothing in this title amends or otherwise affects the application of any treaty, statute, regulation, or Executive order that is applicable to Indian trust assets or the management or administration of Indian trust assets.

(2) INDIAN SELF-DETERMINATION ACT.—Nothing in this title limits or otherwise affects the authority of an Indian tribe, including an Indian tribe participating in the project, to enter into and carry out a contract, compact, or other agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including regulations).

(e) SEPARATE APPROVAL.—An Indian tribe may submit to the Secretary tribal regulations described in section 205(b) governing forest land management activities for review and approval under this title if the Indian tribe does not submit or intend to submit an Indian trust asset management plan.

(f) TRUST RESPONSIBILITY.—Nothing in this title enhances, diminishes, or otherwise affects the trust responsibility of the United States to Indian tribes or individual Indians.

TITLE III—IMPROVING EFFICIENCY AND STREAMLINING PROCESSES

SEC. 301. PURPOSE. 25 USC 5631.

The purpose of this title is to ensure a more efficient and streamlined administration of duties of the Secretary of the Interior with respect to providing services and programs to Indians and Indian tribes, including the management of Indian trust resources.

SEC. 302. DEFINITIONS. 25 USC 5632.

In this title:

(1) BIA.—The term "BIA" means the Bureau of Indian Affairs.

(2) DEPARTMENT.—The term "Department" means the Department of the Interior.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Indian Affairs established under section 303(a).

25 USC 5633.

SEC. 303. UNDER SECRETARY FOR INDIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—Notwithstanding any other provision of law, the Secretary may establish in the Department the position of Under Secretary for Indian Affairs, who shall report directly to the Secretary.

(b) APPOINTMENT.—

President.

(1) IN GENERAL.—Except as provided in paragraph (2), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) EXCEPTION.—The individual serving as the Assistant Secretary for Indian Affairs on the date of enactment of this Act may assume the position of Under Secretary without appointment under paragraph (1), if—

(A) that individual was appointed as Assistant Secretary for Indian Affairs by the President, by and with the advice and consent of the Senate; and

Deadline.

(B) not later than 180 days after the date of enactment of this Act, the Secretary approves the assumption.

(c) DUTIES.—In addition to any other duties directed by the Secretary, the Under Secretary shall—

(1) coordinate with the Special Trustee for American Indians to ensure an orderly transition of the functions of the Special Trustee to one or more appropriate agencies, offices, or bureaus within the Department, as determined by the Secretary;

(2) to the maximum extent practicable, supervise and coordinate activities and policies of the BIA with activities and policies of—

(A) the Bureau of Reclamation;

(B) the Bureau of Land Management;

(C) the Office of Natural Resources Revenue;

(D) the National Park Service; and

(E) the United States Fish and Wildlife Service; and

(3) provide for regular consultation with Indians and Indian tribes that own interests in trust resources and trust fund accounts.

(d) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Under Secretary may appoint and fix the compensation of such officers and employees as the Under Secretary determines to be necessary to carry out any function transferred under this section.

(2) REQUIREMENTS.—Except as otherwise provided by law—

(A) any officer or employee described in paragraph (1) shall be appointed in accordance with the civil service laws;

(B) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code; and

(C) in appointing or otherwise hiring any employee, the Under Secretary shall give preference to Indians in

accordance with section 12 of the Act of June 18, 1934 (25 U.S.C. 472).

SEC. 304. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS. 25 USC 5634.

(a) INFORMATION TO CONGRESS.—Notwithstanding sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042 and 4043), not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and, after consultation with Indian tribes and appropriate Indian organizations, submit to the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate— Deadline. Consultation.

(1) an identification of all functions, other than the collection, management, and investment of Indian trust funds, that the Office of the Special Trustee performs independently or in concert with the BIA or other Federal agencies, specifically those functions that affect or relate to management of nonmonetary trust resources;

(2) a description of any functions of the Office of the Special Trustee that will be transitioned to other bureaus or agencies within the Department prior to the termination date of the Office, as described in paragraph (3), together with the timeframes for those transfers; and

(3) a transition plan and timetable for the termination of the Office of the Special Trustee, to occur not later than 2 years after the date of submission, unless the Secretary determines than an orderly transition cannot be accomplished within 2 years, in which case the Secretary shall include— Plan. Deadline. Determination.

(A) a statement of all reasons why the transition cannot be effected within that time; and

(B) an alternative date for completing the transition.

(b) FIDUCIARY TRUST OFFICERS.—Subject to applicable law and regulations, the Secretary, at the request of an Indian tribe or a consortium of Indian tribes, shall include fiduciary trust officers in a contract, compact, or other agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Contracts.

(c) EFFECT OF SECTION.—Nothing in this section or the submission required by this section—

(1) shall cause the Office of the Special Trustee to terminate; or

(2) affect the application of sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042 and 4043).

SEC. 305. APPRAISALS AND VALUATIONS. Deadlines. Trust property. 25 USC 5635.

(a) IN GENERAL.—Notwithstanding section 304, not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with Indian tribes and tribal organizations, shall ensure that appraisals and valuations of Indian trust property are administered by a single bureau, agency, or other administrative entity within the Department. Consultation.

(b) MINIMUM QUALIFICATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and publish in the Federal Register minimum qualifications for individuals to prepare appraisals and valuations of Indian trust property. Federal Register, publication.

(c) SECRETARIAL APPROVAL.—In any case in which an Indian tribe or Indian beneficiary submits to the Secretary an appraisal or valuation that satisfies the minimum qualifications described in subsection (b), and that submission acknowledges the intent of the Indian tribe or beneficiary to have the appraisal or valuation considered under this section, the appraisal or valuation—

(1) shall not require any additional review or approval by the Secretary; and

(2) shall be considered to be final for purposes of effectuating the transaction for which the appraisal or valuation is required.

25 USC 5636.

SEC. 306. COST SAVINGS.

(a) IN GENERAL.—For any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Office of the Special Trustee that will not be operated or carried out as a result of a transfer of functions and personnel following enactment of this Act, the Secretary shall—

(1) identify the amounts that the Secretary would otherwise have expended to operate or carry out each program, function, service, and activity (or portion of a program, function, service, or activity); and

List.

(2) provide to the tribal representatives of the Tribal-Interior Budget Council or the representative of any other appropriate entity that advises the Secretary on Indian program budget or funding issues a list that describes—

(A) the programs, functions, services, and activities (or any portion of a program, function, service, or activity) identified under paragraph (1); and

(B) the amounts associated with each program, function, service, and activity (or portion of a program, function, service, or activity).

Deadline.

(b) TRIBAL RECOMMENDATIONS.—Not later than 90 days after the date of receipt of a list under subsection (a)(2), the tribal representatives of the Tribal-Interior Budget Council and the representatives of any other appropriate entities that advise the Secretary on Indian program budget or funding issues may provide recommendations regarding how any amounts or cost savings should be reallocated, incorporated into future budget requests, or appropriated to—

(1) the Secretary;

(2) the Office of Management and Budget;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on Natural Resources of the House of Representatives;

(5) the Committee on Appropriations of the Senate; and
(6) the Committee on Indian Affairs of the Senate.

Approved June 22, 2016.

LEGISLATIVE HISTORY—H.R. 812 (S. 383):

HOUSE REPORTS: No. 114–432 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–207 (Comm. on Indian Affairs) accompanying S. 383.
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 24, considered and passed House.
June 10, considered and passed Senate.

Public Law 114–179
114th Congress

An Act

June 22, 2016
[H.R. 1762]

To name the Department of Veterans Affairs community-based outpatient clinic in The Dalles, Oregon, as the "Loren R. Kaufman VA Clinic".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, THE DALLES, OREGON.

The Department of Veterans Affairs community-based outpatient clinic located at 704 Veterans Drive, The Dalles, Oregon, shall after the date of the enactment of this Act be known and designated as the "Loren R. Kaufman VA Clinic". Any reference to such community-based outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Loren R. Kaufman VA Clinic.

Approved June 22, 2016.

LEGISLATIVE HISTORY—H.R. 1762:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
June 10, considered and passed Senate.

Public Law 114–180
114th Congress

An Act

To ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

June 22, 2016
[H.R. 2137]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Law Enforcement Self-Defense and Protection Act of 2015.
18 USC 926B note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Self-Defense and Protection Act of 2015".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Too often, Federal law enforcement officers encounter potentially violent criminals, placing officers in danger of grave physical harm.

(2) In 2012 alone, 1,857 Federal law enforcement officers were assaulted, with 206 sustaining serious injuries.

(3) From 2008 through 2011, an additional 8,587 Federal law enforcement officers were assaulted.

(4) Federal law enforcement officers remain a target even when they are off-duty. Over the past 3 years, 27 law enforcement officers have been killed off-duty.

(5) It is essential that law enforcement officers are able to defend themselves, so they can carry out their critical missions and ensure their own personal safety and the safety of their families whether on-duty or off-duty.

(6) These dangers to law enforcement officers continue to exist during a covered furlough.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "agency" means each authority of the executive, legislative, or judicial branch of the Government of the United States;

(2) the term "covered Federal law enforcement officer" means any individual who—

(A) is an employee of an agency;

(B) has the authority to make arrests or apprehensions for, or prosecute, violations of Federal law; and

(C) on the day before the date on which the applicable covered furlough begins, is authorized by the agency employing the individual to carry a firearm in the course of official duties;

(3) the term "covered furlough" means a planned event by an agency during which employees are involuntarily furloughed due to downsizing, reduced funding, lack of work, or any budget situation including a lapse in appropriations; and

(4) the term "firearm" has the meaning given that term in section 921 of title 18, United States Code.

SEC. 4. PROTECTING FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE SUBJECTED TO A COVERED FURLOUGH.

During a covered furlough, a covered Federal law enforcement officer shall have the same rights to carry a firearm issued by the Federal Government as if the covered furlough was not in effect, including, if authorized on the day before the date on which the covered furlough begins, the right to carry a concealed firearm, if the sole reason the covered Federal law enforcement officer was placed on leave was due to the covered furlough.

Approved June 22, 2016.

LEGISLATIVE HISTORY—H.R. 2137:

HOUSE REPORTS: No. 114–543 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 162 (2016):
May 10, considered and passed House.
June 10, considered and passed Senate.

Public Law 114–181
114th Congress

An Act

To take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes.

June 22, 2016
[H.R. 2212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND INTO TRUST FOR THE SUSANVILLE INDIAN RANCHERIA.

(a) IN GENERAL.—The land described in subsection (b) is hereby taken into trust for the benefit of the Susanville Indian Rancheria, subject to valid existing rights.

(b) LAND DESCRIPTION.—The land taken into trust pursuant to subsection (a) is the approximately 301 acres of Federal land under the administrative jurisdiction of the Bureau of Land Management identified as "Conveyance Boundary" on the map titled "Susanville Indian Rancheria Land Conveyance" and dated December 31, 2014.

(c) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust pursuant to subsection (a).

Approved June 22, 2016.

LEGISLATIVE HISTORY—H.R. 2212 (S. 1761):

HOUSE REPORTS: No. 114–314 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–202 (Comm. on Indian Affairs) accompanying S. 1761.
CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 30, considered and passed House.
Vol. 162 (2016): June 10, considered and passed Senate.

Public Law 114–182
114th Congress

An Act

June 22, 2016
[H.R. 2576]

To modernize the Toxic Substances Control Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frank R. Lautenberg Chemical Safety for the 21st Century Act.
15 USC 2601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Frank R. Lautenberg Chemical Safety for the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—CHEMICAL SAFETY

SEC. 2. FINDINGS, POLICY, AND INTENT.

Section 2(c) of the Toxic Substances Control Act (15 U.S.C. 2601(c)) is amended by striking "proposes to take" and inserting "proposes as provided".

SEC. 3. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (4) through (14) as paragraphs (5), (6), (8), (9), (10), (11), (13), (14), (15), (16), and (17), respectively;

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

"(4) The term 'conditions of use' means the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.";

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

"(7) The term 'guidance' means any significant written guidance of general applicability prepared by the Administrator."; and

(4) by inserting after paragraph (11), as so redesignated, the following:

"(12) The term 'potentially exposed or susceptible subpopulation' means a group of individuals within the general population identified by the Administrator who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly.".

SEC. 4. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) by striking "standards" each place it appears and inserting "protocols and methodologies";

(2) in subsection (a)—

(A) by striking "If the Administrator finds" and inserting "(1) If the Administrator finds";

(B) in paragraph (1), as so designated—

(i) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(ii) by striking "(ii)" each place it appears and inserting "(II)";

(iii) by striking "are insufficient data" and inserting "is insufficient information" each place it appears;

(iv) by striking "(iii)" each place it appears and inserting "(III)";

(v) by striking "such data" and inserting "such information" each place it appears;

(vi) by striking "(B)(i)" and inserting "(ii)(I)";

(vii) by striking "(I)" and inserting "(aa)";

(viii) by striking "(II)" and inserting "(bb)";

(ix) by striking "(2)" and inserting "(B)"; and

(x) in the matter following subparagraph (B), as so redesignated—

(I) by inserting ", or, in the case of a chemical substance or mixture described in subparagraph (A)(i), by rule, order, or consent agreement," after "rule";

(II) by striking "data" each place it appears and inserting "information"; and

(III) by striking "and which are relevant" and inserting "and which is relevant"; and

(C) by adding at the end the following:

Determination.

"(2) ADDITIONAL TESTING AUTHORITY.—In addition to the authority provided under paragraph (1), the Administrator may, by rule, order, or consent agreement—

"(A) require the development of new information relating to a chemical substance or mixture if the Administrator determines that the information is necessary—

Review.
Notice.
Evaluation.

"(i) to review a notice under section 5 or to perform a risk evaluation under section 6(b);

"(ii) to implement a requirement imposed in a rule, order, or consent agreement under subsection (e) or (f) of section 5 or in a rule promulgated under section 6(a);

"(iii) at the request of a Federal implementing authority under another Federal law, to meet the regulatory testing needs of that authority with regard to toxicity and exposure; or

"(iv) pursuant to section 12(a)(2); and

"(B) require the development of new information for the purposes of prioritizing a chemical substance under section 6(b) only if the Administrator determines that such information is necessary to establish the priority of the substance, subject to the limitations that—

Deadline.

"(i) not later than 90 days after the date of receipt of information regarding a chemical substance complying with a rule, order, or consent agreement under this subparagraph, the Administrator shall designate the chemical substance as a high-priority substance or a low-priority substance; and

"(ii) information required by the Administrator under this subparagraph shall not be required for the purposes of establishing or implementing a minimum information requirement of broader applicability.

"(3) STATEMENT OF NEED.—When requiring the development of new information relating to a chemical substance or mixture under paragraph (2), the Administrator shall identify the need for the new information, describe how information reasonably available to the Administrator was used to inform the decision to require new information, explain the basis for any decision that requires the use of vertebrate animals, and, as applicable, explain why issuance of an order is warranted instead of promulgating a rule or entering into a consent agreement.

"(4) TIERED TESTING.—When requiring the development of new information under this subsection, the Administrator shall employ a tiered screening and testing process, under which the results of screening-level tests or assessments of available information inform the decision as to whether 1 or more additional tests are necessary, unless information available to the Administrator justifies more advanced testing of potential health or environmental effects or potential exposure without first conducting screening-level testing.";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "test data" and inserting "information";

(ii) in subparagraph (C), by striking "data" and inserting "information"; and

(iii) in the matter following subparagraph (C), by striking "data" and inserting "information";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "test data" and inserting "information";

(II) by inserting "Protocols and methodologies for the development of information may also be prescribed for the assessment of exposure or exposure potential to humans or the environment." after the first sentence; and

(III) by striking "hierarchical tests" and inserting "tiered testing"; and

(ii) in subparagraph (B), by striking "data" and inserting "information";

(C) in paragraph (3)—

(i) by striking "data" each place it appears and inserting "information";

(ii) in subparagraph (A), by inserting "or (C), as applicable," after "subparagraph (B)";

(iii) by striking "(a)(1)(A)(ii) or (a)(1)(B)(ii)" each place it appears in subparagraph (B) and inserting "(a)(1)(A)(i)(II) or (a)(1)(A)(ii)(II)";

(iv) in subparagraph (B), in the matter before clause (i), by striking "subsection (a)" and inserting "subsection (a)(1)"; and

(v) by adding at the end the following:

"(C) A rule or order under paragraph (1) or (2) of subsection (a) may require the development of information by any person who manufactures or processes, or intends to manufacture or process, a chemical substance or mixture subject to the rule or order.";

(D) in paragraph (4)—

(i) by striking "of data" each place it appears and inserting "of information"; and

(ii) by striking "test data" each place it appears and inserting "information"; and

(E) by striking paragraph (5);

(4) in subsection (c)—

(A) in paragraph (1), by striking "data" and inserting "information";

(B) in paragraph (2), by striking "data" each place it appears and inserting "information";

(C) in paragraph (3)—

(i) by striking "test data" each place it appears and inserting "information"; and

(ii) by striking "such data" each place it appears and inserting "such information"; and

(D) in paragraph (4) by striking "test data" each place it appears and inserting "information";

(5) in subsection (d)—

(A) by striking "test data" each place it appears and inserting "information";

(B) by striking "such data" each place it appears and inserting "such information"; and

(C) by striking "for which data have" and inserting "for which information has";

(6) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "promulgation of a rule" and inserting "development of information"; and

(II) by striking "data" each place it appears and inserting "information"; and

Federal Register, publication.

(ii) in subparagraph (B), by striking "either initiate a rulemaking proceeding under subsection (a) or if such a proceeding is not initiated within such period, publish in the Federal Register the Administrator's reason for not initiating such a proceeding" and insert "issue an order, enter into a consent agreement, or initiate a rulemaking proceeding under subsection (a), or, if such an order or consent agreement is not issued or such a proceeding is not initiated within such period, publish in the Federal Register the Administrator's reason for not issuing such an order, entering into such a consent agreement, or initiating such a proceeding"; and

(B) in paragraph (2)(A)—

(i) by striking "eight members" and inserting "ten members"; and

(ii) by adding at the end the following:

"(ix) One member appointed by the Chairman of the Consumer Product Safety Commission from Commissioners or employees of the Commission.

"(x) One member appointed by the Commissioner of Food and Drugs from employees of the Food and Drug Administration.";

(7) in subsection (f)—

(A) in paragraph (1), by striking "test data" and inserting "information"; and

(B) in the matter following paragraph (2)—

(i) by striking "or will present";

(ii) by striking "from cancer, gene mutations, or birth defects";

(iii) by striking "data or";

(iv) by striking "appropriate" and inserting "applicable"; and

(v) by inserting ", made without consideration of costs or other nonrisk factors," after "publish in the Federal Register a finding";

(8) in subsection (g)—

(A) by amending the subsection heading to read as follows: "PETITION FOR PROTOCOLS AND METHODOLOGIES FOR THE DEVELOPMENT OF INFORMATION";

(B) by striking "test data" each place it appears and inserting "information"; and

(C) by striking "submit data" and inserting "submit information"; and

(9) by adding at the end the following:

"(h) REDUCTION OF TESTING ON VERTEBRATES.—

"(1) IN GENERAL.—The Administrator shall reduce and replace, to the extent practicable, scientifically justified, and consistent with the policies of this title, the use of vertebrate

animals in the testing of chemical substances or mixtures under this title by—

"(A) prior to making a request or adopting a requirement for testing using vertebrate animals, and in accordance with subsection (a)(3), taking into consideration, as appropriate and to the extent practicable and scientifically justified, reasonably available existing information, including—

"(i) toxicity information;

"(ii) computational toxicology and bioinformatics; and

"(iii) high-throughput screening methods and the prediction models of those methods; and

"(B) encouraging and facilitating—

"(i) the use of scientifically valid test methods and strategies that reduce or replace the use of vertebrate animals while providing information of equivalent or better scientific quality and relevance that will support regulatory decisions under this title;

"(ii) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide scientifically valid and useful information on other chemical substances in the category; and

"(iii) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests, provided that such consortia make all information from such testing available to the Administrator.

"(2) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new scientifically valid test methods and strategies that are not based on vertebrate animals, the Administrator shall—

"(A) not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, develop a strategic plan to promote the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment of chemical substances or mixtures through, for example— Deadline. Strategic plan.

"(i) computational toxicology and bioinformatics;

"(ii) high-throughput screening methods;

"(iii) testing of categories of chemical substances;

"(iv) tiered testing methods;

"(v) in vitro studies;

"(vi) systems biology;

"(vii) new or revised methods identified by validation bodies such as the Interagency Coordinating Committee on the Validation of Alternative Methods or the Organization for Economic Co-operation and Development; or

"(viii) industry consortia that develop information submitted under this title;

"(B) as practicable, ensure that the strategic plan developed under subparagraph (A) is reflected in the development of requirements for testing under this section;

List.

"(C) include in the strategic plan developed under subparagraph (A) a list, which the Administrator shall update on a regular basis, of particular alternative test methods or strategies the Administrator has identified that do not require new vertebrate animal testing and are scientifically reliable, relevant, and capable of providing information of equivalent or better scientific reliability and quality to that which would be obtained from vertebrate animal testing;

Public information.

"(D) provide an opportunity for public notice and comment on the contents of the plan developed under subparagraph (A), including the criteria for considering scientific reliability and relevance of the test methods and strategies that may be identified pursuant to subparagraph (C);

Effective date. Time period. Reports.

"(E) beginning on the date that is 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 5 years thereafter, submit to Congress a report that describes the progress made in implementing the plan developed under subparagraph (A) and goals for future alternative test methods and strategies implementation; and

Assessment.

"(F) prioritize and, to the extent consistent with available resources and the Administrator's other responsibilities under this title, carry out performance assessment, validation, and translational studies to accelerate the development of scientifically valid test methods and strategies that reduce, refine, or replace the use of vertebrate animals, including minimizing duplication, in any testing under this title.

"(3) VOLUNTARY TESTING.—

"(A) IN GENERAL.—Any person developing information for submission under this title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative test method or strategy identified by the Administrator pursuant to paragraph (2)(C), if the Administrator has identified such a test method or strategy for the development of such information, before conducting new vertebrate animal testing.

"(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph shall, under any circumstance, limit or restrict the submission of any existing information to the Administrator.

"(C) RELATIONSHIP TO OTHER LAW.—A violation of this paragraph shall not be a prohibited act under section 15.

"(D) REVIEW OF MEANS.—This paragraph authorizes, but does not require, the Administrator to review the means by which a person conducted testing described in subparagraph (A).".

SEC. 5. MANUFACTURING AND PROCESSING NOTICES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "Except as provided in" and inserting "(A) Except as provided in subparagraph (B) of this paragraph and";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(iii) by striking all that follows "significant new use" and inserting a period; and

(iv) by adding at the end the following:

"(B) A person may take the actions described in subparagraph (A) if—

"(i) such person submits to the Administrator, at least 90 days before such manufacture or processing, a notice, in accordance with subsection (d), of such person's intention to manufacture or process such substance and such person complies with any applicable requirement of, or imposed pursuant to, subsection (b), (e), or (f); and Deadline.

"(ii) the Administrator—

"(I) conducts a review of the notice; and Review.

"(II) makes a determination under subparagraph (A), (B), or (C) of paragraph (3) and takes the actions required in association with that determination under such subparagraph within the applicable review period."; and Determination.

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

"(3) REVIEW AND DETERMINATION.—Within the applicable review period, subject to section 18, the Administrator shall review such notice and determine—

"(A) that the relevant chemical substance or significant new use presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, in which case the Administrator shall take the actions required under subsection (f);

"(B) that—

"(i) the information available to the Administrator is insufficient to permit a reasoned evaluation of the health and environmental effects of the relevant chemical substance or significant new use; or

"(ii)(I) in the absence of sufficient information to permit the Administrator to make such an evaluation, the manufacture, processing, distribution in commerce, use, or disposal of such substance, or any combination of such activities, may present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator; or

"(II) such substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance,

in which case the Administrator shall take the actions required under subsection (e); or

"(C) that the relevant chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, in which case the submitter of the notice may commence manufacture of the chemical substance or manufacture or processing for a significant new use.

"(4) FAILURE TO RENDER DETERMINATION.—

Refund.

"(A) FAILURE TO RENDER DETERMINATION.—If the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the Administrator shall refund to the submitter all applicable fees charged to the submitter for review of the notice pursuant to section 26(b), and the Administrator shall not be relieved of any requirement to make such determination.

"(B) LIMITATIONS.—(i) A refund of applicable fees under subparagraph (A) shall not be made if the Administrator certifies that the submitter has not provided information required under subsection (b) or has otherwise unduly delayed the process such that the Administrator is unable to render a determination within the applicable review period.

"(ii) A failure of the Administrator to render a decision shall not be deemed to constitute a withdrawal of the notice.

"(iii) Nothing in this paragraph shall be construed as relieving the Administrator or the submitter of the notice from any requirement of this section.

"(5) ARTICLE CONSIDERATION.—The Administrator may require notification under this section for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(A)(ii) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule justifies notification.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "TEST DATA" and inserting "INFORMATION";

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "test data" and inserting "information"; and

(II) by striking "such data" and inserting "such information"; and

(ii) in subparagraph (B)—

(I) by striking "test data" and inserting "information";

(II) by striking "subsection (a)(1)(A)" and inserting "subsection (a)(1)(A)(i)"; and

(III) by striking "subsection (a)(1)(B)" and inserting "subsection (a)(1)(A)(ii)";

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "test data" in clause (ii) and inserting "information";

(II) by striking "shall" and inserting "may"; and

(III) by striking "data prescribed" and inserting "information prescribed"; and

(ii) in subparagraph (B)—

(I) by striking "Data" and inserting "Information";

(II) by striking "data" both places it appears and inserting "information";

(III) by striking "show" and inserting "shows";

(IV) by striking "subsection (a)(1)(A)" in clause (i) and inserting "subsection (a)(1)(A)(i)"; and

(V) by striking "subsection (a)(1)(B)" in clause (ii) and inserting "subsection (a)(1)(A)(ii)";

(D) in paragraph (3)—

(i) by striking "Data" and inserting "Information"; and

(ii) by striking "paragraph (1) or (2)" and inserting "paragraph (1) or (2) of this subsection or under subsection (e)"; and

(E) in paragraph (4)—

(i) in subparagraph (A)(i), by inserting ", without consideration of costs or other nonrisk factors" after "health or the environment"; and

(ii) in subparagraph (C), by striking ", except that" and all that follows through "subparagraph (A)";

(3) in subsection (c)—

(A) in the subsection heading, by striking "NOTICE" and inserting "REVIEW"; and

(B) by striking "before which" and all that follows through "subsection may begin";

(4) in subsection (d)—

(A) by striking "test data" in paragraph (1)(B) and inserting "information";

(B) by striking "data" each place it appears in paragraph (1)(C) and paragraph (2) and inserting "information";

(C) in paragraph (2)(B), by striking "uses or intended uses of such substance" and inserting "uses of such substance identified in the notice"; and

(D) in paragraph (3)—

(i) by striking "for which the notification period prescribed by subsection (a), (b), or (c)" and inserting "for which the applicable review period"; and

(ii) by striking "such notification period" and inserting "such period";

(5) in subsection (e)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking "; and" and inserting "; or";

(ii) in clause (ii)(I), by inserting "without consideration of costs or other nonrisk factors, including an

unreasonable risk to a potentially exposed subpopulation identified as relevant by the Administrator under the conditions of use;" after "health or the environment,"; and

(iii) in the matter after clause (ii)(II)—

(I) by striking "may issue a proposed order" and inserting "shall issue an order";

(II) by striking "notification period applicable to the manufacturing or processing of such substance under subsection (a), (b), (c)" and inserting "applicable review period"; and

(III) by inserting "to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, including while any required information is being developed, only in compliance with the order" before the period at the end;

(B) in paragraph (1)(B)—

(i) by striking "A proposed order" and inserting "An order";

(ii) by striking "notification period applicable to the manufacture or processing of such substance under subsection (a), (b), (c)" and inserting "applicable review period"; and

(iii) by striking "of the proposed order" and inserting "of the order";

(C) by striking paragraph (1)(C); and

(D) by striking paragraph (2);

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance with" and inserting "determines that a chemical substance or significant new use with";

(ii) by striking ", or that any combination of such activities,";

(iii) by striking "or will present";

(iv) by striking "before a rule promulgated under section 6 can protect against such risk," and inserting ", without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed subpopulation identified as relevant by the Administrator under the conditions of use,"; and

(v) by striking "notification period applicable under subsection (a), (b), or (c) to the manufacturing or processing of such substance" and inserting "applicable review period";

(B) in paragraph (2), the matter following subparagraph (C), by striking "Section 6(d)(2)(B)" and inserting "Section 6(d)(3)(B)";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "Administrator may" and all that follows through "issue a proposed order to prohibit the" and inserting "Administrator may issue an order to prohibit or limit the"; and

(II) by striking "under paragraph (1)" and all that follows through "processing of such substance." and inserting "under paragraph (1). Such order shall take effect on the expiration of the applicable review period.";

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(iii) in subparagraph (B), as so redesignated—

(I) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)";

(II) by striking "clause (i) of"; and

(III) by striking "; and the provisions of subparagraph (C) of subsection (e)(2) shall apply with respect to an injunction issued under subparagraph (B)"; and

(iv) by striking subparagraph (D); and

(D) by adding at the end the following:

"(4) TREATMENT OF NONCONFORMING USES.—Not later than 90 days after taking an action under paragraph (2) or (3) or issuing an order under subsection (e) relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B), the Administrator shall consider whether to promulgate a rule pursuant to subsection (a)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the action or order, and, as applicable, initiate such a rulemaking or publish a statement describing the reasons of the Administrator for not initiating such a rulemaking. Deadline. Regulations. Publication.

"(5) WORKPLACE EXPOSURES.—To the extent practicable, the Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health prior to adopting any prohibition or other restriction relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B) to address workplace exposures."; Consultation.

(7) by amending subsection (g) to read as follows:

"(g) STATEMENT ON ADMINISTRATOR FINDING.—If the Administrator finds in accordance with subsection (a)(3)(C) that a chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment, then notwithstanding any remaining portion of the applicable review period, the submitter of the notice may commence manufacture of the chemical substance or manufacture or processing for the significant new use, and the Administrator shall make public a statement of the Administrator's finding. Such a statement shall be submitted for publication in the Federal Register as soon as Public information. Federal Register, publication.

is practicable before the expiration of such period. Publication of such statement in accordance with the preceding sentence is not a prerequisite to the manufacturing or processing of the substance with respect to which the statement is to be published.";

(8) in subsection (h)—

(A) in paragraph (1)(A), by inserting ", including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator for the specific conditions of use identified in the application" after "health or the environment";

(B) in paragraph (2), by striking "data" each place it appears and inserting "information"; and

(C) in paragraph (4), by striking ". A rule promulgated" and all that follows through "section 6(c)" and inserting ", including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator under the conditions of use"; and

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

"(i) DEFINITIONS.—(1) For purposes of this section, the terms 'manufacture' and 'process' mean manufacturing or processing for commercial purposes.

"(2) For purposes of this Act, the term 'requirement' as used in this section shall not displace any statutory or common law.

"(3) For purposes of this section, the term 'applicable review period' means the period starting on the date the Administrator receives a notice under subsection (a)(1) and ending 90 days after that date, or on such date as is provided for in subsection (b)(1) or (c).".

SEC. 6. PRIORITIZATION, RISK EVALUATION, AND REGULATION OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) by striking the section heading and inserting "**PRIORITIZATION, RISK EVALUATION, AND REGULATION OF CHEMICAL SUBSTANCES AND MIXTURES**";

(2) in subsection (a)—

(A) by striking "finds that there is a reasonable basis to conclude" and inserting "determines in accordance with subsection (b)(4)(A)";

(B) by striking "or will present";

(C) by inserting "and subject to section 18, and in accordance with subsection (c)(2)," after "shall by rule";

(D) by striking "to protect adequately against such risk using the least burdensome requirements" and inserting "so that the chemical substance or mixture no longer presents such risk";

(E) by inserting "or otherwise restricting" after "prohibiting" in paragraphs (1)(A) and (2)(A);

(F) by inserting "minimum" before "warnings" both places it appears in paragraph (3);

(G) by striking "and monitor or conduct tests" and inserting "or monitor or conduct tests" in paragraph (4); and

(H) in paragraph (7)—

(i) by striking "such unreasonable risk of injury" and inserting "such determination"; and

(ii) by striking "such risk of injury" and inserting "such determination";

(3) by amending subsection (b) to read as follows:

"(b) RISK EVALUATIONS.—

"(1) PRIORITIZATION FOR RISK EVALUATIONS.—

"(A) ESTABLISHMENT OF PROCESS.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish, by rule, a risk-based screening process, including criteria for designating chemical substances as high-priority substances for risk evaluations or low-priority substances for which risk evaluations are not warranted at the time. The process to designate the priority of chemical substances shall include a consideration of the hazard and exposure potential of a chemical substance or a category of chemical substances (including consideration of persistence and bioaccumulation, potentially exposed or susceptible subpopulations and storage near significant sources of drinking water), the conditions of use or significant changes in the conditions of use of the chemical substance, and the volume or significant changes in the volume of the chemical substance manufactured or processed. Deadline. Criteria.

"(B) IDENTIFICATION OF PRIORITIES FOR RISK EVALUATION.—

"(i) HIGH-PRIORITY SUBSTANCES.—The Administrator shall designate as a high-priority substance a chemical substance that the Administrator concludes, without consideration of costs or other nonrisk factors, may present an unreasonable risk of injury to health or the environment because of a potential hazard and a potential route of exposure under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator.

"(ii) LOW-PRIORITY SUBSTANCES.—The Administrator shall designate a chemical substance as a low-priority substance if the Administrator concludes, based on information sufficient to establish, without consideration of costs or other nonrisk factors, that such substance does not meet the standard identified in clause (i) for designating a chemical substance a high-priority substance.

"(C) INFORMATION REQUEST AND REVIEW AND PROPOSED AND FINAL PRIORITIZATION DESIGNATION.—The rulemaking required in subparagraph (A) shall ensure that the time required to make a priority designation of a chemical substance be no shorter than nine months and no longer than 1 year, and that the process for such designations includes— Time periods.

"(i) a requirement that the Administrator request interested persons to submit relevant information on a chemical substance that the Administrator has initiated the prioritization process on, before proposing a priority designation for the chemical substance, and provide 90 days for such information to be provided;

Publication.
Public information.

"(ii) a requirement that the Administrator publish each proposed designation of a chemical substance as a high- or low-priority substance, along with an identification of the information, analysis, and basis used to make the proposed designations, and provide 90 days for public comment on each such proposed designation; and

"(iii) a process by which the Administrator may extend the deadline in clause (i) for up to three months in order to receive or evaluate information required to be submitted in accordance with section 4(a)(2)(B), subject to the limitation that if the information available to the Administrator at the end of such an extension remains insufficient to enable the designation of the chemical substance as a low-priority substance, the Administrator shall designate the chemical substance as a high-priority substance.

"(2) INITIAL RISK EVALUATIONS AND SUBSEQUENT DESIGNATIONS OF HIGH- AND LOW-PRIORITY SUBSTANCES.—

Deadline.
Publication.
Lists.
Time period.

"(A) INITIAL RISK EVALUATIONS.—Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall ensure that risk evaluations are being conducted on 10 chemical substances drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments and shall publish the list of such chemical substances during the 180 day period.

Deadline.

"(B) ADDITIONAL RISK EVALUATIONS.—Not later than three and one half years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall ensure that risk evaluations are being conducted on at least 20 high-priority substances and that at least 20 chemical substances have been designated as low-priority substances, subject to the limitation that at least 50 percent of all chemical substances on which risk evaluations are being conducted by the Administrator are drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments.

"(C) CONTINUING DESIGNATIONS AND RISK EVALUATIONS.—The Administrator shall continue to designate priority substances and conduct risk evaluations in accordance with this subsection at a pace consistent with the ability of the Administrator to complete risk evaluations in accordance with the deadlines under paragraph (4)(G).

"(D) PREFERENCE.—In designating high-priority substances, the Administrator shall give preference to—

"(i) chemical substances that are listed in the 2014 update of the TSCA Work Plan for Chemical Assessments as having a Persistence and Bioaccumulation Score of 3; and

"(ii) chemical substances that are listed in the 2014 update of the TSCA Work Plan for Chemical Assessments that are known human carcinogens and have high acute and chronic toxicity.

"(E) METALS AND METAL COMPOUNDS.—In identifying priorities for risk evaluation and conducting risk evaluations of metals and metal compounds, the Administrator

shall use the Framework for Metals Risk Assessment of the Office of the Science Advisor, Risk Assessment Forum, and dated March 2007, or a successor document that addresses metals risk assessment and is peer reviewed by the Science Advisory Board.

"(3) INITIATION OF RISK EVALUATIONS; DESIGNATIONS.—

"(A) RISK EVALUATION INITIATION.—Upon designating a chemical substance as a high-priority substance, the Administrator shall initiate a risk evaluation on the substance.

"(B) REVISION.—The Administrator may revise the designation of a low-priority substance based on information made available to the Administrator.

"(C) ONGOING DESIGNATIONS.—The Administrator shall designate at least one high-priority substance upon the completion of each risk evaluation (other than risk evaluations for chemical substances designated under paragraph (4)(C)(ii)).

"(4) RISK EVALUATION PROCESS AND DEADLINES.—

"(A) IN GENERAL.—The Administrator shall conduct risk evaluations pursuant to this paragraph to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use. Determination.

"(B) ESTABLISHMENT OF PROCESS.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish, by rule, a process to conduct risk evaluations in accordance with subparagraph (A). Deadline.

"(C) REQUIREMENT.—The Administrator shall conduct and publish risk evaluations, in accordance with the rule promulgated under subparagraph (B), for a chemical substance— Publication.

"(i) that has been identified under paragraph (2)(A) or designated under paragraph (1)(B)(i); and

"(ii) subject to subparagraph (E), that a manufacturer of the chemical substance has requested, in a form and manner and using the criteria prescribed by the Administrator in the rule promulgated under subparagraph (B), be subjected to a risk evaluation.

"(D) SCOPE.—The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure Deadlines. Publications.

not less than 3 months before the Administrator publishes the scope of the risk evaluation.

"(E) LIMITATION AND CRITERIA.—

"(i) PERCENTAGE REQUIREMENTS.—The Administrator shall ensure that, of the number of chemical substances that undergo a risk evaluation under clause (i) of subparagraph (C), the number of chemical substances undergoing a risk evaluation under clause (ii) of subparagraph (C) is—

"(I) not less than 25 percent, if sufficient requests are made under clause (ii) of subparagraph (C); and

"(II) not more than 50 percent.

"(ii) REQUESTED RISK EVALUATIONS.—Requests for risk evaluations under subparagraph (C)(ii) shall be subject to the payment of fees pursuant to section 26(b), and the Administrator shall not expedite or otherwise provide special treatment to such risk evaluations.

"(iii) PREFERENCE.—In deciding whether to grant requests under subparagraph (C)(ii), the Administrator shall give preference to requests for risk evaluations on chemical substances for which the Administrator determines that restrictions imposed by 1 or more States have the potential to have a significant impact on interstate commerce or health or the environment.

"(iv) EXCEPTIONS.—(I) Chemical substances for which requests have been granted under subparagraph (C)(ii) shall not be subject to section 18(b).

"(II) Requests for risk evaluations on chemical substances which are made under subparagraph (C)(ii) and that are drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments shall be granted at the discretion of the Administrator and not be subject to clause (i)(II).

"(F) REQUIREMENTS.—In conducting a risk evaluation under this subsection, the Administrator shall—

Assessment.

"(i) integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on potentially exposed or susceptible subpopulations identified as relevant by the Administrator;

"(ii) describe whether aggregate or sentinel exposures to a chemical substance under the conditions of use were considered, and the basis for that consideration;

"(iii) not consider costs or other nonrisk factors;

"(iv) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use of the chemical substance; and

"(v) describe the weight of the scientific evidence for the identified hazard and exposure.

"(G) DEADLINES.—The Administrator—

"(i) shall complete a risk evaluation for a chemical substance as soon as practicable, but not later than 3 years after the date on which the Administrator initiates the risk evaluation under subparagraph (C); and

"(ii) may extend the deadline for a risk evaluation for not more than 6 months.

"(H) NOTICE AND COMMENT.—The Administrator shall provide no less than 30 days public notice and an opportunity for comment on a draft risk evaluation prior to publishing a final risk evaluation.";

Time period.

(4) by amending subsection (c) to read as follows:

"(c) PROMULGATION OF SUBSECTION (a) RULES.—

"(1) DEADLINES.—If the Administrator determines that a chemical substance presents an unreasonable risk of injury to health or the environment in accordance with subsection (b)(4)(A), the Administrator—

Determination. Federal Register, publication.

"(A) shall propose in the Federal Register a rule under subsection (a) for the chemical substance not later than 1 year after the date on which the final risk evaluation regarding the chemical substance is published;

"(B) shall publish in the Federal Register a final rule not later than 2 years after the date on which the final risk evaluation regarding the chemical substance is published; and

"(C) may extend the deadlines under this paragraph for not more than 2 years, subject to the condition that the aggregate length of extensions under this subparagraph and subsection (b)(4)(G)(ii) does not exceed 2 years, and subject to the limitation that the Administrator may not extend a deadline for the publication of a proposed or final rule regarding a chemical substance drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments or a chemical substance that, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012 (or a successor scoring system), without adequate public justification that demonstrates, following a review of the information reasonably available to the Administrator, that the Administrator cannot complete the proposed or final rule without additional information regarding the chemical substance.

"(2) REQUIREMENTS FOR RULE.—

"(A) STATEMENT OF EFFECTS.—In proposing and promulgating a rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider and publish a statement based on reasonably available information with respect to—

Publication.

"(i) the effects of the chemical substance or mixture on health and the magnitude of the exposure of human beings to the chemical substance or mixture;

"(ii) the effects of the chemical substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture;

"(iii) the benefits of the chemical substance or mixture for various uses; and

"(iv) the reasonably ascertainable economic consequences of the rule, including consideration of—

"(I) the likely effect of the rule on the national economy, small business, technological innovation, the environment, and public health;

"(II) the costs and benefits of the proposed and final regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator; and

"(III) the cost effectiveness of the proposed regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator.

"(B) SELECTING REQUIREMENTS.—In selecting among prohibitions and other restrictions, the Administrator shall factor in, to the extent practicable, the considerations under subparagraph (A) in accordance with subsection (a).

"(C) CONSIDERATION OF ALTERNATIVES.—Based on the information published under subparagraph (A), in deciding whether to prohibit or restrict in a manner that substantially prevents a specific condition of use of a chemical substance or mixture, and in setting an appropriate transition period for such action, the Administrator shall consider, to the extent practicable, whether technically and economically feasible alternatives that benefit health or the environment, compared to the use so proposed to be prohibited or restricted, will be reasonably available as a substitute when the proposed prohibition or other restriction takes effect.

"(D) REPLACEMENT PARTS.—

Exemption.

"(i) IN GENERAL.—The Administrator shall exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of the rule under subsection (a), unless the Administrator finds that such replacement parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b)(4)(A), to the general population or to an identified potentially exposed or susceptible subpopulation.

"(ii) DEFINITIONS.—In this subparagraph—

"(I) the term 'complex consumer goods' means electronic or mechanical devices composed of multiple manufactured components, with an intended useful life of 3 or more years, where the product is typically not consumed, destroyed, or discarded after a single use, and the components of which would be impracticable to redesign or replace; and

"(II) the term 'complex durable goods' means manufactured goods composed of 100 or more manufactured components, with an intended useful life of 5 or more years, where the product is typically not consumed, destroyed, or discarded after a single use.

"(E) ARTICLES.—In selecting among prohibitions and other restrictions, the Administrator shall apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article or category of articles so that the substance or mixture does not present an unreasonable risk of injury to health or the environment identified in the risk evaluation conducted in accordance with subsection (b)(4)(A). Applicability.

"(3) PROCEDURES.—When prescribing a rule under subsection (a) the Administrator shall proceed in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), and shall also—

"(A) publish a notice of proposed rulemaking stating with particularity the reason for the proposed rule; Publication. Notice.

"(B) allow interested persons to submit written data, views, and arguments, and make all such submissions publicly available; Public information.

"(C) promulgate a final rule based on the matter in the rulemaking record; and

"(D) make and publish with the rule the determination described in subsection (a)."; Publication.

(5) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—In any rule under subsection (a), the Administrator shall— Compliance dates. Deadline. Effective date.

"(A) specify the date on which it shall take effect, which date shall be as soon as practicable;

"(B) except as provided in subparagraphs (C) and (D), specify mandatory compliance dates for all of the requirements under a rule under subsection (a), which shall be as soon as practicable, but not later than 5 years after the date of promulgation of the rule, except in a case of a use exempted under subsection (g);

"(C) specify mandatory compliance dates for the start of ban or phase-out requirements under a rule under subsection (a), which shall be as soon as practicable, but not later than 5 years after the date of promulgation of the rule, except in the case of a use exempted under subsection (g);

"(D) specify mandatory compliance dates for full implementation of ban or phase-out requirements under a rule under subsection (a), which shall be as soon as practicable; and

"(E) provide for a reasonable transition period.

"(2) VARIABILITY.—As determined by the Administrator, the compliance dates established under paragraph (1) may vary for different affected persons."; and Determination.

(C) in paragraph (3), as so redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (A)—

(I) by striking "upon its publication" and all that follows through "respecting such rule if" and

inserting ", and compliance with the proposed requirements to be mandatory, upon publication in the Federal Register of the proposed rule and until the compliance dates applicable to such requirements in a final rule promulgated under section 6(a) or until the Administrator revokes such proposed rule, in accordance with subparagraph (B), if"; and

(II) in clause (i)(I), by inserting "without consideration of costs or other non-risk factors" after "effective date"; and

(ii) in subparagraph (B), by striking ", provide reasonable opportunity" and all that follows through the period at the end and inserting "in accordance with subsection (c), and either promulgate such rule (as proposed or with modifications) or revoke it.";

(6) in subsection (e)(4), by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (3)"; and

(7) by adding at the end the following new subsections:

"(g) EXEMPTIONS.—

"(1) CRITERIA FOR EXEMPTION.—The Administrator may, as part of a rule promulgated under subsection (a), or in a separate rule, grant an exemption from a requirement of a subsection (a) rule for a specific condition of use of a chemical substance or mixture, if the Administrator finds that—

"(A) the specific condition of use is a critical or essential use for which no technically and economically feasible safer alternative is available, taking into consideration hazard and exposure;

"(B) compliance with the requirement, as applied with respect to the specific condition of use, would significantly disrupt the national economy, national security, or critical infrastructure; or

"(C) the specific condition of use of the chemical substance or mixture, as compared to reasonably available alternatives, provides a substantial benefit to health, the environment, or public safety.

Public information.

"(2) EXEMPTION ANALYSIS AND STATEMENT.—In proposing an exemption under this subsection, the Administrator shall analyze the need for the exemption, and shall make public the analysis and a statement describing how the analysis was taken into account.

Determination.

"(3) PERIOD OF EXEMPTION.—The Administrator shall establish, as part of a rule under this subsection, a time limit on any exemption for a time to be determined by the Administrator as reasonable on a case-by-case basis, and, by rule, may extend, modify, or eliminate an exemption if the Administrator determines, on the basis of reasonably available information and after adequate public justification, the exemption warrants extension or modification or is no longer necessary.

Records. Reports. Determination.

"(4) CONDITIONS.—As part of a rule promulgated under this subsection, the Administrator shall include conditions, including reasonable recordkeeping, monitoring, and reporting requirements, to the extent that the Administrator determines the conditions are necessary to protect health and the environment while achieving the purposes of the exemption.

"(h) CHEMICALS THAT ARE PERSISTENT, BIOACCUMULATIVE, AND TOXIC.—

"(1) EXPEDITED ACTION.—Not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall propose rules under subsection (a) with respect to chemical substances identified in the 2014 update of the TSCA Work Plan for Chemical Assessments— Deadline.

"(A) that the Administrator has a reasonable basis to conclude are toxic and that with respect to persistence and bioaccumulation score high for one and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012 (or a successor scoring system), and are not a metal or a metal compound, and for which the Administrator has not completed a Work Plan Problem Formulation, initiated a review under section 5, or entered into a consent agreement under section 4, prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; and

"(B) exposure to which under the conditions of use is likely to the general population or to a potentially exposed or susceptible subpopulation identified by the Administrator, or the environment, on the basis of an exposure and use assessment conducted by the Administrator.

"(2) NO RISK EVALUATION REQUIRED.—The Administrator shall not be required to conduct risk evaluations on chemical substances that are subject to paragraph (1).

"(3) FINAL RULE.—Not later than 18 months after proposing a rule pursuant to paragraph (1), the Administrator shall promulgate a final rule under subsection (a). Deadline.

"(4) SELECTING RESTRICTIONS.—In selecting among prohibitions and other restrictions promulgated in a rule under subsection (a) pursuant to paragraph (1), the Administrator shall address the risks of injury to health or the environment that the Administrator determines are presented by the chemical substance and shall reduce exposure to the substance to the extent practicable.

"(5) RELATIONSHIP TO SUBSECTION (b).—If, at any time prior to the date that is 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator makes a designation under subsection (b)(1)(B)(i), or receives a request under subsection (b)(4)(C)(ii), such chemical substance shall not be subject to this subsection, except that in selecting among prohibitions and other restrictions promulgated in a rule pursuant to subsection (a), the Administrator shall both ensure that the chemical substance meets the rulemaking standard under subsection (a) and reduce exposure to the substance to the extent practicable. Time period.

"(i) FINAL AGENCY ACTION.—Under this section and subject to section 18—

"(1) a determination by the Administrator under subsection (b)(4)(A) that a chemical substance does not present an unreasonable risk of injury to health or the environment shall be issued by order and considered to be a final agency action, effective beginning on the date of issuance of the order; and Determination. Effective date.

"(2) a final rule promulgated under subsection (a), including the associated determination by the Administrator under subsection (b)(4)(A) that a chemical substance presents an unreasonable risk of injury to health or the environment, shall be considered to be a final agency action, effective beginning on the date of promulgation of the final rule.

"(j) DEFINITION.—For the purposes of this Act, the term 'requirement' as used in this section shall not displace statutory or common law.".

SEC. 7. IMMINENT HAZARDS.

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended—

(1) in subsection (b)(1), by inserting "(as identified by the Administrator without consideration of costs or other nonrisk factors)" after "from the unreasonable risk"; and

(2) in subsection (f), by inserting ", without consideration of costs or other nonrisk factors" after "widespread injury to health or the environment".

SEC. 8. REPORTING AND RETENTION OF INFORMATION.

(a) IN GENERAL.—Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking the matter that follows subparagraph (G);

(B) in paragraph (3), by adding at the end the following:

Time period. Consultation.

"(C) Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 10 years thereafter, the Administrator, after consultation with the Administrator of the Small Business Administration, shall—

Review.

"(i) review the adequacy of the standards prescribed under subparagraph (B); and

Public information. Determination.

"(ii) after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted."; and

(C) by adding at the end the following:

"(4) CONTENTS.—The rules promulgated pursuant to paragraph (1)—

"(A) may impose differing reporting and recordkeeping requirements on manufacturers and processors; and

"(B) shall include the level of detail necessary to be reported, including the manner by which use and exposure information may be reported.

"(5) ADMINISTRATION.—In carrying out this section, the Administrator shall, to the extent feasible—

"(A) not require reporting which is unnecessary or duplicative;

"(B) minimize the cost of compliance with this section and the rules issued thereunder on small manufacturers and processors; and

Applicability.

"(C) apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this title.

Publications.

"(6) NEGOTIATED RULEMAKING.—(A) The Administrator shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop

and publish, not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a proposed rule providing for limiting the reporting requirements, under this subsection, for manufacturers of any inorganic byproducts, when such byproducts, whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.

"(B) Not later than 3 and one-half years after such date of enactment, the Administrator shall publish a final rule resulting from such negotiated rulemaking."; and

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

"(3) NOMENCLATURE.—

"(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

"(i) maintain the use of Class 2 nomenclature in use on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

"(ii) maintain the use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled 'Candidate List of Chemical Substances', and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA–560/7–85–002a); and

"(iii) treat the individual members of the categories of chemical substances identified by the Administrator as statutory mixtures, as defined in Inventory descriptions established by the Administrator, as being included on the list established under paragraph (1).

"(B) MULTIPLE NOMENCLATURE LISTINGS.—If a manufacturer or processor demonstrates to the Administrator that a chemical substance appears multiple times on the list published under paragraph (1) under different CAS numbers, the Administrator may recognize the multiple listings as a single chemical substance.

"(4) CHEMICAL SUBSTANCES IN COMMERCE.—

"(A) RULES.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator, by rule, shall require manufacturers, and may require processors, subject to the limitations under subsection (a)(5)(A), to notify the Administrator, by not later than 180 days after the date on which the final rule is published in the Federal Register, of each chemical substance on the list published under paragraph (1) that the manufacturer or processor, as applicable, has manufactured or processed for a nonexempt commercial purpose during the 10-year period ending on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Notification. Federal Register, publication. Time period.

"(ii) ACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which notices are received under clause (i) to be active substances on the list published under paragraph (1).

"(iii) INACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which no notices are received under clause (i) to be inactive substances on the list published under paragraph (1).

"(iv) LIMITATION.—No chemical substance on the list published under paragraph (1) shall be removed from such list by reason of the implementation of this subparagraph, or be subject to section 5(a)(1)(A)(i) by reason of a change to active status under paragraph (5)(B).

Claims. "(B) CONFIDENTIAL CHEMICAL SUBSTANCES.—In promulgating a rule under subparagraph (A), the Administrator shall—

List. "(i) maintain the list under paragraph (1), which shall include a confidential portion and a nonconfidential portion consistent with this section and section 14;

Notice. "(ii) require any manufacturer or processor of a chemical substance on the confidential portion of the list published under paragraph (1) that seeks to maintain an existing claim for protection against disclosure of the specific chemical identity of the chemical substance as confidential pursuant to section 14 to submit a notice under subparagraph (A) that includes such request;

"(iii) require the substantiation of those claims pursuant to section 14 and in accordance with the review plan described in subparagraph (C); and

"(iv) move any active chemical substance for which no request was received to maintain an existing claim for protection against disclosure of the specific chemical identity of the chemical substance as confidential from the confidential portion of the list published under paragraph (1) to the nonconfidential portion of that list.

Regulations. "(C) REVIEW PLAN.—Not later than 1 year after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A), the Administrator shall promulgate a rule that establishes a plan to review all claims to protect the specific chemical identities of chemical substances on the confidential portion of the list published under paragraph (1) that are asserted pursuant to subparagraph (B).

Claims. "(D) REQUIREMENTS OF REVIEW PLAN.—In establishing the review plan under subparagraph (C), the Administrator shall—

Time period. "(i) require, at a time specified by the Administrator, all manufacturers or processors asserting claims under subparagraph (B) to substantiate the claim, in accordance with section 14, unless the manufacturer or processor has substantiated the claim in a submission made to the Administrator during the 5-year period ending on the last day of the of the time period specified by the Administrator; and

"(ii) in accordance with section 14—

"(I) review each substantiation—

"(aa) submitted pursuant to clause (i) to determine if the claim qualifies for protection from disclosure; and

"(bb) submitted previously by a manufacturer or processor and relied on in lieu of the substantiation required pursuant to clause (i), if the substantiation has not been previously reviewed by the Administrator, to determine if the claim warrants protection from disclosure; Determination.

"(II) approve, approve in part and deny in part, or deny each claim; and

"(III) except as provided in this section and section 14, protect from disclosure information for which the Administrator approves such a claim for a period of 10 years, unless, prior to the expiration of the period— Time period.

"(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall not protect the information from disclosure; or Notification.

"(bb) the Administrator otherwise becomes aware that the information does not qualify for protection from disclosure, in which case the Administrator shall take the actions described in section 14(g)(2).

"(E) TIMELINE FOR COMPLETION OF REVIEWS.— Claims.

"(i) IN GENERAL.—The Administrator shall implement the review plan so as to complete reviews of all claims specified in subparagraph (C) not later than 5 years after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A).

"(ii) CONSIDERATIONS.—

"(I) IN GENERAL.—The Administrator may extend the deadline for completion of the reviews for not more than 2 additional years, after an adequate public justification, if the Administrator determines that the extension is necessary based on the number of claims needing review and the available resources. Determination.

"(II) ANNUAL REVIEW GOAL AND RESULTS.—At the beginning of each year, the Administrator shall publish an annual goal for reviews and the number of reviews completed in the prior year. Publication.

"(5) ACTIVE AND INACTIVE SUBSTANCES.—

"(A) IN GENERAL.—The Administrator shall keep designations of active substances and inactive substances on the list published under paragraph (1) current.

"(B) CHANGE TO ACTIVE STATUS.—

"(i) IN GENERAL.—Any person that intends to manufacture or process for a nonexempt commercial purpose a chemical substance that is designated as an inactive substance shall notify the Administrator before the date on which the inactive substance is manufactured or processed. Notification.

Claims.

"(ii) CONFIDENTIAL CHEMICAL IDENTITY.—If a person submitting a notice under clause (i) for an inactive substance on the confidential portion of the list published under paragraph (1) seeks to maintain an existing claim for protection against disclosure of the specific chemical identity of the inactive substance as confidential, the person shall, consistent with the requirements of section 14—

"(I) in the notice submitted under clause (i), assert the claim; and

"(II) by not later than 30 days after providing the notice under clause (i), substantiate the claim.

"(iii) ACTIVE STATUS.—On receiving a notification under clause (i), the Administrator shall—

"(I) designate the applicable chemical substance as an active substance;

Review.

"(II) pursuant to section 14, promptly review any claim and associated substantiation submitted pursuant to clause (ii) for protection against disclosure of the specific chemical identity of the chemical substance and approve, approve in part and deny in part, or deny the claim;

Time period.

"(III) except as provided in this section and section 14, protect from disclosure the specific chemical identity of the chemical substance for which the Administrator approves a claim under subclause (II) for a period of 10 years, unless, prior to the expiration of the period—

Notification.

"(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall not protect the information from disclosure; or

"(bb) the Administrator otherwise becomes aware that the information does not qualify for protection from disclosure, in which case the Administrator shall take the actions described in section 14(g)(2); and

Review.

"(IV) pursuant to section 6(b), review the priority of the chemical substance as the Administrator determines to be necessary.

"(C) CATEGORY STATUS.—The list of inactive substances shall not be considered to be a category for purposes of section 26(c).

"(6) INTERIM LIST OF ACTIVE SUBSTANCES.—Prior to the promulgation of the rule required under paragraph (4)(A), the Administrator shall designate the chemical substances reported under part 711 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act), during the reporting period that most closely preceded the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, as the interim list of active substances for the purposes of section 6(b).

"(7) PUBLIC INFORMATION.—Subject to this subsection and section 14, the Administrator shall make available to the public—

"(A) each specific chemical identity on the nonconfidential portion of the list published under paragraph (1) along with the Administrator's designation of the chemical substance as an active or inactive substance;

"(B) the unique identifier assigned under section 14, accession number, generic name, and, if applicable, premanufacture notice case number for each chemical substance on the confidential portion of the list published under paragraph (1) for which a claim of confidentiality was received; and

"(C) the specific chemical identity of any active substance for which—

"(i) a claim for protection against disclosure of the specific chemical identity of the active substance was not asserted, as required under this subsection or section 14;

"(ii) all claims for protection against disclosure of the specific chemical identity of the active substance have been denied by the Administrator; or

"(iii) the time period for protection against disclosure of the specific chemical identity of the active substance has expired.

"(8) LIMITATION.—No person may assert a new claim under this subsection or section 14 for protection from disclosure of a specific chemical identity of any active or inactive substance for which a notice is received under paragraph (4)(A)(i) or (5)(B)(i) that is not on the confidential portion of the list published under paragraph (1).

"(9) CERTIFICATION.—Under the rules promulgated under this subsection, manufacturers and processors, as applicable, shall be required—

"(A) to certify that each notice or substantiation the manufacturer or processor submits complies with the requirements of the rule, and that any confidentiality claims are true and correct; and

"(B) to retain a record documenting compliance with the rule and supporting confidentiality claims for a period of 5 years beginning on the last day of the submission period.". Records. Time period. Effective date.

(b) MERCURY INVENTORY.—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) (as amended by subsection (a)) is further amended by adding at the end the following:

"(10) MERCURY.—

"(A) DEFINITION OF MERCURY.—In this paragraph, notwithstanding section 3(2)(B), the term 'mercury' means—

"(i) elemental mercury; and

"(ii) a mercury compound.

"(B) PUBLICATION.—Not later than April 1, 2017, and every 3 years thereafter, the Administrator shall carry out and publish in the Federal Register an inventory of mercury supply, use, and trade in the United States. Federal Register, publication.

"(C) PROCESS.—In carrying out the inventory under subparagraph (B), the Administrator shall—

"(i) identify any manufacturing processes or products that intentionally add mercury; and

"(ii) recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.

"(D) REPORTING.—

Determination. Regulations.

"(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process shall make periodic reports to the Administrator, at such time and including such information as the Administrator shall determine by rule promulgated not later than 2 years after the date of enactment of this paragraph.

"(ii) COORDINATION.—To avoid duplication, the Administrator shall coordinate the reporting under this subparagraph with the Interstate Mercury Education and Reduction Clearinghouse.

"(iii) EXEMPTION.—Clause (i) shall not apply to a person engaged in the generation, handling, or management of mercury-containing waste, unless that person manufactures or recovers mercury in the management of that waste.".

SEC. 9. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "has reasonable basis to conclude" and inserting "determines";

(ii) by striking "or will present"; and

(iii) by inserting ", without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator, under the conditions of use," after "or the environment";

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ", within the time period specified by the Administrator in the report," after "issues an order"; and

(ii) in subparagraph (B), by inserting "responds within the time period specified by the Administrator in the report and" before "initiates, within 90";

(C) by redesignating paragraph (3) as paragraph (6); and

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

Reports. Time period. Deadline.

"(3) The Administrator shall take the actions described in paragraph (4) if the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which the report was made does not—

"(A) issue the order described in paragraph (2)(A) within the time period specified by the Administrator in the report; or

"(B)(i) respond under paragraph (1) within the timeframe specified by the Administrator in the report; and

"(ii) initiate action within 90 days of publication in the Federal Register of the response described in clause (i).

"(4) If an agency to which a report is submitted under paragraph (1) does not take the actions described in subparagraph (A) or (B) of paragraph (3), the Administrator shall—

"(A) initiate or complete appropriate action under section 6; or

"(B) take any action authorized or required under section 7, as applicable.

"(5) This subsection shall not relieve the Administrator of any obligation to take any appropriate action under section 6(a) or 7 to address risks from the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or any combination of those activities, that are not identified in a report issued by the Administrator under paragraph (1).";

(2) in subsection (b)—

(A) by striking "The Administrator shall coordinate" and inserting "(1) The Administrator shall coordinate"; and

(B) by adding at the end the following:

"(2) In making a determination under paragraph (1) that it is in the public interest for the Administrator to take an action under this title with respect to a chemical substance or mixture rather than under another law administered in whole or in part by the Administrator, the Administrator shall consider, based on information reasonably available to the Administrator, all relevant aspects of the risk described in paragraph (1) and a comparison of the estimated costs and efficiencies of the action to be taken under this title and an action to be taken under such other law to protect against such risk."; and Determination.

(3) by adding at the end the following:

"(e) EXPOSURE INFORMATION.—In addition to the requirements of subsection (a), if the Administrator obtains information related to exposures or releases of a chemical substance or mixture that may be prevented or reduced under another Federal law, including a law not administered by the Administrator, the Administrator shall make such information available to the relevant Federal agency or office of the Environmental Protection Agency.".

SEC. 10. EXPORTS.

(a) IN GENERAL.—Section 12(a)(2) of the Toxic Substances Control Act (15 U.S.C. 2611(a)(2)) is amended by striking "will present" and inserting "presents".

(b) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—Section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)) is amended—

(1) in the subsection heading, by inserting "AND MERCURY COMPOUNDS" after "MERCURY"; and

(2) by adding at the end the following:

"(7) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—

"(A) IN GENERAL.—Effective January 1, 2020, the export of the following mercury compounds is prohibited: Effective date.

"(i) Mercury (I) chloride or calomel.

"(ii) Mercury (II) oxide.

"(iii) Mercury (II) sulfate.

"(iv) Mercury (II) nitrate.

"(v) Cinnabar or mercury sulphide.

"(vi) Any mercury compound that the Administrator adds to the list published under subparagraph

(B) by rule, on determining that exporting that mercury compound for the purpose of regenerating elemental mercury is technically feasible.

Deadline. Federal Register, publication. List.

"(B) PUBLICATION.—Not later than 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and as appropriate thereafter, the Administrator shall publish in the Federal Register a list of the mercury compounds that are prohibited from export under this paragraph.

"(C) PETITION.—Any person may petition the Administrator to add a mercury compound to the list published under subparagraph (B).

"(D) ENVIRONMENTALLY SOUND DISPOSAL.—This paragraph does not prohibit the export of mercury compounds on the list published under subparagraph (B) to member countries of the Organization for Economic Co-operation and Development for environmentally sound disposal, on the condition that no mercury or mercury compounds so exported are to be recovered, recycled, or reclaimed for use, or directly reused, after such export.

Evaluation.

"(E) REPORT.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall evaluate any exports of mercury compounds on the list published under subparagraph (B) for disposal that occurred after such date of enactment and shall submit to Congress a report that—

"(i) describes volumes and sources of mercury compounds on the list published under subparagraph (B) exported for disposal;

"(ii) identifies receiving countries of such exports;

"(iii) describes methods of disposal used after such export;

"(iv) identifies issues, if any, presented by the export of mercury compounds on the list published under subparagraph (B);

"(v) includes an evaluation of management options in the United States for mercury compounds on the list published under subparagraph (B), if any, that are commercially available and comparable in cost and efficacy to methods being utilized in such receiving countries; and

Recommendation.

"(vi) makes a recommendation regarding whether Congress should further limit or prohibit the export of mercury compounds on the list published under subparagraph (B) for disposal.

"(F) EFFECT ON OTHER LAW.—Nothing in this paragraph shall be construed to affect the authority of the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

(c) TEMPORARY GENERATOR ACCUMULATION.—Section 5 of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f) is amended—

(1) in subsection (a)(2), by striking "2013" and inserting "2019";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively and indenting appropriately;

(ii) in the first sentence, by striking "After consultation" and inserting the following:

"(A) ASSESSMENT AND COLLECTION.—After consultation";

(iii) in the second sentence, by striking "The amount of such fees" and inserting the following:

"(B) AMOUNT.—The amount of the fees described in subparagraph (A)";

(iv) in subparagraph (B) (as so designated)—

(I) in clause (i) (as so redesignated), by striking "publically available not later than October 1, 2012" and inserting "publicly available not later than October 1, 2018";

(II) in clause (ii) (as so redesignated), by striking "and";

(III) in clause (iii) (as so redesignated), by striking the period at the end and inserting ", subject to clause (iv); and"; and

(IV) by adding at the end the following:

"(iv) for generators temporarily accumulating elemental mercury in a facility subject to subparagraphs (B) and (D)(iv) of subsection (g)(2) if the facility designated in subsection (a) is not operational by January 1, 2019, shall be adjusted to subtract the cost of the temporary accumulation during the period in which the facility designated under subsection (a) is not operational."; and

(v) by adding at the end the following:

"(C) CONVEYANCE OF TITLE AND PERMITTING.—If the facility designated in subsection (a) is not operational by January 1, 2020, the Secretary— Deadline.

"(i) shall immediately accept the conveyance of title to all elemental mercury that has accumulated in facilities in accordance with subsection (g)(2)(D), before January 1, 2020, and deliver the accumulated mercury to the facility designated under subsection (a) on the date on which the facility becomes operational;

"(ii) shall pay any applicable Federal permitting costs, including the costs for permits issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)); and

"(iii) shall store, or pay the cost of storage of, until the time at which a facility designated in subsection (a) is operational, accumulated mercury to which the Secretary has title under this subparagraph in a facility that has been issued a permit under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c))."; and

(B) in paragraph (2), in the first sentence, by striking "paragraph (1)(C)" and inserting "paragraph (1)(B)(iii)"; and

(3) in subsection (g)(2)—

(A) in the undesignated material at the end, by striking "This subparagraph" and inserting the following:

"(C) Subparagraph (B)";

(B) in subparagraph (C) (as designated by subparagraph (A)), by inserting "of that subparagraph" before the period at the end; and

(C) by adding at the end the following:

Time period. Certification.

"(D) A generator producing elemental mercury incidentally from the beneficiation or processing of ore or related pollution control activities may accumulate the mercury produced onsite that is destined for a facility designated by the Secretary under subsection (a) for more than 90 days without a permit issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of that Act (42 U.S.C. 6924(j)), if—

"(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the generator;

"(ii) the generator certifies in writing to the Secretary that the generator will ship the mercury to a designated facility when the Secretary is able to accept the mercury;

"(iii) the generator certifies in writing to the Secretary that the generator is storing only mercury the generator has produced or recovered onsite and will not sell, or otherwise place into commerce, the mercury; and

Compliance.

"(iv) the generator has obtained an identification number under section 262.12 of title 40, Code of Federal Regulations, and complies with the requirements described in paragraphs (1) through (4) of section 262.34(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).

Deadline. Consultation. Guidance. Procedures.

"(E) MANAGEMENT STANDARDS FOR TEMPORARY STORAGE.—Not later than January 1, 2017, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and State agencies in affected States, shall develop and make available guidance that establishes procedures and standards for the management and short-term storage of elemental mercury at a generator covered under subparagraph (D), including requirements to ensure appropriate use of flasks or other suitable containers. Such procedures and standards shall be protective of health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. A generator may accumulate mercury in accordance with subparagraph (D) immediately upon enactment of this subparagraph, and notwithstanding that guidance called for by this paragraph has not been developed or made available.".

(d) INTERIM STATUS.—Section 5(d)(1) of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1)) is amended—

(1) in the fourth sentence, by striking "in existence on or before January 1, 2013,"; and

(2) in the last sentence, by striking "January 1, 2015" and inserting "January 1, 2020".

SEC. 11. CONFIDENTIAL INFORMATION.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended to read as follows:

"SEC. 14. CONFIDENTIAL INFORMATION.

"(a) IN GENERAL.—Except as provided in this section, the Administrator shall not disclose information that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section—

"(1) that is reported to, or otherwise obtained by, the Administrator under this Act; and

"(2) for which the requirements of subsection (c) are met.

In any proceeding under section 552(a) of title 5, United States Code, to obtain information the disclosure of which has been denied because of the provisions of this subsection, the Administrator may not rely on section 552(b)(3) of such title to sustain the Administrator's action.

"(b) INFORMATION NOT PROTECTED FROM DISCLOSURE.—

"(1) MIXED CONFIDENTIAL AND NONCONFIDENTIAL INFORMATION.—Information that is protected from disclosure under this section, and which is mixed with information that is not protected from disclosure under this section, does not lose its protection from disclosure notwithstanding that it is mixed with information that is not protected from disclosure.

"(2) INFORMATION FROM HEALTH AND SAFETY STUDIES.—Subsection (a) does not prohibit the disclosure of—

"(A) any health and safety study which is submitted under this Act with respect to—

"(i) any chemical substance or mixture which, on the date on which such study is to be disclosed has been offered for commercial distribution; or

"(ii) any chemical substance or mixture for which testing is required under section 4 or for which notification is required under section 5; and

"(B) any information reported to, or otherwise obtained by, the Administrator from a health and safety study which relates to a chemical substance or mixture described in clause (i) or (ii) of subparagraph (A).

This paragraph does not authorize the disclosure of any information, including formulas (including molecular structures) of a chemical substance or mixture, that discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the portion of the mixture comprised by any of the chemical substances in the mixture.

"(3) OTHER INFORMATION NOT PROTECTED FROM DISCLOSURE.—Subsection (a) does not prohibit the disclosure of—

Determination.

"(A) any general information describing the manufacturing volumes, expressed as specific aggregated volumes or, if the Administrator determines that disclosure of specific aggregated volumes would reveal confidential information, expressed in ranges; or

"(B) a general description of a process used in the manufacture or processing and industrial, commercial, or consumer functions and uses of a chemical substance, mixture, or article containing a chemical substance or mixture, including information specific to an industry or industry

sector that customarily would be shared with the general public or within an industry or industry sector.

"(4) BANS AND PHASE-OUTS.—

Regulation. Applicability.

"(A) IN GENERAL.—If the Administrator promulgates a rule pursuant to section 6(a) that establishes a ban or phase-out of a chemical substance or mixture, the protection from disclosure of any information under this section with respect to the chemical substance or mixture shall be presumed to no longer apply, subject to subsection (g)(1)(E) and subparagraphs (B) and (C) of this paragraph.

"(B) LIMITATIONS.—

Applicability.

"(i) CRITICAL USE.—In the case of a chemical substance or mixture for which a specific condition of use is subject to an exemption pursuant to section 6(g), if the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to any conditions of use of the chemical substance or mixture to which the exemption does not apply.

"(ii) EXPORT.—In the case of a chemical substance or mixture for which there is manufacture, processing, or distribution in commerce that meets the conditions of section 12(a)(1), if the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to any other manufacture, processing, or distribution in commerce of the chemical substance or mixture for the conditions of use subject to the ban or phase-out, unless the Administrator makes the determination in section 12(a)(2).

Applicability.

"(iii) SPECIFIC CONDITIONS OF USE.—In the case of a chemical substance or mixture for which the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to a specific condition of use of the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to the condition of use of the chemical substance or mixture for which the ban or phase-out is established.

"(C) REQUEST FOR NONDISCLOSURE.—

Deadline. Records. Review.

"(i) IN GENERAL.—A manufacturer or processor of a chemical substance or mixture subject to a ban or phase-out described in this paragraph may submit to the Administrator, within 30 days of receiving a notification under subsection (g)(2)(A), a request, including documentation supporting such request, that some or all of the information to which the notice applies should not be disclosed or that its disclosure should be delayed, and the Administrator shall review the request under subsection (g)(1)(E).

"(ii) EFFECT OF NO REQUEST OR DENIAL.—If no request for nondisclosure or delay is submitted to the Administrator under this subparagraph, or the

Administrator denies such a request under subsection (g)(1)(A), the information shall not be protected from disclosure under this section.

"(5) CERTAIN REQUESTS.—If a request is made to the Administrator under section 552(a) of title 5, United States Code, for information reported to or otherwise obtained by the Administrator under this Act that is not protected from disclosure under this subsection, the Administrator may not deny the request on the basis of section 552(b)(4) of title 5, United States Code.

"(c) REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—

"(1) ASSERTION OF CLAIMS.—

"(A) IN GENERAL.—A person seeking to protect from disclosure any information that person submits under this Act (including information described in paragraph (2)) shall assert to the Administrator a claim for protection from disclosure concurrent with submission of the information, in accordance with such rules regarding a claim for protection from disclosure as the Administrator has promulgated or may promulgate pursuant to this title.

"(B) INCLUSION.—An assertion of a claim under subparagraph (A) shall include a statement that the person has—

"(i) taken reasonable measures to protect the confidentiality of the information;

"(ii) determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;

"(iii) a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person; and

"(iv) a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

"(C) ADDITIONAL REQUIREMENTS FOR CLAIMS REGARDING CHEMICAL IDENTITY INFORMATION.—In the case of a claim under subparagraph (A) for protection from disclosure of a specific chemical identity, the claim shall include a structurally descriptive generic name for the chemical substance that the Administrator may disclose to the public, subject to the condition that such generic name shall—

"(i) be consistent with guidance developed by the Administrator under paragraph (4)(A); and

"(ii) describe the chemical structure of the chemical substance as specifically as practicable while protecting those features of the chemical structure—

"(I) that are claimed as confidential; and

"(II) the disclosure of which would be likely to cause substantial harm to the competitive position of the person.

"(2) INFORMATION GENERALLY NOT SUBJECT TO SUBSTANTIATION REQUIREMENTS.—Subject to subsection (f), the following information shall not be subject to substantiation requirements under paragraph (3):

"(A) Specific information describing the processes used in manufacture or processing of a chemical substance, mixture, or article.

"(B) Marketing and sales information.

"(C) Information identifying a supplier or customer.

"(D) In the case of a mixture, details of the full composition of the mixture and the respective percentages of constituents.

"(E) Specific information regarding the use, function, or application of a chemical substance or mixture in a process, mixture, or article.

"(F) Specific production or import volumes of the manufacturer or processor.

"(G) Prior to the date on which a chemical substance is first offered for commercial distribution, the specific chemical identity of the chemical substance, including the chemical name, molecular formula, Chemical Abstracts Service number, and other information that would identify the specific chemical substance, if the specific chemical identity was claimed as confidential at the time it was submitted in a notice under section 5.

"(3) SUBSTANTIATION REQUIREMENTS.—Except as provided in paragraph (2), a person asserting a claim to protect information from disclosure under this section shall substantiate the claim, in accordance with such rules as the Administrator has promulgated or may promulgate pursuant to this section.

"(4) GUIDANCE.—The Administrator shall develop guidance regarding—

"(A) the determination of structurally descriptive generic names, in the case of claims for the protection from disclosure of specific chemical identity; and

"(B) the content and form of the statements of need and agreements required under paragraphs (4), (5), and (6) of subsection (d).

"(5) CERTIFICATION.—An authorized official of a person described in paragraph (1)(A) shall certify that the statement required to assert a claim submitted pursuant to paragraph (1)(B), and any information required to substantiate a claim submitted pursuant to paragraph (3), are true and correct.

Contracts.

"(d) EXCEPTIONS TO PROTECTION FROM DISCLOSURE.—Information described in subsection (a)—

"(1) shall be disclosed to an officer or employee of the United States—

"(A) in connection with the official duties of that person under any Federal law for the protection of health or the environment; or

"(B) for a specific Federal law enforcement purpose;

"(2) shall be disclosed to a contractor of the United States and employees of that contractor—

"(A) if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the performance of work in connection with this Act; and

"(B) subject to such conditions as the Administrator may specify;

Determination.

"(3) shall be disclosed if the Administrator determines that disclosure is necessary to protect health or the environment

against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use;

"(4) shall be disclosed to a State, political subdivision of a State, or tribal government, on written request, for the purpose of administration or enforcement of a law, if such entity has 1 or more applicable agreements with the Administrator that are consistent with the guidance developed under subsection (c)(4)(B) and ensure that the entity will take appropriate measures, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures comparable to the procedures used by the Administrator to safeguard the information;

"(5) shall be disclosed to a health or environmental professional employed by a Federal or State agency or tribal government or a treating physician or nurse in a nonemergency situation if such person provides a written statement of need and agrees to sign a written confidentiality agreement with the Administrator, subject to the conditions that—

"(A) the statement of need and confidentiality agreement are consistent with the guidance developed under subsection (c)(4)(B);

"(B) the statement of need shall be a statement that the person has a reasonable basis to suspect that—

"(i) the information is necessary for, or will assist in—

"(I) the diagnosis or treatment of 1 or more individuals; or

"(II) responding to an environmental release or exposure; and

"(ii) 1 or more individuals being diagnosed or treated have been exposed to the chemical substance or mixture concerned, or an environmental release of or exposure to the chemical substance or mixture concerned has occurred; and

"(C) the person will not use the information for any purpose other than the health or environmental needs asserted in the statement of need, except as otherwise may be authorized by the terms of the agreement or by the person who has a claim under this section with respect to the information;

"(6) shall be disclosed in the event of an emergency to a treating or responding physician, nurse, agent of a poison control center, public health or environmental official of a State, political subdivision of a State, or tribal government, or first responder (including any individual duly authorized by a Federal agency, State, political subdivision of a State, or tribal government who is trained in urgent medical care or other emergency procedures, including a police officer, firefighter, or emergency medical technician) if such person requests the information, subject to the conditions that such person shall—

"(A) have a reasonable basis to suspect that—

"(i) a medical, public health, or environmental emergency exists;

"(ii) the information is necessary for, or will assist in, emergency or first-aid diagnosis or treatment; or

"(iii) 1 or more individuals being diagnosed or treated have likely been exposed to the chemical substance or mixture concerned, or a serious environmental release of or exposure to the chemical substance or mixture concerned has occurred; and

"(B) if requested by a person who has a claim with respect to the information under this section—

"(i) provide a written statement of need and agree to sign a confidentiality agreement, as described in paragraph (5); and

"(ii) submit to the Administrator such statement of need and confidentiality agreement as soon as practicable, but not necessarily before the information is disclosed;

Determination.

"(7) may be disclosed if the Administrator determines that disclosure is relevant in a proceeding under this Act, subject to the condition that the disclosure is made in such a manner as to preserve confidentiality to the extent practicable without impairing the proceeding;

"(8) shall be disclosed if the information is required to be made public under any other provision of Federal law; and

"(9) shall be disclosed as required pursuant to discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.

"(e) DURATION OF PROTECTION FROM DISCLOSURE.—

"(1) IN GENERAL.—Subject to paragraph (2), subsection (f)(3), and section 8(b), the Administrator shall protect from disclosure information described in subsection (a)—

"(A) in the case of information described in subsection (c)(2), until such time as—

Notification.

"(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the information shall not be protected from disclosure under this section; or

"(ii) the Administrator becomes aware that the information does not qualify for protection from disclosure under this section, in which case the Administrator shall take any actions required under subsections (f) and (g); and

"(B) in the case of information other than information described in subsection (c)(2)—

Time period.

"(i) for a period of 10 years from the date on which the person asserts the claim with respect to the information submitted to the Administrator; or

"(ii) if applicable before the expiration of such 10-year period, until such time as—

Notification.

"(I) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the information shall not be protected from disclosure under this section; or

"(II) the Administrator becomes aware that the information does not qualify for protection from disclosure under this section, in which case the

Administrator shall take any actions required under subsections (f) and (g).

"(2) EXTENSIONS.— Deadlines.

"(A) IN GENERAL.—In the case of information other than information described in subsection (c)(2), not later than the date that is 60 days before the expiration of the period described in paragraph (1)(B)(i), the Administrator shall provide to the person that asserted the claim a notice of the impending expiration of the period. Notice.

"(B) REQUEST.—

"(i) IN GENERAL.—Not later than the date that is 30 days before the expiration of the period described in paragraph (1)(B)(i), a person reasserting the relevant claim shall submit to the Administrator a request for extension substantiating, in accordance with subsection (c)(3), the need to extend the period.

"(ii) ACTION BY ADMINISTRATOR.—Not later than the date of expiration of the period described in paragraph (1)(B)(i), the Administrator shall, in accordance with subsection (g)(1)—

"(I) review the request submitted under clause (i); Review.

"(II) make a determination regarding whether the claim for which the request was submitted continues to meet the relevant requirements of this section; and Determination.

"(III)(aa) grant an extension of 10 years; or

"(bb) deny the request.

"(C) NO LIMIT ON NUMBER OF EXTENSIONS.—There shall be no limit on the number of extensions granted under this paragraph, if the Administrator determines that the relevant request under subparagraph (B)(i)— Determination.

"(i) establishes the need to extend the period; and

"(ii) meets the requirements established by the Administrator.

"(f) REVIEW AND RESUBSTANTIATION.—

"(1) DISCRETION OF ADMINISTRATOR.—The Administrator may require any person that has claimed protection for information from disclosure under this section, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to reassert and substantiate or resubstantiate the claim in accordance with this section—

"(A) after the chemical substance is designated as a high-priority substance under section 6(b);

"(B) for any chemical substance designated as an active substance under section 8(b)(5)(B)(iii); or

"(C) if the Administrator determines that disclosure of certain information currently protected from disclosure would be important to assist the Administrator in conducting risk evaluations or promulgating rules under section 6. Determination.

"(2) REVIEW REQUIRED.—The Administrator shall review a claim for protection of information from disclosure under this section and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety

for the 21st Century Act, to reassert and substantiate or resubstantiate the claim in accordance with this section—

"(A) as necessary to determine whether the information qualifies for an exemption from disclosure in connection with a request for information received by the Administrator under section 552 of title 5, United States Code;

"(B) if the Administrator has a reasonable basis to believe that the information does not qualify for protection from disclosure under this section; or

"(C) for any chemical substance the Administrator determines under section 6(b)(4)(A) presents an unreasonable risk of injury to health or the environment.

Claims. Determination.

"(3) PERIOD OF PROTECTION.—If the Administrator requires a person to reassert and substantiate or resubstantiate a claim under this subsection, and determines that the claim continues to meet the relevant requirements of this section, the Administrator shall protect the information subject to the claim from disclosure for a period of 10 years from the date of such determination, subject to any subsequent requirement by the Administrator under this subsection.

"(g) DUTIES OF ADMINISTRATOR.—

"(1) DETERMINATION.—

Claims. Deadlines.

"(A) IN GENERAL.—Except for claims regarding information described in subsection (c)(2), the Administrator shall, subject to subparagraph (C), not later than 90 days after the receipt of a claim under subsection (c), and not later than 30 days after the receipt of a request for extension of a claim under subsection (e) or a request under subsection (b)(4)(C), review and approve, approve in part and deny in part, or deny the claim or request.

"(B) REASONS FOR DENIAL.—If the Administrator denies or denies in part a claim or request under subparagraph (A) the Administrator shall provide to the person that asserted the claim or submitted the request a written statement of the reasons for the denial or denial in part of the claim or request.

"(C) SUBSETS.—The Administrator shall—

"(i) except with respect to information described in subsection (c)(2)(G), review all claims or requests under this section for the protection from disclosure of the specific chemical identity of a chemical substance; and

"(ii) review a representative subset, comprising at least 25 percent, of all other claims or requests for protection from disclosure under this section.

"(D) EFFECT OF FAILURE TO ACT.—The failure of the Administrator to make a decision regarding a claim or request for protection from disclosure or extension under this section shall not have the effect of denying or eliminating a claim or request for protection from disclosure.

"(E) DETERMINATION OF REQUESTS UNDER SUBSECTION (b)(4)(C).—With respect to a request submitted under subsection (b)(4)(C), the Administrator shall, with the objective of ensuring that information relevant to the protection of health and the environment is disclosed to the extent practicable, determine whether the documentation provided by the person rebuts what shall be the presumption of

the Administrator that the public interest in the disclosure of the information outweighs the public or proprietary interest in maintaining the protection for all or a portion of the information that the person has requested not be disclosed or for which disclosure be delayed.

"(2) NOTIFICATION.— Claims.

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsections (b), (d), and (e), if the Administrator denies or denies in part a claim or request under paragraph (1), concludes, in accordance with this section, that the information does not qualify for protection from disclosure, intends to disclose information pursuant to subsection (d), or promulgates a rule under section 6(a) establishing a ban or phase-out with respect to a chemical substance or mixture, the Administrator shall notify, in writing, the person that asserted the claim or submitted the request of the intent of the Administrator to disclose the information or not protect the information from disclosure under this section. The notice shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means that allows verification of the fact and date of receipt.

"(B) DISCLOSURE OF INFORMATION.—Except as provided in subparagraph (C), the Administrator shall not disclose information under this subsection until the date that is 30 days after the date on which the person that asserted the claim or submitted the request receives notification under subparagraph (A). Deadline.

"(C) EXCEPTIONS.—

"(i) FIFTEEN DAY NOTIFICATION.—For information the Administrator intends to disclose under subsections (d)(3), (d)(4), (d)(5), and (j), the Administrator shall not disclose the information until the date that is 15 days after the date on which the person that asserted the claim or submitted the request receives notification under subparagraph (A), except that, with respect to information to be disclosed under subsection (d)(3), if the Administrator determines that disclosure of the information is necessary to protect against an imminent and substantial harm to health or the environment, no prior notification shall be necessary. Determination.

"(ii) NOTIFICATION AS SOON AS PRACTICABLE.—For information the Administrator intends to disclose under paragraph (6) of subsection (d), the Administrator shall notify the person that submitted the information that the information has been disclosed as soon as practicable after disclosure of the information.

"(iii) NO NOTIFICATION REQUIRED.—Notification shall not be required—

"(I) for the disclosure of information under paragraphs (1), (2), (7), or (8) of subsection (d); or

"(II) for the disclosure of information for which—

"(aa) the Administrator has provided to the person that asserted the claim a notice under subsection (e)(2)(A); and

"(bb) such person does not submit to the Administrator a request under subsection (e)(2)(B) on or before the deadline established in subsection (e)(2)(B)(i).

"(D) APPEALS.—

"(i) ACTION TO RESTRAIN DISCLOSURE.—If a person receives a notification under this paragraph and believes the information is protected from disclosure under this section, before the date on which the information is to be disclosed pursuant to subparagraph (B) or (C) the person may bring an action to restrain disclosure of the information in—

"(I) the United States district court of the district in which the complainant resides or has the principal place of business; or

"(II) the United States District Court for the District of Columbia.

"(ii) NO DISCLOSURE.—

"(I) IN GENERAL.—Subject to subsection (d), the Administrator shall not disclose information that is the subject of an appeal under this paragraph before the date on which the applicable court rules on an action under clause (i).

"(II) EXCEPTION.—Subclause (I) shall not apply to disclosure of information described under subsections (d)(4) and (j).

Consultation.

"(3) REQUEST AND NOTIFICATION SYSTEM.—The Administrator, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop a request and notification system that, in a format and language that is readily accessible and understandable, allows for expedient and swift access to information disclosed pursuant to paragraphs (5) and (6) of subsection (d).

"(4) UNIQUE IDENTIFIER.—The Administrator shall—

"(A)(i) develop a system to assign a unique identifier to each specific chemical identity for which the Administrator approves a request for protection from disclosure, which shall not be either the specific chemical identity or a structurally descriptive generic term; and

Applicability.

"(ii) apply that identifier consistently to all information relevant to the applicable chemical substance;

Deadline.
Publication.
List.

"(B) annually publish and update a list of chemical substances, referred to by their unique identifiers, for which claims to protect the specific chemical identity from disclosure have been approved, including the expiration date for each such claim;

"(C) ensure that any nonconfidential information received by the Administrator with respect to a chemical substance included on the list published under subparagraph (B) while the specific chemical identity of the chemical substance is protected from disclosure under this section identifies the chemical substance using the unique identifier; and

"(D) for each claim for protection of a specific chemical identity that has been denied by the Administrator or expired, or that has been withdrawn by the person who asserted the claim, and for which the Administrator has used a unique identifier assigned under this paragraph to protect the specific chemical identity in information that the Administrator has made public, clearly link the specific chemical identity to the unique identifier in such information to the extent practicable.

"(h) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—

"(1) INDIVIDUALS SUBJECT TO PENALTY.—

"(A) IN GENERAL.—Subject to subparagraph (C) and paragraph (2), an individual described in subparagraph (B) shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

"(B) DESCRIPTION.—An individual referred to in subparagraph (A) is an individual who—

"(i) pursuant to this section, obtained possession of, or has access to, information protected from disclosure under this section; and

"(ii) knowing that the information is protected from disclosure under this section, willfully discloses the information in any manner to any person not entitled to receive that information.

"(C) EXCEPTION.—This paragraph shall not apply to any medical professional (including an emergency medical technician or other first responder) who discloses any information obtained under paragraph (5) or (6) of subsection (d) to a patient treated by the medical professional, or to a person authorized to make medical or health care decisions on behalf of such a patient, as needed for the diagnosis or treatment of the patient.

"(2) OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, or making known of, or making available, information reported to or otherwise obtained by the Administrator under this Act.

"(i) APPLICABILITY.—

"(1) IN GENERAL.—Except as otherwise provided in this section, section 8, or any other applicable Federal law, the Administrator shall have no authority—

"(A) to require the substantiation or resubstantiation of a claim for the protection from disclosure of information reported to or otherwise obtained by the Administrator under this Act prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; or

"(B) to impose substantiation or resubstantiation requirements, with respect to the protection of information described in subsection (a), under this Act that are more extensive than those required under this section.

"(2) ACTIONS PRIOR TO PROMULGATION OF RULES.—Nothing in this Act prevents the Administrator from reviewing, requiring substantiation or resubstantiation of, or approving, approving in part, or denying any claim for the protection from disclosure of information before the effective date of such rules applicable to those claims as the Administrator may

promulgate after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

"(j) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.".

SEC. 12. PENALTIES.

Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended—

(1) in subsection (a)(1), by striking "$25,000" and inserting "$37,500"; and

(2) in subsection (b)—

(A) by striking "Any person" and inserting the following:

"(1) IN GENERAL.—Any person";

(B) by striking "$25,000" and inserting "$50,000"; and

(C) by adding at the end the following:

"(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—

"(A) IN GENERAL.—Any person who knowingly and willfully violates any provision of section 15 or 409, and who knows at the time of the violation that the violation places an individual in imminent danger of death or serious bodily injury, shall be subject on conviction to a fine of not more than $250,000, or imprisonment for not more than 15 years, or both.

"(B) ORGANIZATIONS.—Notwithstanding the penalties described in subparagraph (A), an organization that commits a knowing violation described in subparagraph (A) shall be subject on conviction to a fine of not more than $1,000,000 for each violation.

Applicability.

"(C) INCORPORATION OF CORRESPONDING PROVISIONS.—Subparagraphs (B) through (F) of section 113(c)(5) of the Clean Air Act (42 U.S.C. 7413(c)(5)(B)–(F)) shall apply to the prosecution of a violation under this paragraph.".

SEC. 13. STATE-FEDERAL RELATIONSHIP.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OR ENFORCEMENT.—Except as otherwise provided in subsections (c), (d), (e), (f), and (g), and subject to paragraph (2), no State or political subdivision of a State may establish or continue to enforce any of the following:

"(A) DEVELOPMENT OF INFORMATION.—A statute or administrative action to require the development of information about a chemical substance or category of chemical substances that is reasonably likely to produce the same information required under section 4, 5, or 6 in—

"(i) a rule promulgated by the Administrator;

"(ii) a consent agreement entered into by the Administrator; or

"(iii) an order issued by the Administrator.

"(B) CHEMICAL SUBSTANCES FOUND NOT TO PRESENT AN UNREASONABLE RISK OR RESTRICTED.—A statute, criminal penalty, or administrative action to prohibit or otherwise restrict the manufacture, processing, or distribution in commerce or use of a chemical substance—

"(i) for which the determination described in section 6(i)(1) is made, consistent with the scope of the risk evaluation under section (6)(b)(4)(D); or

"(ii) for which a final rule is promulgated under section 6(a), after the effective date of the rule issued under section 6(a) for the chemical substance, consistent with the scope of the risk evaluation under section (6)(b)(4)(D).

"(C) SIGNIFICANT NEW USE.—A statute or administrative action requiring the notification of a use of a chemical substance that the Administrator has specified as a significant new use and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

"(2) EFFECTIVE DATE OF PREEMPTION.—Under this subsection, Federal preemption of statutes and administrative actions applicable to specific chemical substances shall not occur until the effective date of the applicable action described in paragraph (1) taken by the Administrator.";

(2) by amending subsection (b) to read as follows:

"(b) NEW STATUTES, CRIMINAL PENALTIES, OR ADMINISTRATIVE ACTIONS CREATING PROHIBITIONS OR OTHER RESTRICTIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines the scope of a risk evaluation for a chemical substance under section 6(b)(4)(D) and ending on the date on which the deadline established pursuant to section 6(b)(4)(G) for completion of the risk evaluation expires, or on the date on which the Administrator publishes the risk evaluation under section 6(b)(4)(C), whichever is earlier, no State or political subdivision of a State may establish a statute, criminal penalty, or administrative action prohibiting or otherwise restricting the manufacture, processing, distribution in commerce, or use of such chemical substance that is a high-priority substance designated under section 6(b)(1)(B)(i). Time period.

"(2) EFFECT OF SUBSECTION.—This subsection does not restrict the authority of a State or political subdivision of a State to continue to enforce any statute enacted, criminal penalty assessed, or administrative action taken, prior to the date on which the Administrator defines and publishes the scope of a risk evaluation under section 6(b)(4)(D).";

(3) by adding at the end the following:

"(c) SCOPE OF PREEMPTION.—Federal preemption under subsections (a) and (b) of statutes, criminal penalties, and administrative actions applicable to specific chemical substances shall apply only to— Applicability.

"(1) with respect to subsection (a)(1)(A), the chemical substances or category of chemical substances subject to a rule, order, or consent agreement under section 4, 5, or 6;

"(2) with respect to subsection (b), the hazards, exposures, risks, and uses or conditions of use of such chemical substances

included in the scope of the risk evaluation pursuant to section 6(b)(4)(D);

"(3) with respect to subsection (a)(1)(B), the hazards, exposures, risks, and uses or conditions of use of such chemical substances included in any final action the Administrator takes pursuant to section 6(a) or 6(i)(1); or

"(4) with respect to subsection (a)(1)(C), the uses of such chemical substances that the Administrator has specified as significant new uses and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

"(d) EXCEPTIONS.—

"(1) NO PREEMPTION OF STATUTES AND ADMINISTRATIVE ACTIONS.—

"(A) IN GENERAL.—Nothing in this Act, nor any amendment made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any rule, standard of performance, risk evaluation, or scientific assessment implemented pursuant to this Act, shall affect the right of a State or a political subdivision of a State to adopt or enforce any rule, standard of performance, risk evaluation, scientific assessment, or any other protection for public health or the environment that—

"(i) is adopted or authorized under the authority of any other Federal law or adopted to satisfy or obtain authorization or approval under any other Federal law;

"(ii) implements a reporting, monitoring, or other information obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law;

"(iii) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, except to the extent that the action—

"(I) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and

"(II)(aa) addresses the same hazards and exposures, with respect to the same conditions of use as are included in the scope of the risk evaluation published pursuant to section 6(b)(4)(D), but is inconsistent with the action of the Administrator; or

"(bb) would cause a violation of the applicable action by the Administrator under section 5 or 6; or

"(iv) subject to subparagraph (B), is identical to a requirement prescribed by the Administrator.

"(B) IDENTICAL REQUIREMENTS.—

"(i) IN GENERAL.—The penalties and other sanctions applicable under a law of a State or political subdivision of a State in the event of noncompliance with the identical requirement shall be no more stringent than the penalties and other sanctions available to the Administrator under section 16 of this Act.

"(ii) PENALTIES.—In the case of an identical requirement—

"(I) a State or political subdivision of a State may not assess a penalty for a specific violation for which the Administrator has assessed an adequate penalty under section 16; and

"(II) if a State or political subdivision of a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State or political subdivision of a State and the Administrator combined to exceed the maximum amount that may be assessed for that violation by the Administrator under section 16.

"(2) APPLICABILITY TO CERTAIN RULES OR ORDERS.—

"(A) PRIOR RULES AND ORDERS.—Nothing in this section shall be construed as modifying the preemptive effect under this section, as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, of any rule or order promulgated or issued under this Act prior to that effective date.

"(B) CERTAIN CHEMICAL SUBSTANCES AND MIXTURES.—With respect to a chemical substance or mixture for which any rule or order was promulgated or issued under section 6 prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act with respect to manufacturing, processing, distribution in commerce, use, or disposal of the chemical substance or mixture, nothing in this section shall be construed as modifying the preemptive effect of this section as in effect prior to the enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act of any rule or order that is promulgated or issued with respect to such chemical substance or mixture under section 6 after that effective date, unless the latter rule or order is with respect to a chemical substance or mixture containing a chemical substance and follows a designation of that chemical substance as a high-priority substance under section 6(b)(1)(B)(i), the identification of that chemical substance under section 6(b)(2)(A), or the selection of that chemical substance for risk evaluation under section 6(b)(4)(E)(iv)(II).

"(e) PRESERVATION OF CERTAIN LAWS.—

"(1) IN GENERAL.—Nothing in this Act, subject to subsection (g) of this section, shall—

"(A) be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken or requirement imposed or requirement enacted relating to a specific chemical substance before April 22, 2016, under the authority of a law of the State or political subdivision of the State that prohibits or otherwise restricts manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance; or

"(B) be construed to preempt or otherwise affect any action taken pursuant to a State law that was in effect on August 31, 2003.

"(2) EFFECT OF SUBSECTION.—This subsection does not affect, modify, or alter the relationship between Federal law

and laws of a State or political subdivision of a State pursuant to any other Federal law.

"(f) WAIVERS.—

Determination.

"(1) DISCRETIONARY EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator may, by rule, exempt from subsection (a), under such conditions as may be prescribed in the rule, a statute, criminal penalty, or administrative action of that State or political subdivision of the State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

"(A) compelling conditions warrant granting the waiver to protect health or the environment;

"(B) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

"(C) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

"(D) in the judgment of the Administrator, the proposed requirement of the State or political subdivision of the State is designed to address a risk of a chemical substance, under the conditions of use, that was identified—

"(i) consistent with the best available science;

"(ii) using supporting studies conducted in accordance with sound and objective scientific practices; and

"(iii) based on the weight of the scientific evidence.

Determination.

"(2) REQUIRED EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator shall exempt from subsection (b) a statute or administrative action of a State or political subdivision of a State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

"(A)(i) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

"(ii) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

"(iii) the State or political subdivision of the State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science; or

Deadline.

"(B) no later than the date that is 18 months after the date on which the Administrator has initiated the prioritization process for a chemical substance under the rule promulgated pursuant to section 6(b)(1)(A), or the date on which the Administrator publishes the scope of the risk evaluation for a chemical substance under section 6(b)(4)(D), whichever is sooner, the State or political subdivision of the State has enacted a statute or proposed or finalized an administrative action intended to prohibit

or otherwise restrict the manufacture, processing, distribution in commerce, or use of the chemical substance.

"(3) DETERMINATION OF A WAIVER REQUEST.—The duty of the Administrator to grant or deny a waiver application shall be nondelegable and shall be exercised— Deadlines.

"(A) not later than 180 days after the date on which an application under paragraph (1) is submitted; and

"(B) not later than 110 days after the date on which an application under paragraph (2) is submitted.

"(4) FAILURE TO MAKE A DETERMINATION.—If the Administrator fails to make a determination under paragraph (3)(B) during the 110-day period beginning on the date on which an application under paragraph (2) is submitted, the statute or administrative action of the State or political subdivision of the State that was the subject of the application shall not be considered to be an existing statute or administrative action for purposes of subsection (b) by reason of the failure of the Administrator to make a determination. Time period.

"(5) NOTICE AND COMMENT.—Except in the case of an application approved under paragraph (9), the application of a State or political subdivision of a State under this subsection shall be subject to public notice and comment.

"(6) FINAL AGENCY ACTION.—The decision of the Administrator on the application of a State or political subdivision of a State shall be—

"(A) considered to be a final agency action; and

"(B) subject to judicial review.

"(7) DURATION OF WAIVERS.—A waiver granted under paragraph (2) or approved under paragraph (9) shall remain in effect until such time as the Administrator publishes the risk evaluation under section 6(b).

"(8) JUDICIAL REVIEW OF WAIVERS.—Not later than 60 days after the date on which the Administrator makes a determination on an application of a State or political subdivision of a State under paragraph (1) or (2), any person may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit, which shall have exclusive jurisdiction over the determination. Deadline.

"(9) APPROVAL.—

"(A) AUTOMATIC APPROVAL.—If the Administrator fails to meet the deadline established under paragraph (3)(B), the application of a State or political subdivision of a State under paragraph (2) shall be automatically approved, effective on the date that is 10 days after the deadline. Effective date.

"(B) REQUIREMENTS.—Notwithstanding paragraph (6), approval of a waiver application under subparagraph (A) for failure to meet the deadline under paragraph (3)(B) shall not be considered final agency action or be subject to judicial review or public notice and comment.

"(g) SAVINGS.—

"(1) NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION FOR CIVIL RELIEF OR CRIMINAL CONDUCT.—

"(A) IN GENERAL.—Nothing in this Act, nor any amendment made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any standard, rule, requirement, standard of performance, risk evaluation, or scientific assessment implemented pursuant to this Act, shall be

construed to preempt, displace, or supplant any State or Federal common law rights or any State or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct.

"(B) CLARIFICATION OF NO PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this Act, nor any amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any State law, maritime law, or Federal common law or statutory theory.

"(2) NO EFFECT ON PRIVATE REMEDIES.—

"(A) IN GENERAL.—Nothing in this Act, nor any amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any rules, regulations, requirements, risk evaluations, scientific assessments, or orders issued pursuant to this Act shall be interpreted as, in either the plaintiff's or defendant's favor, dispositive in any civil action.

"(B) AUTHORITY OF COURTS.—This Act does not affect the authority of any court to make a determination in an adjudicatory proceeding under applicable State or Federal law with respect to the admission into evidence or any other use of this Act or rules, regulations, requirements, standards of performance, risk evaluations, scientific assessments, or orders issued pursuant to this Act.".

SEC. 14. JUDICIAL REVIEW.

Section 19(a) of the Toxic Substances Control Act (15 U.S.C. 2618(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

Deadline.

"(C)(i) Not later than 60 days after the publication of a designation under section 6(b)(1)(B)(ii), any person may commence a civil action to challenge the designation.

"(ii) The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over a civil action filed under this subparagraph."; and

(2) by striking paragraph (3).

SEC. 15. CITIZENS' CIVIL ACTIONS.

Section 20(b) of the Toxic Substances Control Act (15 U.S.C. 2619(b)) is amended—

(1) in paragraph (1)(B), by striking "or" at the end; and

(2) in paragraph (2), by striking the period at the end and inserting the following: ", except that no prior notification shall be required in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B); or

Time period.

"(3) in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B), after the date that is 60 days after the deadline specified in section 18(f)(3)(B).".

SEC. 16. STUDIES.

Section 25 of the Toxic Substances Control Act (15 U.S.C. 2624) is repealed. Repeal.

SEC. 17. ADMINISTRATION OF THE ACT.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (b)(1)—

(A) by striking "of a reasonable fee";

(B) by striking "data under section 4 or 5 to defray the cost of administering this Act" and inserting "information under section 4 or a notice or other information to be reviewed by the Administrator under section 5, or who manufactures or processes a chemical substance that is the subject of a risk evaluation under section 6(b), of a fee that is sufficient and not more than reasonably necessary to defray the cost related to such chemical substance of administering sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, including contractor costs incurred by the Administrator";

(C) by striking "Such rules shall not provide for any fee in excess of $2,500 or, in the case of a small business concern, any fee in excess of $100."; and

(D) by striking "submit the data and the cost to the Administrator of reviewing such data" and inserting "pay such fee and the cost to the Administrator of carrying out the activities described in this paragraph";

(2) in subsection (b)—

(A) in paragraph (2), by striking "paragraph (1)" and inserting "paragraph (4)"; and

(B) by adding at the end the following:

"(3) FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the TSCA Service Fee Fund (in this paragraph referred to as the 'Fund'), consisting of such amounts as are deposited in the Fund under this paragraph.

"(B) COLLECTION AND DEPOSIT OF FEES.—Subject to the conditions of subparagraph (C), the Administrator shall collect the fees described in this subsection and deposit those fees in the Fund.

"(C) USE OF FUNDS BY ADMINISTRATOR.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, and shall be available without fiscal year limitation for use in defraying the costs of the activities described in paragraph (1).

"(D) ACCOUNTING AND AUDITING.—

"(i) ACCOUNTING.—The Administrator shall biennially prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes an accounting of the fees paid to the Administrator under this paragraph and amounts disbursed from the Fund for the period covered by the report, Deadline. Reports.

as reflected by financial statements provided in accordance with sections 3515 and 3521 of title 31, United States Code.

"(ii) AUDITING.—

"(I) IN GENERAL.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of a covered executive agency.

Analysis.

"(II) COMPONENTS OF AUDIT.—The annual audit required in accordance with sections 3515 and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis of—

"(aa) the fees collected and amounts disbursed under this subsection;

"(bb) the reasonableness of the fees in place as of the date of the audit to meet current and projected costs of administering the provisions of this title for which the fees may be used; and

"(cc) the number of requests for a risk evaluation made by manufacturers under section 6(b)(4)(C)(ii).

Reports.

"(III) FEDERAL RESPONSIBILITY.—The Inspector General of the Environmental Protection Agency shall conduct the annual audit described in subclause (II) and submit to the Administrator a report that describes the findings and any recommendations of the Inspector General resulting from the audit.

"(4) AMOUNT AND ADJUSTMENT OF FEES; REFUNDS.—In setting fees under this section, the Administrator shall—

Consultation.

"(A) prescribe lower fees for small business concerns, after consultation with the Administrator of the Small Business Administration;

"(B) set the fees established under paragraph (1) at levels such that the fees will, in aggregate, provide a sustainable source of funds to annually defray—

"(i) the lower of—

"(I) 25 percent of the costs to the Administrator of carrying out sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, other than the costs to conduct and complete risk evaluations under section 6(b); or

"(II) $25,000,000 (subject to adjustment pursuant to subparagraph (F)); and

"(ii) the costs of risk evaluations specified in subparagraph (D);

"(C) reflect an appropriate balance in the assessment of fees between manufacturers and processors, and allow the payment of fees by consortia of manufacturers or processors;

"(D) notwithstanding subparagraph (B)—

"(i) except as provided in clause (ii), for chemical substances for which the Administrator has granted a request from a manufacturer pursuant to section 6(b)(4)(C)(ii), establish the fee at a level sufficient to defray the full

costs to the Administrator of conducting the risk evaluation under section 6(b);

"(ii) for chemical substances for which the Administrator has granted a request from a manufacturer pursuant to section 6(b)(4)(C)(ii), and which are included in the 2014 update of the TSCA Work Plan for Chemical Assessments, establish the fee at a level sufficient to defray 50 percent of the costs to the Administrator of conducting the risk evaluation under section 6(b); and

"(iii) apply fees collected pursuant to clauses (i) and (ii) only to defray the costs described in those clauses; Applicability.

"(E) prior to the establishment or amendment of any fees under paragraph (1), consult and meet with parties potentially subject to the fees or their representatives, subject to the condition that no obligation under the Federal Advisory Committee Act (5 U.S.C. App.) or subchapter II of chapter 5 of title 5, United States Code, is applicable with respect to such meetings; Consultation.

"(F) beginning with the fiscal year that is 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 3 years thereafter, after consultation with parties potentially subject to the fees and their representatives pursuant to subparagraph (E), increase or decrease the fees established under paragraph (1) as necessary to adjust for inflation and to ensure that funds deposited in the Fund are sufficient to defray— Effective date. Deadline. Consultation.

"(i) approximately but not more than 25 percent of the costs to the Administrator of carrying out sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, other than the costs to conduct and complete risk evaluations requested under section 6(b)(4)(C)(ii); and

"(ii) the costs of risk evaluations specified in subparagraph (D); and

"(G) if a notice submitted under section 5 is not reviewed or such a notice is withdrawn, refund the fee or a portion of the fee if no substantial work was performed on the notice. Notice.

"(5) MINIMUM AMOUNT OF APPROPRIATIONS.—Fees may not be assessed for a fiscal year under this section unless the amount of appropriations for the Chemical Risk Review and Reduction program project of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) are equal to or greater than the amount of appropriations for that program project for fiscal year 2014.

"(6) TERMINATION.—The authority provided by this subsection shall terminate at the conclusion of the fiscal year that is 10 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act unless otherwise reauthorized or modified by Congress."; and

(3) by adding at the end the following:

"(h) SCIENTIFIC STANDARDS.—In carrying out sections 4, 5, and 6, to the extent that the Administrator makes a decision based on science, the Administrator shall use scientific information, technical procedures, measures, methods, protocols, methodologies, or models, employed in a manner consistent with the best available science, and shall consider as applicable— Applicability.

"(1) the extent to which the scientific information, technical procedures, measures, methods, protocols, methodologies, or models employed to generate the information are reasonable for and consistent with the intended use of the information;

"(2) the extent to which the information is relevant for the Administrator's use in making a decision about a chemical substance or mixture;

"(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

"(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, protocols, methodologies, or models, are evaluated and characterized; and

"(5) the extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models.

"(i) WEIGHT OF SCIENTIFIC EVIDENCE.—The Administrator shall make decisions under sections 4, 5, and 6 based on the weight of the scientific evidence.

Public information.

"(j) AVAILABILITY OF INFORMATION.—Subject to section 14, the Administrator shall make available to the public—

"(1) all notices, determinations, findings, rules, consent agreements, and orders of the Administrator under this title;

"(2) any information required to be provided to the Administrator under section 4;

"(3) a nontechnical summary of each risk evaluation conducted under section 6(b);

List.

"(4) a list of the studies considered by the Administrator in carrying out each such risk evaluation, along with the results of those studies; and

"(5) each designation of a chemical substance under section 6(b), along with an identification of the information, analysis, and basis used to make the designations.

"(k) REASONABLY AVAILABLE INFORMATION.—In carrying out sections 4, 5, and 6, the Administrator shall take into consideration information relating to a chemical substance or mixture, including hazard and exposure information, under the conditions of use, that is reasonably available to the Administrator.

Deadlines.

"(l) POLICIES, PROCEDURES, AND GUIDANCE.—

"(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop any policies, procedures, and guidance the Administrator determines are necessary to carry out the amendments to this Act made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

"(2) REVIEW.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 5 years thereafter, the Administrator shall—

"(A) review the adequacy of the policies, procedures, and guidance developed under paragraph (1), including with respect to animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this title; and

"(B) revise such policies, procedures, and guidance as the Administrator determines necessary to reflect new scientific developments or understandings.

"(3) TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.— Applicability.
The policies, procedures, and guidance developed under paragraph (1) applicable to testing chemical substances and mixtures shall—

"(A) address how and when the exposure level or exposure potential of a chemical substance or mixture would factor into decisions to require new testing, subject to the condition that the Administrator shall not interpret the lack of exposure information as a lack of exposure or exposure potential; and

"(B) describe the manner in which the Administrator will determine that additional information is necessary to carry out this title, including information relating to potentially exposed or susceptible populations.

"(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.

"(5) GUIDANCE.—Not later than 1 year after the date of Deadline.
enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop guidance to assist interested persons in developing and submitting draft risk evaluations which shall be considered by the Administrator. The guidance shall, at a minimum, address the quality of the information submitted and the process to be followed in developing draft risk evaluations for consideration by the Administrator.

"(m) REPORT TO CONGRESS.—

"(1) INITIAL REPORT.—Not later than 6 months after the Estimate.
date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report containing an estimation of—

"(A) the capacity of the Environmental Protection Agency to conduct and publish risk evaluations under section 6(b)(4)(C)(i), and the resources necessary to conduct the minimum number of risk evaluations required under section 6(b)(2);

"(B) the capacity of the Environmental Protection Agency to conduct and publish risk evaluations under section 6(b)(4)(C)(ii), the likely demand for such risk evaluations, and the anticipated schedule for accommodating that demand;

"(C) the capacity of the Environmental Protection Agency to promulgate rules under section 6(a) as required

based on risk evaluations conducted and published under section 6(b); and

"(D) the actual and anticipated efforts of the Environmental Protection Agency to increase the Agency's capacity to conduct and publish risk evaluations under section 6(b).

"(2) SUBSEQUENT REPORTS.—The Administrator shall update and resubmit the report described in paragraph (1) not less frequently than once every 5 years.

"(n) ANNUAL PLAN.—

"(1) IN GENERAL.—The Administrator shall inform the public regarding the schedule and the resources necessary for the completion of each risk evaluation as soon as practicable after initiating the risk evaluation.

"(2) PUBLICATION OF PLAN.—At the beginning of each calendar year, the Administrator shall publish an annual plan that—

"(A) identifies the chemical substances for which risk evaluations are expected to be initiated or completed that year and the resources necessary for their completion;

"(B) describes the status of each risk evaluation that has been initiated but not yet completed; and

"(C) if the schedule for completion of a risk evaluation has changed, includes an updated schedule for that risk evaluation.

"(o) CONSULTATION WITH SCIENCE ADVISORY COMMITTEE ON CHEMICALS.—

Deadline.

"(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish an advisory committee, to be known as the Science Advisory Committee on Chemicals (referred to in this subsection as the 'Committee').

"(2) PURPOSE.—The purpose of the Committee shall be to provide independent advice and expert consultation, at the request of the Administrator, with respect to the scientific and technical aspects of issues relating to the implementation of this title.

"(3) COMPOSITION.—The Committee shall be composed of representatives of such science, government, labor, public health, public interest, animal protection, industry, and other groups as the Administrator determines to be advisable, including representatives that have specific scientific expertise in the relationship of chemical exposures to women, children, and other potentially exposed or susceptible subpopulations.

"(4) SCHEDULE.—The Administrator shall convene the Committee in accordance with such schedule as the Administrator determines to be appropriate, but not less frequently than once every 2 years.

"(p) PRIOR ACTIONS.—

"(1) RULES, ORDERS, AND EXEMPTIONS.—Nothing in the Frank R. Lautenberg Chemical Safety for the 21st Century Act eliminates, modifies, or withdraws any rule promulgated, order issued, or exemption established pursuant to this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

"(2) PRIOR-INITIATED EVALUATIONS.—Nothing in this Act prevents the Administrator from initiating a risk evaluation

regarding a chemical substance, or from continuing or completing such risk evaluation, prior to the effective date of the policies, procedures, and guidance required to be developed by the Administrator pursuant to the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

"(3) ACTIONS COMPLETED PRIOR TO COMPLETION OF POLICIES, PROCEDURES, AND GUIDANCE.—Nothing in this Act requires the Administrator to revise or withdraw a completed risk evaluation, determination, or rule under this Act solely because the action was completed prior to the development of a policy, procedure, or guidance pursuant to the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.".

SEC. 18. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended by striking subsections (c) and (d).

SEC. 19. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 1 of the Toxic Substances Control Act is amended—

(1) by striking the item relating to section 6 and inserting the following:

"Sec. 6. Prioritization, risk evaluation, and regulation of chemical substances and mixtures.";

(2) by striking the item relating to section 10 and inserting the following:

"Sec. 10. Research, development, collection, dissemination, and utilization of information.";

(3) by striking the item relating to section 14 and inserting the following:

"Sec. 14. Confidential information."; and

(4) by striking the item relating to section 25.

(b) SECTION 2.—Section 2(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2601(b)(1)) is amended by striking "data" both places it appears and inserting "information".

(c) SECTION 3.—Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) in paragraph (8) (as redesignated by section 3 of this Act), by striking "data" and inserting "information"; and

(2) in paragraph (15) (as redesignated by section 3 of this Act)—

(A) by striking "standards" and inserting "protocols and methodologies";

(B) by striking "test data" both places it appears and inserting "information"; and

(C) by striking "data" each place it appears and inserting "information".

(d) SECTION 4.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the paragraph heading, by adding ", ORDER, OR CONSENT AGREEMENT" at the end; and

(ii) by striking "rule" each place it appears and inserting "rule, order, or consent agreement";

(B) in paragraph (2)(B), by striking "rules" and inserting "rules, orders, and consent agreements";

(C) in paragraph (3)(A), by striking "rule" and inserting "rule or order"; and

(D) in paragraph (4)—

(i) by striking "rule under subsection (a)" each place it appears and inserting "rule, order, or consent agreement under subsection (a)";

(ii) by striking "repeals the rule" each place it appears and inserting "repeals the rule or order or modifies the consent agreement to terminate the requirement"; and

(iii) by striking "repeals the application of the rule" and inserting "repeals or modifies the application of the rule, order, or consent agreement";

(2) in subsection (c)—

(A) in paragraph (1), by striking "rule" and inserting "rule or order";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "a rule under subsection (a) or for which data is being developed pursuant to such a rule" and inserting "a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement";

(ii) in subparagraph (B), by striking "such rule or which is being developed pursuant to such rule" and inserting "such rule, order, or consent agreement or which is being developed pursuant to such rule, order, or consent agreement"; and

(iii) in the matter following subparagraph (B), by striking "the rule" and inserting "the rule or order";

(C) in paragraph (3)(B)(i), by striking "rule promulgated" and inserting "rule, order, or consent agreement"; and

(D) in paragraph (4)—

(i) by striking "rule promulgated" each place it appears and inserting "rule, order, or consent agreement";

(ii) by striking "such rule" each place it appears and inserting "such rule, order, or consent agreement"; and

(iii) in subparagraph (B), by striking "the rule" and inserting "the rule or order";

(3) in subsection (d), by striking "rule" and inserting "rule, order, or consent agreement"; and

(4) in subsection (g), by striking "rule" and inserting "rule, order, or consent agreement".

(e) SECTION 5.—Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking "rule promulgated" and inserting "rule, order, or consent agreement"; and

(ii) by striking "such rule" and inserting "such rule, order, or consent agreement";

(B) in paragraph (1)(B), by striking "rule promulgated" and inserting "rule or order"; and

(C) in paragraph (2)(A)(ii), by striking "rule promulgated" and inserting "rule, order, or consent agreement"; and

(2) in subsection (d)(2)(C), by striking "rule" and inserting "rule, order, or consent agreement".

(f) SECTION 7.—Section 7(a) of the Toxic Substances Control Act (15 U.S.C. 2606(a)) is amended—

(1) in paragraph (1), in the matter following subparagraph (C), by striking "a rule under section 4, 5, 6, or title IV or an order under section 5 or title IV" and inserting "a determination under section 5 or 6, a rule under section 4, 5, or 6 or title IV, an order under section 4, 5, or 6 or title IV, or a consent agreement under section 4"; and

(2) in paragraph (2), by striking "subsection 6(d)(2)(A)(i)" and inserting "section 6(d)(3)(A)(i)".

(g) SECTION 8.—Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended—

(1) in paragraph (2)(E), by striking "data" and inserting "information"; and

(2) in paragraph (3)(A)(ii)(I), by striking "or an order in effect under section 5(e)" and inserting ", an order in effect under section 4 or 5(e), or a consent agreement under section 4".

(h) SECTION 9.—Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a), by striking "section 6" each place it appears and inserting "section 6(a)"; and

(2) in subsection (d), by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(i) SECTION 10.—Section 10 of the Toxic Substances Control Act (15 U.S.C. 2609) is amended—

(1) in the section heading, by striking "**DATA**" and inserting "**INFORMATION**";

(2) by striking "Health, Education, and Welfare" each place it appears and inserting "Health and Human Services";

(3) in subsection (b)—

(A) in the subsection heading, by striking "DATA" and inserting "INFORMATION";

(B) by striking "data" and inserting "information" in paragraph (1);

(C) by striking "data" and inserting "information" in paragraph (2)(A); and

(D) by striking "a data" and inserting "an information" in paragraph (2)(B); and

(4) in subsection (g), by striking "data" and inserting "information".

(j) SECTION 11.—Section 11(b)(2) of the Toxic Substances Control Act (15 U.S.C. 2610(b)(2)) is amended—

(1) by striking "data" each place it appears and inserting "information"; and

(2) in subparagraph (E), by striking "rule promulgated" and inserting "rule promulgated, order issued, or consent agreement entered into".

(k) SECTION 12.—Section 12(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2611(b)(1)) is amended by striking "data" both places it appears and inserting "information".

(l) SECTION 15.—Section 15(1) of the Toxic Substances Control Act (15 U.S.C. 2614(1)) is amended by striking "(A) any rule" and all that follows through "or (D)" and inserting "any requirement of this title or any rule promulgated, order issued, or consent agreement entered into under this title, or".

(m) SECTION 19.—Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking "Not later than 60 days after the date of the promulgation of a rule under section 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8, or under title II or IV" and inserting "Except as otherwise provided in this title, not later than 60 days after the date on which a rule is promulgated under this title, title II, or title IV, or the date on which an order is issued under section 4, 5(e), 5(f), or 6(i)(1),";

(ii) by striking "such rule" and inserting "such rule or order"; and

(iii) by striking "such a rule" and inserting "such a rule or order";

(B) in paragraph (1)(B)—

(i) by striking "Courts" and inserting "Except as otherwise provided in this title, courts"; and

(ii) by striking "subparagraph (A) or (B) of section 6(b)(1)" and inserting "this title, other than an order under section 4, 5(e), 5(f), or 6(i)(1),"; and

(C) in paragraph (2)—

(i) by striking "rulemaking record" and inserting "record"; and

(ii) by striking "based the rule" and inserting "based the rule or order";

(2) in subsection (b)—

(A) by striking "review a rule" and inserting "review a rule, or an order under section 4, 5(e), 5(f), or 6(i)(1),";

(B) by striking "such rule" and inserting "such rule or order";

(C) by striking "the rule" and inserting "the rule or order";

(D) by striking "new rule" each place it appears and inserting "new rule or order"; and

(E) by striking "modified rule" and inserting "modified rule or order"; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "a rule" and inserting "a rule or order"; and

(II) by striking "such rule" and inserting "such rule or order";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "a rule" and inserting "a rule or order";

(II) by amending clause (i) to read as follows:

"(i) in the case of review of—

"(I) a rule under section 4(a), 5(b)(4), 6(a) (including review of the associated determination under section 6(b)(4)(A)), or 6(e), the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such rule if the court finds that the rule is not supported by substantial evidence in the rulemaking record taken as a whole; and

"(II) an order under section 4, 5(e), 5(f), or 6(i)(1), the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such order if the court finds that the order is not supported by substantial evidence in the record taken as a whole; and"; and

(III) by striking clauses (ii) and (iii) and the matter after clause (iii) and inserting the following:

"(ii) the court may not review the contents and adequacy of any statement of basis and purpose required by section 553(c) of title 5, United States Code, to be incorporated in the rule or order, except as part of the record, taken as a whole."; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by striking "any rule" and inserting "any rule or order".

(n) SECTION 20.—Section 20(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2619(a)(1)) is amended by striking "order issued under section 5" and inserting "order issued under section 4 or 5".

(o) SECTION 21.—Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking "order under section 5(e) or (6)(b)(2)" and inserting "order under section 4 or 5(e) or (f)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)" and inserting "order under section 4 or 5(e) or (f)"; and

(B) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking "order under section 5(e) or 6(b)(2)" and inserting "order under section 4 or 5(e) or (f)";

(ii) in clause (i), by striking "order under section 5(e)" and inserting "order under section 4 or 5(e)"; and

(iii) in clause (ii), by striking "section 6 or 8 or an order under section 6(b)(2), there is a reasonable basis to conclude that the issuance of such a rule or order is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment" and inserting "section 6(a) or 8 or an order under section 5(f), the chemical substance or mixture to be subject to such rule or order presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk

factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation, under the conditions of use".

(p) SECTION 24.—Section 24(b)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is amended—

(1) by inserting "and" at the end of clause (i);

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(q) SECTION 26.—Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (e), by striking "Health, Education, and Welfare" each place it appears and inserting "Health and Human Services"; and

(2) in subsection (g)(1), by striking "data" and inserting "information".

(r) SECTION 27.—Section 27(a) of the Toxic Substances Control Act (15 U.S.C. 2626(a)) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services";

(2) by striking "test data" both places it appears and inserting "information";

(3) by striking "rules promulgated" and inserting "rules, orders, or consent agreements"; and

(4) by striking "standards" and inserting "protocols and methodologies".

(s) SECTION 30.—Section 30(2) of the Toxic Substances Control Act (15 U.S.C. 2629(2)) is amended by striking "rule" and inserting "rule, order, or consent agreement".

15 USC 2601 note.

SEC. 20. NO RETROACTIVITY.

Nothing in sections 1 through 19, or the amendments made by sections 1 through 19, shall be interpreted to apply retroactively to any State, Federal, or maritime legal action filed before the date of enactment of this Act.

42 USC 280g–17 note.

SEC. 21. TREVOR'S LAW.

(a) PURPOSES.—The purposes of this section are—

(1) to provide the appropriate Federal agencies with the authority to help conduct investigations into potential cancer clusters;

(2) to ensure that Federal agencies have the authority to undertake actions to help address cancer clusters and factors that may contribute to the creation of potential cancer clusters; and

(3) to enable Federal agencies to coordinate with other Federal, State, and local agencies, institutes of higher education, and the public in investigating and addressing cancer clusters.

(b) DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

42 USC 280g–17.

"SEC. 399V–6. DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.

"(a) DEFINITIONS.—In this section:

"(1) CANCER CLUSTER.—The term 'cancer cluster' means the incidence of a particular cancer within a population group,

a geographical area, and a period of time that is greater than expected for such group, area, and period.

"(2) PARTICULAR CANCER.—The term 'particular cancer' means one specific type of cancer or a type of cancers scientifically proven to have the same cause.

"(3) POPULATION GROUP.—The term 'population group' means a group, for purposes of calculating cancer rates, defined by factors such as race, ethnicity, age, or gender.

"(b) CRITERIA FOR DESIGNATION OF POTENTIAL CANCER CLUSTERS.—

"(1) DEVELOPMENT OF CRITERIA.—The Secretary shall develop criteria for the designation of potential cancer clusters.

"(2) REQUIREMENTS.—The criteria developed under paragraph (1) shall consider, as appropriate—

"(A) a standard for cancer cluster identification and reporting protocols used to determine when cancer incidence is greater than would be typically observed;

"(B) scientific screening standards that ensure that a cluster of a particular cancer involves the same type of cancer, or types of cancers;

"(C) the population in which the cluster of a particular cancer occurs by factors such as race, ethnicity, age, and gender, for purposes of calculating cancer rates;

"(D) the boundaries of a geographic area in which a cluster of a particular cancer occurs so as not to create or obscure a potential cluster by selection of a specific area; and

"(E) the time period over which the number of cases of a particular cancer, or the calculation of an expected number of cases, occurs.

"(c) GUIDELINES FOR INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—The Secretary, in consultation with the Council of State and Territorial Epidemiologists and representatives of State and local health departments, shall develop, publish, and periodically update guidelines for investigating potential cancer clusters. The guidelines shall— Consultation. Publication.

"(1) recommend that investigations of cancer clusters— Recommendation.

"(A) use the criteria developed under subsection (b);

"(B) use the best available science; and

"(C) rely on a weight of the scientific evidence;

"(2) provide standardized methods of reviewing and categorizing data, including from health surveillance systems and reports of potential cancer clusters; and

"(3) provide guidance for using appropriate epidemiological and other approaches for investigations.

"(d) INVESTIGATION OF CANCER CLUSTERS.—

"(1) SECRETARY DISCRETION.—The Secretary—

"(A) in consultation with representatives of the relevant State and local health departments, shall consider whether it is appropriate to conduct an investigation of a potential cancer cluster; and Consultation.

"(B) in conducting investigations shall have the discretion to prioritize certain potential cancer clusters, based on the availability of resources.

"(2) COORDINATION.—In investigating potential cancer clusters, the Secretary shall coordinate with agencies within the

Department of Health and Human Services and other Federal agencies, such as the Environmental Protection Agency.

"(3) BIOMONITORING.—In investigating potential cancer clusters, the Secretary shall rely on all appropriate biomonitoring information collected under other Federal programs, such as the National Health and Nutrition Examination Survey. The Secretary may provide technical assistance for relevant biomonitoring studies of other Federal agencies.

"(e) DUTIES.—The Secretary shall—

"(1) ensure that appropriate staff of agencies within the Department of Health and Human Services are prepared to provide timely assistance, to the extent practicable, upon receiving a request to investigate a potential cancer cluster from a State or local health authority;

"(2) maintain staff expertise in epidemiology, toxicology, data analysis, environmental health and cancer surveillance, exposure assessment, pediatric health, pollution control, community outreach, health education, laboratory sampling and analysis, spatial mapping, and informatics;

"(3) consult with community members as investigations into potential cancer clusters are conducted, as the Secretary determines appropriate;

"(4) collect, store, and disseminate reports on investigations of potential cancer clusters, the possible causes of such clusters, and the actions taken to address such clusters; and

"(5) provide technical assistance for investigating cancer clusters to State and local health departments through existing programs, such as the Epi-Aids program of the Centers for Disease Control and Prevention and the Assessments of Chemical Exposures Program of the Agency for Toxic Substances and Disease Registry.".

Rural Healthcare Connectivity Act of 2016.

TITLE II—RURAL HEALTHCARE CONNECTIVITY

47 USC 609 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Rural Healthcare Connectivity Act of 2016".

SEC. 202. TELECOMMUNICATIONS SERVICES FOR SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 254(h)(7)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(B)) is amended—

(1) in clause (vi), by striking "and" at the end;

(2) by redesignating clause (vii) as clause (viii);

(3) by inserting after clause (vi) the following:

"(vii) skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))); and"; and

(4) in clause (viii), as redesignated, by striking "clauses (i) through (vi)" and inserting "clauses (i) through (vii)".

47 USC 254 note.

(b) SAVINGS CLAUSE.—Nothing in subsection (a) shall be construed to affect the aggregate annual cap on Federal universal service support for health care providers under section 54.675 of title 47, Code of Federal Regulations, or any successor regulation.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning on the date that is 180 days after the date of the enactment of this Act. 47 USC 254 note.

Approved June 22, 2016.

LEGISLATIVE HISTORY—H.R. 2576:

HOUSE REPORTS: No. 114–176 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 161 (2015): June 23, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Vol. 162 (2016): May 24, House concurred in Senate amendment with an amendment.
June 7, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
June 22, Presidential remarks.

Public Law 114–183
114th Congress

An Act

June 22, 2016
[S. 2276]

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016.
49 USC 60101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016" or the "PIPES Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) of title 49, United States Code is amended—

(1) in paragraph (1) by striking "there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $90,679,000, of which $4,746,000 is for carrying

out such section 12 and $36,194,000 is for making grants." and inserting the following: "there is authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

"(A) $124,500,000 for fiscal year 2016, of which $9,000,000 shall be expended for carrying out such section 12 and $39,385,000 shall be expended for making grants;

"(B) $128,000,000 for fiscal year 2017 of which $9,000,000 shall be expended for carrying out such section 12 and $41,885,000 shall be expended for making grants;

"(C) $131,000,000 for fiscal year 2018, of which $9,000,000 shall be expended for carrying out such section 12 and $44,885,000 shall be expended for making grants; and

"(D) $134,000,000 for fiscal year 2019, of which $9,000,000 shall be expended for carrying out such section 12 and $47,885,000 shall be expended for making grants.";

(2) in paragraph (2) by striking "there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants." and inserting the following: "there is authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355)—

"(A) $22,123,000 for fiscal year 2016, of which $3,000,000 shall be expended for carrying out such section 12 and $8,067,000 shall be expended for making grants;

"(B) $22,123,000 for fiscal year 2017, of which $3,000,000 shall be expended for carrying out such section 12 and $8,067,000 shall be expended for making grants;

"(C) $23,000,000 for fiscal year 2018, of which $3,000,000 shall be expended for carrying out such section 12 and $8,067,000 shall be expended for making grants; and

"(D) $23,000,000 for fiscal year 2019, of which $3,000,000 shall be expended for carrying out such section 12 and $8,067,000 shall be expended for making grants."; and

(3) by adding at the end the following:

"(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—To carry out section 60141, there is authorized to be appropriated to the Department of Transportation from fees collected under section 60302 $8,000,000 for each of fiscal years 2017 through 2019.".

(b) OPERATIONAL EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration the following amounts:

(1) $21,000,000 for fiscal year 2016.

(2) $22,000,000 for fiscal year 2017.

(3) $22,000,000 for fiscal year 2018.

(4) $23,000,000 for fiscal year 2019.

(c) ONE-CALL NOTIFICATION PROGRAMS.—

(1) IN GENERAL.—Section 6107 of title 49, United States Code, is amended to read as follows:

"§ 6107. Funding

"Of the amounts made available under section 60125(a)(1), the Secretary shall expend $1,058,000 for each of fiscal years 2016 through 2019 to carry out section 6106.".

49 USC prec. 6101.

(2) CLERICAL AMENDMENT.—The analysis for chapter 61 of title 49, United States Code, is amended by striking the item relating to section 6107 and inserting the following:

"6107. Funding.".

(d) PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.—The first sentence of section 60130(c) of title 49, United States Code, is amended to read as follows: "Of the amounts made available under section 2(b) of the PIPES Act of 2016, the Secretary shall expend $1,500,000 for each of fiscal years 2016 through 2019 to carry out this section.".

(e) PIPELINE INTEGRITY PROGRAM.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking "2012 through 2015" and inserting "2016 through 2019".

SEC. 3. REGULATORY UPDATES.

(a) PUBLICATION.—

Web posting. Notification.

(1) IN GENERAL.—The Secretary of Transportation shall publish an update on a publicly available Web site of the Department of Transportation regarding the status of a final rule for each outstanding regulation, and upon such publication notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives that such publication has been made.

Federal Register, publication.

(2) DEADLINES.—The Secretary shall publish an update under this subsection not later than 120 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been published in the Federal Register for each outstanding regulation.

(b) CONTENTS.—The Secretary shall include in each update published under subsection (a)—

(1) a description of the work plan for each outstanding regulation;

(2) an updated rulemaking timeline for each outstanding regulation;

(3) current staff allocations with respect to each outstanding regulation;

(4) any resource constraints affecting the rulemaking process for each outstanding regulation;

(5) any other details associated with the development of each outstanding regulation that affect the progress of the rulemaking process; and

(6) a description of all rulemakings regarding gas or hazardous liquid pipeline facilities published in the Federal Register that are not identified under subsection (c).

(c) OUTSTANDING REGULATION DEFINED.—In this section, the term "outstanding regulation" means—

(1) a final rule required under the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90) that has not been published in the Federal Register; and

(2) a final rule regarding gas or hazardous liquid pipeline facilities required under this Act or an Act enacted prior to the date of enactment of this Act (other than the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90)) that has not been published in the Federal Register.

SEC. 4. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the date of publication in the Federal Register of a final rule regarding the safety of gas transmission pipelines related to the notice of proposed rulemaking issued on April 8, 2016, titled "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines" (81 Fed. Reg. 20721), the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the integrity management programs for gas pipeline facilities required under section 60109(c) of title 49, United States Code.

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

(1) an analysis of stakeholder perspectives, taking into consideration technical, operational, and economic feasibility, regarding ways to enhance pipeline facility safety, prevent inadvertent releases from pipeline facilities, and mitigate any adverse consequences of such inadvertent releases, including changes to the definition of high consequence area, or expanding integrity management beyond high consequence areas; Analysis.

(2) a review of the types of benefits, including safety benefits, and estimated costs of the legacy class location regulations; Review.

(3) an analysis of the impact pipeline facility features, including the age, condition, materials, and construction of a pipeline facility, have on safety and risk analysis of a particular pipeline facility; Analysis.

(4) a description of any challenges affecting Federal or State regulators in the oversight of gas transmission pipeline facilities and how the challenges are being addressed; and

(5) a description of any challenges affecting the natural gas industry in complying with the programs, and how the challenges are being addressed, including any challenges faced by publicly owned natural gas distribution systems.

(c) DEFINITION OF HIGH CONSEQUENCE AREA.—In this section, the term "high consequence area" has the meaning given the term in section 192.903 of title 49, Code of Federal Regulations.

SEC. 5. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the date of publication in the Federal Register of a final rule regarding the safety of hazardous liquid pipeline facilities related to the notice of proposed rulemaking issued on October 13, 2015, titled "Pipeline Safety: Safety of Hazardous Liquid Pipelines" (80 Fed. Reg. 61610),

the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the integrity management programs for hazardous liquid pipeline facilities, as regulated under sections 195.450 and 195.452 of title 49, Code of Federal Regulations.

Analysis.

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

(1) taking into consideration technical, operational, and economic feasibility, an analysis of stakeholder perspectives on—

(A) ways to enhance hazardous liquid pipeline facility safety;

(B) risk factors that may warrant more frequent inspections of hazardous liquid pipeline facilities; and

(C) changes to the definition of high consequence area;

(2) an analysis of how surveying, assessment, mitigation, and monitoring activities, including real-time hazardous liquid pipeline facility monitoring during significant flood events and information sharing with Federal agencies, are being used to address risks associated with rivers, flood plains, lakes, and coastal areas;

(3) an analysis of the impact pipeline facility features, including the age, condition, materials, and construction of a pipeline facility, have on safety and risk analysis of a particular pipeline facility and what changes to the definition of high consequence area could be made to improve pipeline facility safety; and

(4) a description of any challenges affecting Federal or State regulators in the oversight of hazardous liquid pipeline facilities and how those challenges are being addressed.

(c) DEFINITION OF HIGH CONSEQUENCE AREA.—In this section, the term "high consequence area" has the meaning given the term in section 195.450 of title 49, Code of Federal Regulations.

SEC. 6. TECHNICAL SAFETY STANDARDS COMMITTEES.

Consultation.

(a) APPOINTMENT OF MEMBERS.—Section 60115(b)(4)(A) of title 49, United States Code, is amended by striking "State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals." and inserting "State officials. The Secretary shall consult with national organizations representing State commissioners or utility regulators before making a selection under this subparagraph.".

(b) VACANCIES.—Section 60115(b) of title 49, United States Code, is amended by adding at the end the following:

Deadlines.

"(5) Within 90 days of the date of enactment of the PIPES Act of 2016, the Secretary shall fill all vacancies on the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, and any other committee established pursuant to this section. After that period, the Secretary shall fill a vacancy on any such committee not later than 60 days after the vacancy occurs.".

SEC. 7. INSPECTION REPORT INFORMATION.

(a) INSPECTION AND MAINTENANCE.—Section 60108 of title 49, United States Code, is amended by adding at the end the following:

"(e) IN GENERAL.—After the completion of a Pipeline and Hazardous Materials Safety Administration pipeline safety inspection, the Administrator of such Administration, or the State authority certified under section 60105 of title 49, United States Code, to conduct such inspection, shall—

"(1) within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and

"(2) within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection.".

(b) NOTIFICATION.—Not later than October 1, 2017, and each fiscal year thereafter for 2 years, the Administrator shall notify the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of—

(1) the number of times a deadline under section 60108(e) of title 49, United States Code, was exceeded in the prior fiscal year; and

(2) in each instance, the length of time by which the deadline was exceeded.

SEC. 8. IMPROVING DAMAGE PREVENTION TECHNOLOGY.

(a) STUDY.—The Secretary of Transportation, in consultation with stakeholders, shall conduct a study on improving existing damage prevention programs through technological improvements in location, mapping, excavation, and communications practices to prevent excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility and existing damage prevention programs. Consultation.

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

(1) an identification of any methods to improve existing damage prevention programs through location and mapping practices or technologies in an effort to reduce releases caused by excavation;

(2) an analysis of how increased use of global positioning system digital mapping technologies, predictive analytic tools, public awareness initiatives including one-call initiatives, the use of mobile devices, and other advanced technologies could supplement existing one-call notification and damage prevention programs to reduce the frequency and severity of incidents caused by excavation damage; Analysis.

(3) an identification of any methods to improve excavation practices or technologies in an effort to reduce pipeline damage;

(4) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and Analysis.

(5) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives

a report containing the results of the study conducted under subsection (a), including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate into existing damage prevention programs technological improvements and practices that help prevent excavation damage.

49 USC 108 note.

SEC. 9. WORKFORCE MANAGEMENT.

Deadline.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including—

Plans.

(1) geographic allocation plans, hiring and time-to-hire challenges, and expected retirement rates and recruitment and retention strategies;

(2) an identification and description of any previous periods of macroeconomic and pipeline industry conditions under which the Pipeline and Hazardous Materials Safety Administration has encountered difficulty in filling vacancies, and the degree to which special hiring authorities, including direct hiring authority authorized by the Office of Personnel Management, could have ameliorated such difficulty; and

Recommendations.

(3) recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.

(b) DIRECT HIRING.—Upon identification of a period described in subsection (a)(2), the Administrator of the Pipeline and Hazardous Materials Safety Administration may apply to the Office of Personnel Management for the authority to appoint qualified candidates to any position relating to pipeline safety, as determined by the Administrator, without regard to sections 3309 through 3319 of title 5, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this section shall preclude the Administrator of the Pipeline and Hazardous Materials Safety Administration from applying to the Office of Personnel Management for the authority described in subsection (b) prior to the completion of the report required under subsection (a).

49 USC 60108 note.

SEC. 10. INFORMATION-SHARING SYSTEM.

Deadline. Establishment.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to consider the development of a voluntary information-sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving gas transmission and hazardous liquid pipeline facility integrity risk analysis.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall include representatives from—

(1) the Pipeline and Hazardous Materials Safety Administration;

(2) industry stakeholders, including operators of pipeline facilities, inspection technology, coating, and cathodic protection vendors, and pipeline inspection organizations;

(3) safety advocacy groups;

(4) research institutions;

(5) State public utility commissions or State officials responsible for pipeline safety oversight;

(6) State pipeline safety inspectors;

(7) labor representatives; and

(8) other entities, as determined appropriate by the Secretary.

(c) CONSIDERATIONS.—The working group convened pursuant to subsection (a) shall consider and provide recommendations to the Secretary on— Recommendations.

(1) the need for, and the identification of, a system to ensure that dig verification data are shared with in-line inspection operators to the extent consistent with the need to maintain proprietary and security-sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(5) means and best practices for the protection of safety- and security-sensitive information and proprietary information; and

(6) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

(d) PUBLICATION.—The Secretary shall publish the recommendations provided under subsection (c) on a publicly available Web site of the Department of Transportation. Web posting.

SEC. 11. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE. 49 USC 60108 note.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of establishing a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

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

(1) a description of any efforts underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for sharing the data;

(3) a description of any inadequacies or gaps in State and Federal inspection, enforcement, geospatial, or other pipeline safety regulatory inspection data;

(4) a description of the potential safety benefits of a national integrated pipeline safety regulatory inspection database; and

Recommendations.

(5) recommendations, including those of stakeholders for how to implement a secure information-sharing system that protects proprietary and security sensitive information and data for the purpose described in subsection (a).

(c) CONSULTATION.—In implementing this section, the Secretary shall consult with stakeholders, including each State authority operating under a certification to regulate intrastate pipelines under section 60105 of title 49, United States Code.

(d) ESTABLISHMENT OF DATABASE.—The Secretary may establish, if appropriate, a national integrated pipeline safety regulatory database—

(1) after submission of the report required under subsection (a); or

Notification.

(2) upon notification to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the need to establish such database prior to the submission of the report under subsection (a).

SEC. 12. UNDERGROUND GAS STORAGE FACILITIES.

(a) DEFINED TERM.—Section 60101(a) of title 49, United States Code, is amended—

(1) in paragraph (21)(B) by striking the period at the end and inserting a semicolon;

(2) in paragraph (22)(B)(iii) by striking the period at the end and inserting a semicolon;

(3) in paragraph (24) by striking "and" at the end;

(4) in paragraph (25) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(26) 'underground natural gas storage facility' means a gas pipeline facility that stores natural gas in an underground facility, including—

"(A) a depleted hydrocarbon reservoir;

"(B) an aquifer reservoir; or

"(C) a solution-mined salt cavern reservoir.".

(b) STANDARDS FOR UNDERGROUND GAS STORAGE FACILITIES.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

49 USC 60141.

"§ 60141. Standards for underground natural gas storage facilities

Deadline. Consultation.

"(a) MINIMUM SAFETY STANDARDS.—Not later than 2 years after the date of enactment of the PIPES Act of 2016, the Secretary, in consultation with the heads of other relevant Federal agencies, shall issue minimum safety standards for underground natural gas storage facilities.

"(b) CONSIDERATIONS.—In developing the safety standards required under subsection (a), the Secretary shall, to the extent practicable—

"(1) consider consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities;

"(2) consider the economic impacts of the regulations on individual gas customers;

"(3) ensure that the regulations do not have a significant economic impact on end users; and

"(4) consider the recommendations of the Aliso Canyon natural gas leak task force established under section 31 of the PIPES Act of 2016.

"(c) FEDERAL-STATE COOPERATION.—The Secretary may authorize a State authority (including a municipality) to participate in the oversight of underground natural gas storage facilities in the same manner as provided in sections 60105 and 60106.

"(d) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the PIPES Act of 2016.

"(2) LIMITATIONS.—Nothing in this section may be construed to authorize the Secretary—

"(A) to prescribe the location of an underground natural gas storage facility; or

"(B) to require the Secretary's permission to construct a facility referred to in subparagraph (A).

"(e) PREEMPTION.—A State authority may adopt additional or more stringent safety standards for intrastate underground natural gas storage facilities if such standards are compatible with the minimum standards prescribed under this section.

"(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the Secretary's authority under this title to regulate the underground storage of gas that is not natural gas.".

(c) USER FEES.—Chapter 603 of title 49, United States Code, is amended by inserting after section 60301 the following:

"§ 60302. User fees for underground natural gas storage facilities 49 USC 60302.

"(a) IN GENERAL.—A fee shall be imposed on an entity operating an underground natural gas storage facility subject to section 60141. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

"(b) MEANS OF COLLECTION.—The Secretary of Transportation shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services. Procedures.

"(c) USE OF FEES.—

"(1) ACCOUNT.—There is established an Underground Natural Gas Storage Facility Safety Account in the Pipeline Safety Fund established in the Treasury of the United States under section 60301.

"(2) USE OF FEES.—A fee collected under this section—

"(A) shall be deposited in the Underground Natural Gas Storage Facility Safety Account; and

"(B) if the fee is related to an underground natural gas storage facility subject to section 60141, the amount of the fee may be used only for an activity related to underground natural gas storage facility safety.

"(3) LIMITATION.—No fee may be collected under this section, except to the extent that the expenditure of such fee to pay the costs of an activity related to underground natural gas storage facility safety for which such fee is imposed is provided in advance in an appropriations Act.".

(d) CLERICAL AMENDMENTS.—

49 USC prec. 60101.

(1) CHAPTER 601.—The table of sections for chapter 601 of title 49, United States Code, is amended by adding at the end the following:

"60141. Standards for underground natural gas storage facilities.".

49 USC prec. 60103.

(2) CHAPTER 603.—The table of sections for chapter 603 of title 49, United States Code, is amended by inserting after the item relating to section 60301 the following:

"60302. User fees for underground natural gas storage facilities.".

SEC. 13. JOINT INSPECTION AND OVERSIGHT.

Section 60106 of title 49, United States Code, is amended by adding at the end the following:

"(f) JOINT INSPECTORS.—At the request of a State authority, the Secretary shall allow for a certified State authority under section 60105 to participate in the inspection of an interstate pipeline facility.".

49 USC 60117 note. Deadline.

SEC. 14. SAFETY DATA SHEETS.

(a) IN GENERAL.—Each owner or operator of a hazardous liquid pipeline facility, following an accident involving such pipeline facility that results in a hazardous liquid spill, shall provide safety data sheets on any spilled hazardous liquid to the designated Federal On-Scene Coordinator and appropriate State and local emergency responders within 6 hours of a telephonic or electronic notice of the accident to the National Response Center.

(b) DEFINITIONS.—In this section:

(1) FEDERAL ON-SCENE COORDINATOR.—The term "Federal On-Scene Coordinator" has the meaning given such term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(2) NATIONAL RESPONSE CENTER.—The term "National Response Center" means the center described under section 300.125(a) of title 40, Code of Federal Regulations.

(3) SAFETY DATA SHEET.—The term "safety data sheet" means a safety data sheet required under section 1910.1200 of title 29, Code of Federal Regulations.

Deadline. Regulations. Public information.

SEC. 15. HAZARDOUS MATERIALS IDENTIFICATION NUMBERS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue an advanced notice of proposed rulemaking to take public comment on the petition for rulemaking dated October 28, 2015, titled "Corrections to Title 49 CFR 172.336 Identification numbers; special provisions" (P–1667).

SEC. 16. EMERGENCY ORDER AUTHORITY.

Section 60117 of title 49, United States Code, is amended by adding at the end the following:

"(o) EMERGENCY ORDER AUTHORITY.—

"(1) IN GENERAL.—If the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order described in paragraph (3) imposing emergency restrictions, prohibitions, and safety measures on owners and operators of gas or hazardous liquid pipeline facilities without prior notice or an opportunity for a hearing, but only to the extent necessary to abate the imminent hazard. Determination.

"(2) CONSIDERATIONS.—

"(A) IN GENERAL.—Before issuing an emergency order under paragraph (1), the Secretary shall consider, as appropriate, the following factors:

"(i) The impact of the emergency order on public health and safety.

"(ii) The impact, if any, of the emergency order on the national or regional economy or national security.

"(iii) The impact of the emergency order on the ability of owners and operators of pipeline facilities to maintain reliability and continuity of service to customers.

"(B) CONSULTATION.—In considering the factors under subparagraph (A), the Secretary shall consult, as the Secretary determines appropriate, with appropriate Federal agencies, State agencies, and other entities knowledgeable in pipeline safety or operations.

"(3) WRITTEN ORDER.—An emergency order issued by the Secretary pursuant to paragraph (1) with respect to an imminent hazard shall contain a written description of—

"(A) the violation, condition, or practice that constitutes or is causing the imminent hazard;

"(B) the entities subject to the order;

"(C) the restrictions, prohibitions, or safety measures imposed;

"(D) the standards and procedures for obtaining relief from the order;

"(E) how the order is tailored to abate the imminent hazard and the reasons the authorities under section 60112 and 60117(l) are insufficient to do so; and

"(F) how the considerations were taken into account pursuant to paragraph (2).

"(4) OPPORTUNITY FOR REVIEW.—Upon receipt of a petition for review from an entity subject to, and aggrieved by, an emergency order issued under this subsection, the Secretary shall provide an opportunity for a review of the order under section 554 of title 5 to determine whether the order should remain in effect, be modified, or be terminated. Determination.

"(5) EXPIRATION OF EFFECTIVENESS ORDER.—If a petition for review of an emergency order is filed under paragraph (4) and an agency decision with respect to the petition is not issued on or before the last day of the 30-day period beginning on the date on which the petition is filed, the order shall Time period. Determination.

cease to be effective on such day, unless the Secretary determines in writing on or before the last day of such period that the imminent hazard still exists.

"(6) JUDICIAL REVIEW OF ORDERS.—

"(A) IN GENERAL.—After completion of the review process described in paragraph (4), or the issuance of a written determination by the Secretary pursuant to paragraph (5), an entity subject to, and aggrieved by, an emergency order issued under this subsection may seek judicial review of the order in a district court of the United States and shall be given expedited consideration.

"(B) LIMITATION.—The filing of a petition for review under subparagraph (A) shall not stay or modify the force and effect of the agency's final decision under paragraph (4), or the written determination under paragraph (5), unless stayed or modified by the Secretary.

Deadlines.

"(7) REGULATIONS.—

"(A) TEMPORARY REGULATIONS.—Not later than 60 days after the date of enactment of the PIPES Act of 2016, the Secretary shall issue such temporary regulations as are necessary to carry out this subsection. The temporary regulations shall expire on the date of issuance of the final regulations required under subparagraph (B).

Expiration date.

"(B) FINAL REGULATIONS.—Not later than 270 days after such date of enactment, the Secretary shall issue such regulations as are necessary to carry out this subsection. Such regulations shall ensure that the review process described in paragraph (4) contains the same procedures as subsections (d) and (g) of section 109.19 of title 49, Code of Federal Regulations, and is otherwise consistent with the review process developed under such section, to the greatest extent practicable and not inconsistent with this section.

"(8) IMMINENT HAZARD DEFINED.—In this subsection, the term 'imminent hazard' means the existence of a condition relating to a gas or hazardous liquid pipeline facility that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of such death, illness, injury, or endangerment.

"(9) LIMITATION AND SAVINGS CLAUSE.—An emergency order issued under this subsection may not be construed to—

"(A) alter, amend, or limit the Secretary's obligations under, or the applicability of, section 553 of title 5; or

"(B) provide the authority to amend the Code of Federal Regulations.".

SEC. 17. STATE GRANT FUNDS.

Section 60107 of title 49, United States Code, is amended—

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

"(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the

remaining costs of a safety program, except when the Secretary waives this requirement."; and

(2) by adding at the end the following:

"(e) REPURPOSING OF FUNDS.—If a State program's certification is rejected under section 60105(f) or such program is otherwise suspended or interrupted, the Secretary may use any undistributed, deobligated, or recovered funds authorized under this section to carry out pipeline safety activities for that State within the period of availability for such funds.".

SEC. 18. RESPONSE PLANS.

49 USC 60102 note.

Each owner or operator of a hazardous liquid pipeline facility required to prepare a response plan pursuant to part 194 of title 49, Code of Federal Regulations, shall—

(1) consider the impact of a discharge into or on navigable waters or adjoining shorelines, including those that may be covered in whole or in part by ice; and

(2) include procedures and resources for responding to such discharge in the plan. Procedures.

SEC. 19. UNUSUALLY SENSITIVE AREAS.

(a) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—Section 60109(b)(2) of title 49, United States Code, is amended by striking "have been identified as" and inserting "are part of the Great Lakes or have been identified as coastal beaches, marine coastal waters,".

(b) UNUSUALLY SENSITIVE AREAS (USA) ECOLOGICAL RESOURCES.—The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations, to explicitly state that the Great Lakes, coastal beaches, and marine coastal waters are USA ecological resources for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of such title). 49 USC 60109 note.

SEC. 20. PIPELINE SAFETY TECHNICAL ASSISTANCE GRANTS.

(a) PUBLIC PARTICIPATION LIMITATION.—Section 60130(a)(4) of title 49, United States Code, is amended by inserting "on technical pipeline safety issues" after "public participation".

(b) AUDIT.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the grant program under section 60130 of title 49, United States Code. The report shall include— Deadline. Reports.

(1) a list of the recipients of all grant funds during fiscal years 2010 through 2015; List.

(2) a description of how each grant was used;

(3) an analysis of the compliance with the terms of grant agreements, including subsections (a) and (b) of such section; Analysis.

(4) an evaluation of the competitive process used to award the grant funds; and Evaluation.

(5) an evaluation of— Evaluation.

(A) the ability of the Pipeline and Hazardous Materials Safety Administration to oversee grant funds and usage; and

(B) the procedures used for such oversight.

SEC. 21. STUDY OF MATERIALS AND CORROSION PREVENTION IN PIPELINE TRANSPORTATION.

Deadline.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study on materials, training, and corrosion prevention technologies for gas and hazardous liquid pipeline facilities.

(b) REQUIREMENTS.—The study required under subsection (a) shall include—

Analysis.

(1) an analysis of—

(A) the range of piping materials, including plastic materials, used to transport hazardous liquids and natural gas in the United States and in other developed countries around the world;

(B) the types of technologies used for corrosion prevention, including coatings and cathodic protection;

(C) common causes of corrosion, including interior and exterior moisture buildup and impacts of moisture buildup under insulation; and

(D) the training provided to personnel responsible for identifying and preventing corrosion in pipelines, and for repairing such pipelines;

(2) the extent to which best practices or guidance relating to pipeline facility design, installation, operation, and maintenance, including training, are available to recognize or prevent corrosion;

Analysis.

(3) an analysis of the estimated costs and anticipated benefits, including safety benefits, associated with the use of such materials and technologies; and

(4) stakeholder and expert perspectives on the effectiveness of corrosion control techniques to reduce the incidence of corrosion-related pipeline failures.

SEC. 22. RESEARCH AND DEVELOPMENT.

Deadline. Reports.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the Pipeline and Hazardous Materials Safety Administration's research and development program carried out under section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note). The report shall include an evaluation of—

Evaluation.

(1) compliance with the consultation requirement under subsection (d)(2) of such section;

(2) the extent to which the Pipeline and Hazardous Materials Safety Administration enters into joint research ventures with Federal and non-Federal entities, and benefits thereof;

(3) the policies and procedures the Pipeline and Hazardous Materials Safety Administration has put in place to ensure there are no conflicts of interest with administering grants

pursuant to the program, and whether those policies and procedures are being followed; and

(4) an evaluation of the outcomes of research conducted with Federal and non-Federal entities and the degree to which such outcomes have been adopted or utilized.

(b) COLLABORATIVE SAFETY RESEARCH REPORT.—

(1) BIENNIAL REPORTS.—Section 60124(a)(6) of title 49, United States Code, is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) a summary of each research and development project carried out with Federal and non-Federal entities pursuant to section 12 of the Pipeline Safety Improvement Act of 2002 and a review of how the project affects safety.".

(2) PIPELINE SAFETY IMPROVEMENT ACT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(A) by striking subsection (d)(3)(C) and inserting the following:

"(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure that—

"(i) at least 30 percent of the costs of technology research and development activities may be carried out using non-Federal sources;

"(ii) at least 20 percent of the costs of basic research and development with universities may be carried out using non-Federal sources; and

"(iii) up to 100 percent of the costs of research and development for purely governmental purposes may be carried out using Federal funds."; and

(B) by adding at the end the following:

"(h) INDEPENDENT EXPERTS.—Not later than 180 days after the date of enactment of the PIPES Act of 2016, the Secretary shall— Deadline.

"(1) implement processes and procedures to ensure that activities listed under subsection (c), to the greatest extent practicable, produce results that are peer-reviewed by independent experts and not by persons or entities that have a financial interest in the pipeline, petroleum, or natural gas industries, or that would be directly impacted by the results of the projects; and Procedures.

"(2) submit to the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the processes and procedures implemented under paragraph (1). Reports.

"(i) CONFLICT OF INTEREST.—The Secretary shall take all practical steps to ensure that each recipient of an agreement under this section discloses in writing to the Secretary any conflict of interest on a research and development project carried out under this section, and includes any such disclosure as part of the final deliverable pursuant to such agreement. The Secretary may not make an award under this section directly to a pipeline owner Notification.

or operator that is regulated by the Pipeline and Hazardous Materials Safety Administration or a State-certified regulatory authority if there is a conflict of interest relating to such owner or operator.".

Deadline.
Advisory bulletin.

SEC. 23. ACTIVE AND ABANDONED PIPELINES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue an advisory bulletin to owners and operators of gas or hazardous liquid pipeline facilities and Federal and State pipeline safety personnel regarding procedures of the Pipeline and Hazardous Materials Safety Administration required to change the status of a pipeline facility from active to abandoned, including specific guidance on the terms recognized by the Secretary for each pipeline status referred to in such advisory bulletin.

SEC. 24. STATE PIPELINE SAFETY AGREEMENTS.

Deadline.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on State pipeline safety agreements made pursuant to section 60106 of title 49, United States Code. Such study shall consider the following:

(1) The integration of Federal and State or local authorities in carrying out activities pursuant to an agreement under such section.

(2) The estimated staff and other resources used by Federal and State authorities in carrying out inspection activities pursuant to agreements under such section.

(3) The estimated staff and other resources used by the Pipeline and Hazardous Materials Safety Administration in carrying out interstate inspections in areas where there is no interstate agreement with a State pursuant to such section.

(b) NOTICE REQUIREMENT FOR DENIAL.—Section 60106(b) of title 49, United States Code, is amended by adding at the end the following:

"(4) NOTICE UPON DENIAL.—If a State authority requests an interstate agreement under this section and the Secretary denies such request, the Secretary shall provide written notification to the State authority of the denial that includes an explanation of the reasons for such denial.".

SEC. 25. REQUIREMENTS FOR CERTAIN HAZARDOUS LIQUID PIPELINE FACILITIES.

Section 60109 of title 49, United States Code, is amended by adding at the end the following:

"(g) HAZARDOUS LIQUID PIPELINE FACILITIES.—

Applicability.

"(1) INTEGRITY ASSESSMENTS.—Notwithstanding any pipeline integrity management program or integrity assessment schedule otherwise required by the Secretary, each operator of a pipeline facility to which this subsection applies shall ensure that pipeline integrity assessments—

Deadline.

"(A) using internal inspection technology appropriate for the integrity threat are completed not less often than once every 12 months; and

"(B) using pipeline route surveys, depth of cover surveys, pressure tests, external corrosion direct assessment, or other technology that the operator demonstrates can further the understanding of the condition of the pipeline facility are completed on a schedule based on the risk

that the pipeline facility poses to the high consequence area in which the pipeline facility is located.

"(2) APPLICATION.—This subsection shall apply to any underwater hazardous liquid pipeline facility located in a high consequence area—

"(A) that is not an offshore pipeline facility; and

"(B) any portion of which is located at depths greater than 150 feet under the surface of the water.

"(3) HIGH CONSEQUENCE AREA DEFINED.—For purposes of this subsection, the term 'high consequence area' has the meaning given that term in section 195.450 of title 49, Code of Federal Regulations.

"(4) INSPECTION AND ENFORCEMENT.—The Secretary shall conduct inspections under section 60117(c) to determine whether each operator of a pipeline facility to which this subsection applies is complying with this section.". Determination. Applicability.

SEC. 26. STUDY ON PROPANE GAS PIPELINE FACILITIES.

(a) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study examining the safety, regulatory requirements, techniques, and best practices applicable to pipeline facilities that transport or store only petroleum gas or mixtures of petroleum gas and air to 100 or fewer customers, in accordance with the requirements of this section. Contracts.

(b) REQUIREMENTS.—In conducting the study pursuant to subsection (a), the Transportation Research Board shall analyze—

(1) Federal, State, and local regulatory requirements applicable to pipeline facilities described in subsection (a);

(2) techniques and best practices relating to the design, installation, operation, and maintenance of such pipeline facilities; and

(3) the costs and benefits, including safety benefits, associated with such applicable regulatory requirements and the use of such techniques and best practices.

(c) PARTICIPATION.—In conducting the study pursuant to subsection (a), the Transportation Research Board shall consult with Federal, State, and local governments, private sector entities, and consumer and pipeline safety advocates, as appropriate. Consultation.

(d) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the study conducted pursuant to subsection (a) and any recommendations for improving the safety of such pipeline facilities. Recommendations.

(e) DEFINITION.—In this section, the term "petroleum gas" has the meaning given that term in section 192.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 27. STANDARDS FOR CERTAIN LIQUEFIED NATURAL GAS PIPELINE FACILITIES.

(a) NATIONAL SECURITY.—Section 60103(a) of title 49, United States Code, is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) national security.".

Review.
49 USC 60103 note.

(b) UPDATE TO MINIMUM SAFETY STANDARDS.—The Secretary of Transportation shall review and update the minimum safety standards prescribed pursuant to section 60103 of title 49, United States Code, for permanent, small scale liquefied natural gas pipeline facilities.

(c) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the Secretary's authority under chapter 601 of title 49, United States Code, to regulate liquefied natural gas pipeline facilities.

Deadline.
Reports.
Assessment.

SEC. 28. PIPELINE ODORIZATION STUDY.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives that assesses—

(1) the feasibility, costs, and benefits of odorizing all combustible gas in pipeline transportation; and

(2) the affects of the odorization of all combustible gas in pipeline transportation on—

(A) manufacturers, agriculture, and other end users; and

(B) public health and safety.

49 USC 60108 note.

SEC. 29. REPORT ON NATURAL GAS LEAK REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

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

(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

Analysis.

(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

Assessment.

(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Administrator determines that alternate reporting structures or recommendations included in the report required under subsection (a) would significantly improve the reporting and measurement of lost and unaccounted for gas and safety of natural gas distribution systems, the Administrator shall, not later than 1 year after making such determination, issue regulations, as the Administrator determines appropriate, to implement the recommendations. Determination. Regulations.

SEC. 30. REVIEW OF STATE POLICIES RELATING TO NATURAL GAS LEAKS. 49 USC 60108 note.

(a) REVIEW.—The Administrator of the Pipeline and Hazardous Materials Safety Administration shall conduct a State-by-State review of State-level policies that—

(1) encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and

(2) may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the review conducted under subsection (a) and recommendations on Federal or State policies or best practices to improve safety by accelerating the repair and replacement of natural gas pipelines or systems that are leaking or releasing natural gas. The report shall consider the potential impact, including potential savings, of the implementation of such recommendations on ratepayers or end users of the natural gas pipeline system. Recommendations.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—If the Administrator determines that the recommendations made under subsection (b) would significantly improve pipeline safety, the Administrator shall, not later than 1 year after making such determination, and in coordination with the heads of other relevant agencies as appropriate, issue regulations, as the Administrator determines appropriate, to implement the recommendations. Determination. Coordination. Regulations.

SEC. 31. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary of Energy shall lead and establish an Aliso Canyon natural gas leak task force. Deadline.

(b) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force established under subsection (a) shall be composed of—

(1) 1 representative from the Department of Transportation;

(2) 1 representative from the Department of Health and Human Services;

(3) 1 representative from the Environmental Protection Agency;

(4) 1 representative from the Department of the Interior;

(5) 1 representative from the Department of Commerce;

(6) 1 representative from the Federal Energy Regulatory Commission; and

(7) representatives of State and local governments, as determined appropriate by the Secretary and the Administrator.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the task force established under subsection (a) shall submit a final report that contains the information described in paragraph (2) to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Transportation and Infrastructure of the House of Representatives;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Energy and Commerce of the House of Representatives;

(G) the Committee on Health, Education, Labor, and Pensions of the Senate;

(H) the Committee on Education and the Workforce of the House of Representatives;

(I) the President; and

(J) relevant Federal and State agencies.

Analysis. Recommendations.

(2) INFORMATION INCLUDED.—The report submitted under paragraph (1) shall include—

(A) an analysis and conclusion of the cause and contributing factors of the Aliso Canyon natural gas leak;

(B) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

Assessment.

(C) an assessment of the impact of the natural gas leak on—

(i) health, safety, and the environment;

(ii) wholesale and retail electricity prices; and

(iii) the reliability of the bulk-power system;

(D) an analysis of how Federal, State, and local agencies responded to the natural gas leak;

(E) in order to lessen the negative impacts of leaks from underground natural gas storage facilities, recommendations on how to improve—

(i) the response to a future leak; and

(ii) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(F) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(G) recommendations on how to prevent any future natural gas leaks;

(H) recommendations regarding Aliso Canyon and other underground natural gas storage facilities located in close proximity to residential populations;

(I) any recommendations on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas storage infrastructure in the United States; and

(J) any other recommendations, as appropriate.

(3) PUBLICATION.—The final report under paragraph (1) shall be made available to the public in an electronically accessible format. Public information. Electronic format.

(4) FINDINGS.—If, before the final report is submitted under paragraph (1), the task force established under subsection (a) finds methods to solve the natural gas leak at Aliso Canyon, finds methods to better protect the affected communities, or finds methods to help prevent other leaks, the task force shall immediately submit such findings to the entities described in subparagraphs (A) through (J) of paragraph (1). Submission.

Approved June 22, 2016.

LEGISLATIVE HISTORY—S. 2276 (H.R. 4937):

HOUSE REPORTS: No. 114–807, Pt. 1 (Comm. on Transportation and Infrastructure) accompanying H.R. 4937.

SENATE REPORTS: No. 114–209 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Mar. 3, considered and passed Senate.

June 8, considered and passed House, amended.

June 13, Senate concurred in House amendment.

Public Law 114–184
114th Congress

An Act

June 30, 2016
[H.R. 3209]

To amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Recovering Missing Children Act.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recovering Missing Children Act".

SEC. 2. DISCLOSURE OF CERTAIN RETURN INFORMATION RELATING TO MISSING OR EXPLOITED CHILDREN INVESTIGATIONS.

26 USC 6103.

(a) IN GENERAL.—Section 6103(i)(1) of the Internal Revenue Code of 1986 is amended—

(1) by inserting "or pertaining to the case of a missing or exploited child," after "may be a party," in subparagraph (A)(i);

(2) by inserting "or to such a case of a missing or exploited child," after "may be a party," in subparagraph (A)(iii); and

(3) by inserting "(or any criminal investigation or proceeding, in the case of a matter relating to a missing or exploited child)" after "concerning such act" in subparagraph (B)(iii).

(b) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—

(1) IN GENERAL.—Section 6103(i)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(C) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE CASE OF MATTERS PERTAINING TO A MISSING OR EXPLOITED CHILD.—

"(i) IN GENERAL.—In the case of an investigation pertaining to a missing or exploited child, the head of any Federal agency, or his designee, may disclose any return or return information obtained under subparagraph (A) to officers and employees of any State or local law enforcement agency, but only if—

"(I) such State or local law enforcement agency is part of a team with the Federal agency in such investigation, and

"(II) such information is disclosed only to such officers and employees who are personally and directly engaged in such investigation.

"(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall

be solely for the use of such officers and employees in locating the missing child, in a grand jury proceeding, or in any preparation for, or investigation which may result in, a judicial or administrative proceeding.

"(iii) MISSING CHILD.—For purposes of this subparagraph, the term 'missing child' shall have the meaning given such term by section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772).

"(iv) EXPLOITED CHILD.—For purposes of this subparagraph, the term 'exploited child' means a minor with respect to whom there is reason to believe that a specified offense against a minor (as defined by section 111(7) of the Sex Offender Registration and Notification Act (42 U.S.C. 16911(7))) has or is occurring.". Definition.

(2) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(2) of such Code is amended by striking "subsection (i)(7)(A)" and inserting "subsection (i)(1)(C) or (7)(A)". 26 USC 6103.

(B) Section 6103(p)(4) of such Code is amended by striking "(i)(3)(B)(i)" in the matter preceding subparagraph (A) and inserting "(i)(1)(C), (3)(B)(i),".

(C) Section 7213(a)(2) of such Code is amended by striking "(i)(3)(B)(i)" and inserting "(i)(1)(C), (3)(B)(i),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act. 26 USC 6103 note.

Approved June 30, 2016.

LEGISLATIVE HISTORY—H.R. 3209:

HOUSE REPORTS: No. 114–542 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 162 (2016):
May 10, considered and passed House.
June 16, considered and passed Senate.

Public Law 114–185
114th Congress

An Act

June 30, 2016
[S. 337]

To improve the Freedom of Information Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FOIA Improvement Act of 2016.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "FOIA Improvement Act of 2016".

SEC. 2. AMENDMENTS TO FOIA.

Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "for public inspection and copying" and inserting "for public inspection in an electronic format";

(ii) by striking subparagraph (D) and inserting the following:

"(D) copies of all records, regardless of form or format—

"(i) that have been released to any person under paragraph (3); and

"(ii)(I) that because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; or

"(II) that have been requested 3 or more times; and"; and

(iii) in the undesignated matter following subparagraph (E), by striking "public inspection and copying current" and inserting "public inspection in an electronic format current";

(B) in paragraph (4)(A), by striking clause (viii) and inserting the following:

"(viii)(I) Except as provided in subclause (II), an agency shall not assess any search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) under this subparagraph if the agency has failed to comply with any time limit under paragraph (6).

Time period.

"(II)(aa) If an agency has determined that unusual circumstances apply (as the term is defined in paragraph (6)(B)) and the agency provided a timely written notice to the requester in accordance with paragraph (6)(B), a failure described in subclause (I) is excused for an additional 10 days. If the agency fails to comply with the extended time limit, the agency may not assess any search

fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees).

"(bb) If an agency has determined that unusual circumstances apply and more than 5,000 pages are necessary to respond to the request, an agency may charge search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) if the agency has provided a timely written notice to the requester in accordance with paragraph (6)(B) and the agency has discussed with the requester via written mail, electronic mail, or telephone (or made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with paragraph (6)(B)(ii).

"(cc) If a court has determined that exceptional circumstances exist (as that term is defined in paragraph (6)(C)), a failure described in subclause (I) shall be excused for the length of time provided by the court order.";

(C) in paragraph (6)—

(i) in subparagraph (A)(i), by striking "making such request" and all that follows through "determination; and" and inserting the following: "making such request of—

"(I) such determination and the reasons therefor;

"(II) the right of such person to seek assistance from the FOIA Public Liaison of the agency; and

"(III) in the case of an adverse determination— Time period.

"(aa) the right of such person to appeal to the head of the agency, within a period determined by the head of the agency that is not less than 90 days after the date of such adverse determination; and

"(bb) the right of such person to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services; and"; and

(ii) in subparagraph (B)(ii), by striking "the agency." and inserting "the agency, and notify the requester of the right of the requester to seek dispute resolution services from the Office of Government Information Services."; and

(D) by adding at the end the following:

"(8)(A) An agency shall—

"(i) withhold information under this section only if—

"(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

"(II) disclosure is prohibited by law; and

"(ii)(I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

"(II) take reasonable steps necessary to segregate and release nonexempt information; and

"(B) Nothing in this paragraph requires disclosure of information that is otherwise prohibited from disclosure by law, or otherwise exempted from disclosure under subsection (b)(3).";

(2) in subsection (b), by amending paragraph (5) to read as follows:

"(5) inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;"; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "and to the Director of the Office of Government Information Services" after "United States";

(ii) in subparagraph (N), by striking "and" at the end;

(iii) in subparagraph (O), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(P) the number of times the agency denied a request for records under subsection (c); and

"(Q) the number of records that were made available for public inspection in an electronic format under subsection (a)(2).";

(B) by striking paragraph (3) and inserting the following:

Reports. Public information. Electronic format. Data.

"(3) Each agency shall make each such report available for public inspection in an electronic format. In addition, each agency shall make the raw statistical data used in each report available in a timely manner for public inspection in an electronic format, which shall be made available—

"(A) without charge, license, or registration requirement;

"(B) in an aggregated, searchable format; and

"(C) in a format that may be downloaded in bulk.";

(C) in paragraph (4)—

(i) by striking "Government Reform and Oversight" and inserting "Oversight and Government Reform";

(ii) by inserting "Homeland Security and" before "Governmental Affairs"; and

(iii) by striking "April" and inserting "March"; and

(D) by striking paragraph (6) and inserting the following:

Reports. Deadline. Time period. Lists.

"(6)(A) The Attorney General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President a report on or before March 1 of each calendar year, which shall include for the prior calendar year—

"(i) a listing of the number of cases arising under this section;

"(ii) a listing of—

"(I) each subsection, and any exemption, if applicable, involved in each case arising under this section;

"(II) the disposition of each case arising under this section; and

"(III) the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4); and

"(iii) a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

Public information. Electronic format.

"(B) The Attorney General of the United States shall make—

"(i) each report submitted under subparagraph (A) available for public inspection in an electronic format; and

"(ii) the raw statistical data used in each report submitted under subparagraph (A) available for public inspection in an electronic format, which shall be made available—

"(I) without charge, license, or registration requirement;

"(II) in an aggregated, searchable format; and

"(III) in a format that may be downloaded in bulk.";

(4) in subsection (g), in the matter preceding paragraph (1), by striking "publicly available upon request" and inserting "available for public inspection in an electronic format";

(5) in subsection (h)—

(A) in paragraph (1), by adding at the end the following: "The head of the Office shall be the Director of the Office of Government Information Services.";

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

"(C) identify procedures and methods for improving compliance under this section.";

(C) by striking paragraph (3) and inserting the following:

"(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and may issue advisory opinions at the discretion of the Office or upon request of any party to a dispute."; and

(D) by adding at the end the following:

"(4)(A) Not less frequently than annually, the Director of the Office of Government Information Services shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President—

"(i) a report on the findings of the information reviewed and identified under paragraph (2); Reports.

"(ii) a summary of the activities of the Office of Government Information Services under paragraph (3), including— Summary.

"(I) any advisory opinions issued; and

"(II) the number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison; and

"(iii) legislative and regulatory recommendations, if any, to improve the administration of this section. Recommendations.

"(B) The Director of the Office of Government Information Services shall make each report submitted under subparagraph (A) available for public inspection in an electronic format. Public information. Electronic format.

"(C) The Director of the Office of Government Information Services shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States, including the Department of Justice, the Archivist of the United States, or the Office of Management and Budget before submitting to Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments, if such submissions include a statement indicating that the views expressed therein

are those of the Director and do not necessarily represent the views of the President.

"(5) The Director of the Office of Government Information Services may directly submit additional information to Congress and the President as the Director determines to be appropriate.

Deadline. Meeting. Public information.

"(6) Not less frequently than annually, the Office of Government Information Services shall conduct a meeting that is open to the public on the review and reports by the Office and shall allow interested persons to appear and present oral or written statements at the meeting.";

(6) by striking subsections (j) and (k), and inserting the following:

Designation.

"(j)(1) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

"(2) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

"(A) have agency-wide responsibility for efficient and appropriate compliance with this section;

"(B) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

Recommendations.

"(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

Review. Reports.

"(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

"(E) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply;

"(F) offer training to agency staff regarding their responsibilities under this section;

"(G) serve as the primary agency liaison with the Office of Government Information Services and the Office of Information Policy; and

Designation.

"(H) designate 1 or more FOIA Public Liaisons.

Review. Deadline.

"(3) The Chief FOIA Officer of each agency shall review, not less frequently than annually, all aspects of the administration of this section by the agency to ensure compliance with the requirements of this section, including—

"(A) agency regulations;

"(B) disclosure of records required under paragraphs (2) and (8) of subsection (a);

"(C) assessment of fees and determination of eligibility for fee waivers;

"(D) the timely processing of requests for information under this section;

"(E) the use of exemptions under subsection (b); and

"(F) dispute resolution services with the assistance of the Office of Government Information Services or the FOIA Public Liaison.

"(k)(1) There is established in the executive branch the Chief FOIA Officers Council (referred to in this subsection as the 'Council'). Establishment.

"(2) The Council shall be comprised of the following members:

"(A) The Deputy Director for Management of the Office of Management and Budget.

"(B) The Director of the Office of Information Policy at the Department of Justice.

"(C) The Director of the Office of Government Information Services.

"(D) The Chief FOIA Officer of each agency.

"(E) Any other officer or employee of the United States as designated by the Co-Chairs.

"(3) The Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services shall be the Co-Chairs of the Council.

"(4) The Administrator of General Services shall provide administrative and other support for the Council.

"(5)(A) The duties of the Council shall include the following:

"(i) Develop recommendations for increasing compliance and efficiency under this section.

"(ii) Disseminate information about agency experiences, ideas, best practices, and innovative approaches related to this section.

"(iii) Identify, develop, and coordinate initiatives to increase transparency and compliance with this section.

"(iv) Promote the development and use of common performance measures for agency compliance with this section.

"(B) In performing the duties described in subparagraph (A), the Council shall consult on a regular basis with members of the public who make requests under this section. Consultation.

"(6)(A) The Council shall meet regularly and such meetings shall be open to the public unless the Council determines to close the meeting for reasons of national security or to discuss information exempt under subsection (b). Public information.

"(B) Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.

"(C) Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register. Deadline.

"(D) Except as provided in subsection (b), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by the Council shall be made publicly available.

"(E) Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The minutes shall be redacted as necessary and made publicly available."; and Records.

(7) by adding at the end the following:

Consultation.
Portal.

"(m)(1) The Director of the Office of Management and Budget, in consultation with the Attorney General, shall ensure the operation of a consolidated online request portal that allows a member of the public to submit a request for records under subsection (a) to any agency from a single website. The portal may include any additional tools the Director of the Office of Management and Budget finds will improve the implementation of this section.

"(2) This subsection shall not be construed to alter the power of any other agency to create or maintain an independent online portal for the submission of a request for records under this section.

Standards.

The Director of the Office of Management and Budget shall establish standards for interoperability between the portal required under paragraph (1) and other request processing software used by agencies subject to this section.".

5 USC 552 note.

SEC. 3. REVIEW AND ISSUANCE OF REGULATIONS.

Deadline.
Procedures.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency (as defined in section 551 of title 5, United States Code) shall review the regulations of such agency and shall issue regulations on procedures for the disclosure of records under section 552 of title 5, United States Code, in accordance with the amendments made by section 2.

(b) REQUIREMENTS.—The regulations of each agency shall include procedures for engaging in dispute resolution through the FOIA Public Liaison and the Office of Government Information Services.

SEC. 4. PROACTIVE DISCLOSURE THROUGH RECORDS MANAGEMENT.

Section 3102 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

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

"(2) procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format;".

SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act or the amendments made by this Act. The requirements of this Act and the amendments made by this Act shall be carried out using amounts otherwise authorized or appropriated.

Effective date.
5 USC 552 note.

SEC. 6. APPLICABILITY.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act and shall apply to

any request for records under section 552 of title 5, United States Code, made after the date of enactment of this Act.

Approved June 30, 2016.

LEGISLATIVE HISTORY—S. 337:

SENATE REPORTS: No. 114–4 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 15, considered and passed Senate.
June 13, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
June 30, Presidential remarks.

Public Law 114–186
114th Congress

An Act

To improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

June 30, 2016
[S. 2133]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fraud Reduction and Data Analytics Act of 2015.
31 USC 3321 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Reduction and Data Analytics Act of 2015".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "agency" has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term "improper payment" has the meaning given the term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SEC. 3. ESTABLISHMENT OF FINANCIAL AND ADMINISTRATIVE CONTROLS RELATING TO FRAUD AND IMPROPER PAYMENTS.

(a) GUIDELINES.—

Deadline.
Consultation.

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidelines for agencies to establish financial and administrative controls to identify and assess fraud risks and design and implement control activities in order to prevent, detect, and respond to fraud, including improper payments.

(2) CONTENTS.—The guidelines described in paragraph (1) shall incorporate the leading practices identified in the report published by the Government Accountability Office on July 28, 2015, entitled "Framework for Managing Fraud Risks in Federal Programs".

Consultation.

(3) MODIFICATION.—The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, may periodically modify the guidelines described in paragraph (1) as the Director and Comptroller General may determine necessary.

(b) REQUIREMENTS FOR CONTROLS.—The financial and administrative controls required to be established by agencies under subsection (a) shall include—

(1) conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks; Evaluation.

(2) collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and

(3) using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

(c) REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), for each of the first 3 fiscal years beginning after the date of enactment of this Act, each agency shall submit to Congress, as part of the annual financial report of the agency, a report on the progress of the agency in— Time periods.

(A) implementing—

(i) the financial and administrative controls required to be established under subsection (a);

(ii) the fraud risk principle in the Standards for Internal Control in the Federal Government; and

(iii) Office of Management and Budget Circular A–123 with respect to the leading practices for managing fraud risk;

(B) identifying risks and vulnerabilities to fraud, including with respect to payroll, beneficiary payments, grants, large contracts, and purchase and travel cards; and

(C) establishing strategies, procedures, and other steps to curb fraud.

(2) FIRST REPORT.—If the date of enactment of this Act is less than 180 days before the date on which an agency is required to submit the annual financial report of the agency, the agency may submit the report required under paragraph (1) as part of the following annual financial report of the agency.

SEC. 4. WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Office of Management and Budget shall establish a working group to improve— Deadline.

(1) the sharing of financial and administrative controls established under section 3(a) and other best practices and techniques for detecting, preventing, and responding to fraud, including improper payments; and

(2) the sharing and development of data analytics techniques.

(b) COMPOSITION.—The working group established under subsection (a) shall be composed of—

(1) the Controller of the Office of Management and Budget, who shall serve as Chairperson;

(2) the Chief Financial Officer of each agency; and

(3) any other party determined to be appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, or the Chief Operating Officer of each agency.

(c) CONSULTATION.—The working group established under subsection (a) shall consult with Offices of Inspectors General and Federal and non-Federal experts on fraud risk assessments, financial controls, and other relevant matters.

(d) MEETINGS.—The working group established under subsection (a) shall hold not fewer than 4 meetings per year.

Deadline.

(e) PLAN.—Not later than 270 days after the date of enactment of this Act, the working group established under subsection (a) shall submit to Congress a plan for the establishment and use of a Federal interagency library of data analytics and data sets, which can incorporate or improve upon existing Federal resources and capacities, for use by agencies and Offices of Inspectors General to facilitate the detection, prevention, and recovery of fraud, including improper payments.

Approved June 30, 2016.

LEGISLATIVE HISTORY—S. 2133 (H.R. 4180):

HOUSE REPORTS: No. 114–419 (Comm. on Oversight and Government Reform) accompanying H.R. 4180.

SENATE REPORTS: No. 114–229 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Apr. 12, considered and passed Senate.

June 21, considered and passed House.

Public Law 114–187
114th Congress

An Act

To reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

June 30, 2016
[S. 2328]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Puerto Rico Oversight, Management, and Economic Stability Act. 48 USC 2101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Puerto Rico Oversight, Management, and Economic Stability Act" or "PROMESA".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

48 USC 2101.

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

Applicability.

(b) TITLE III AND TITLE VI.—

(1) Title III shall apply with respect to cases commenced under title III on or after the date of the enactment of this Act.

(2) Titles III and VI shall apply with respect to debts, claims, and liens (as such terms are defined in section 101 of title 11, United States Code) created before, on, or after such date.

48 USC 2102.

SEC. 3. SEVERABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby, provided that title III is not severable from titles I and II, and titles I and II are not severable from title III.

Courts.

(b) UNIFORMITY.—If a court holds invalid any provision of this Act or the application thereof on the ground that the provision

fails to treat similarly situated territories uniformly, then the court shall, in granting a remedy, order that the provision of this Act or the application thereof be extended to any other similarly situated territory, provided that the legislature of that territory adopts a resolution signed by the territory's governor requesting the establishment and organization of a Financial Oversight and Management Board pursuant to section 101.

SEC. 4. SUPREMACY. 48 USC 2103.

The provisions of this Act shall prevail over any general or specific provisions of territory law, State law, or regulation that is inconsistent with this Act.

SEC. 5. DEFINITIONS. 48 USC 2104.

In this Act—

(1) AGREED ACCOUNTING STANDARDS.—The term "agreed accounting standards" means modified accrual accounting standards or, for any period during which the Oversight Board determines in its sole discretion that a territorial government is not reasonably capable of comprehensive reporting that complies with modified accrual accounting standards, such other accounting standards as proposed by the Oversight Board.

(2) BOND.—The term "Bond" means a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness for borrowed money, including rights, entitlements, or obligations whether such rights, entitlements, or obligations arise from contract, statute, or any other source of law, in any case, related to such a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness in physical or dematerialized form of which the issuer, obligor, or guarantor is the territorial government.

(3) BOND CLAIM.—The term "Bond Claim" means, as it relates to a Bond—

(A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or

(B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

(4) BUDGET.—The term "Budget" means the Territory Budget or an Instrumentality Budget, as applicable.

(5) PUERTO RICO.—The term "Puerto Rico" means the Commonwealth of Puerto Rico.

(6) COMPLIANT BUDGET.—The term "compliant budget" means a budget that is prepared in accordance with—

(A) agreed accounting standards; and

(B) the applicable Fiscal Plan.

(7) COVERED TERRITORIAL INSTRUMENTALITY.—The term "covered territorial instrumentality" means a territorial instrumentality designated by the Oversight Board pursuant to section 101 to be subject to the requirements of this Act.

(8) COVERED TERRITORY.—The term "covered territory" means a territory for which an Oversight Board has been established under section 101.

(9) EXECUTIVE DIRECTOR.—The term "Executive Director" means an Executive Director appointed under section 103(a).

(10) FISCAL PLAN.—The term "Fiscal Plan" means a Territory Fiscal Plan or an Instrumentality Fiscal Plan, as applicable.

(11) GOVERNMENT OF PUERTO RICO.—The term "Government of Puerto Rico" means the Commonwealth of Puerto Rico, including all its territorial instrumentalities.

(12) GOVERNOR.—The term "Governor" means the chief executive of a covered territory.

(13) INSTRUMENTALITY BUDGET.—The term "Instrumentality Budget" means a budget for a covered territorial instrumentality, designated by the Oversight Board in accordance with section 101, submitted, approved, and certified in accordance with section 202.

(14) INSTRUMENTALITY FISCAL PLAN.—The term "Instrumentality Fiscal Plan" means a fiscal plan for a covered territorial instrumentality, designated by the Oversight Board in accordance with section 101, submitted, approved, and certified in accordance with section 201.

(15) LEGISLATURE.—The term "Legislature" means the legislative body responsible for enacting the laws of a covered territory.

(16) MODIFIED ACCRUAL ACCOUNTING STANDARDS.—The term "modified accrual accounting standards" means recognizing revenues as they become available and measurable and recognizing expenditures when liabilities are incurred, in each case as defined by the Governmental Accounting Standards Board, in accordance with generally accepted accounting principles.

(17) OVERSIGHT BOARD.—The term "Oversight Board" means a Financial Oversight and Management Board established in accordance with section 101.

(18) TERRITORIAL GOVERNMENT.—The term "territorial government" means the government of a covered territory, including all covered territorial instrumentalities.

(19) TERRITORIAL INSTRUMENTALITY.—

(A) IN GENERAL.—The term "territorial instrumentality" means any political subdivision, public agency, instrumentality—including any instrumentality that is also a bank—or public corporation of a territory, and this term should be broadly construed to effectuate the purposes of this Act.

(B) EXCLUSION.—The term "territorial instrumentality" does not include an Oversight Board.

(20) TERRITORY.—The term "territory" means—

(A) Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands; or

(E) the United States Virgin Islands.

(21) TERRITORY BUDGET.—The term "Territory Budget" means a budget for a territorial government submitted, approved, and certified in accordance with section 202.

(22) TERRITORY FISCAL PLAN.—The term "Territory Fiscal Plan" means a fiscal plan for a territorial government submitted, approved, and certified in accordance with section 201.

SEC. 6. PLACEMENT. 48 USC 2105.

The Law Revision Counsel is directed to place this Act as chapter 20 of title 48, United States Code.

SEC. 7. COMPLIANCE WITH FEDERAL LAWS. 48 USC 2106.

Except as otherwise provided in this Act, nothing in this Act shall be construed as impairing or in any manner relieving a territorial government, or any territorial instrumentality thereof, from compliance with Federal laws or requirements or territorial laws and requirements implementing a federally authorized or federally delegated program protecting the health, safety, and environment of persons in such territory.

TITLE I—ESTABLISHMENT AND ORGANIZATION OF OVERSIGHT BOARD

SEC. 101. FINANCIAL OVERSIGHT AND MANAGEMENT BOARD. 48 USC 2121.

(a) PURPOSE.—The purpose of the Oversight Board is to provide a method for a covered territory to achieve fiscal responsibility and access to the capital markets.

(b) ESTABLISHMENT.—

(1) PUERTO RICO.—A Financial Oversight and Management Board is hereby established for Puerto Rico.

(2) CONSTITUTIONAL BASIS.—The Congress enacts this Act pursuant to article IV, section 3 of the Constitution of the United States, which provides Congress the power to dispose of and make all needful rules and regulations for territories.

(c) TREATMENT.—An Oversight Board established under this section—

(1) shall be created as an entity within the territorial government for which it is established in accordance with this title; and

(2) shall not be considered to be a department, agency, establishment, or instrumentality of the Federal Government.

(d) OVERSIGHT OF TERRITORIAL INSTRUMENTALITIES.—

(1) DESIGNATION.—

(A) IN GENERAL.—An Oversight Board, in its sole discretion at such time as the Oversight Board determines to be appropriate, may designate any territorial instrumentality as a covered territorial instrumentality that is subject to the requirements of this Act.

(B) BUDGETS AND REPORTS.—The Oversight Board may require, in its sole discretion, the Governor to submit to the Oversight Board such budgets and monthly or quarterly reports regarding a covered territorial instrumentality as the Oversight Board determines to be necessary and may designate any covered territorial instrumentality to be included in the Territory Budget; except that the Oversight Board may not designate a covered territorial instrumentality to be included in the Territory Budget if applicable territory law does not require legislative approval of such covered territorial instrumentality's budget.

(C) SEPARATE INSTRUMENTALITY BUDGETS AND REPORTS.—The Oversight Board in its sole discretion may or, if it requires a budget from a covered territorial instrumentality whose budget does not require legislative approval under applicable territory law, shall designate a covered territorial instrumentality to be the subject of an Instrumentality Budget separate from the applicable Territory Budget and require that the Governor develop such an Instrumentality Budget.

(D) INCLUSION IN TERRITORY FISCAL PLAN.—The Oversight Board may require, in its sole discretion, the Governor to include a covered territorial instrumentality in the applicable Territory Fiscal Plan. Any covered territorial instrumentality submitting a separate Instrumentality Fiscal Plan must also submit a separate Instrumentality Budget.

(E) SEPARATE INSTRUMENTALITY FISCAL PLANS.—The Oversight Board may designate, in its sole discretion, a covered territorial instrumentality to be the subject of an Instrumentality Fiscal Plan separate from the applicable Territory Fiscal Plan and require that the Governor develop such an Instrumentality Fiscal Plan. Any covered territorial instrumentality submitting a separate Instrumentality Fiscal Plan shall also submit a separate Instrumentality Budget.

(2) EXCLUSION.—

(A) IN GENERAL.—An Oversight Board, in its sole discretion, at such time as the Oversight Board determines to be appropriate, may exclude any territorial instrumentality from the requirements of this Act.

(B) TREATMENT.—A territorial instrumentality excluded pursuant to this paragraph shall not be considered to be a covered territorial instrumentality.

(e) MEMBERSHIP.—

(1) IN GENERAL.—

President. (A) The Oversight Board shall consist of seven members appointed by the President who meet the qualifications described in subsection (f) and section 109(a).

(B) The Board shall be comprised of one Category A member, one Category B member, two Category C members, one Category D member, one Category E member, and one Category F member.

(2) APPOINTED MEMBERS.—

President. (A) The President shall appoint the individual members of the Oversight Board, of which—

(i) the Category A member should be selected from a list of individuals submitted by the Speaker of the House of Representatives;

(ii) the Category B member should be selected from a separate, non-overlapping list of individuals submitted by the Speaker of the House of Representatives;

(iii) the Category C members should be selected from a list submitted by the Majority Leader of the Senate;

(iv) the Category D member should be selected from a list submitted by the Minority Leader of the House of Representatives;

(v) the Category E member should be selected from a list submitted by the Minority Leader of the Senate; and

(vi) the Category F member may be selected in the President's sole discretion.

(B) After the President's selection of the Category F Board member, for purposes of subparagraph (A) and within a timely manner— Lists.

(i) the Speaker of the House of Representatives shall submit two non-overlapping lists of at least three individuals to the President; one list shall include three individuals who maintain a primary residence in the territory or have a primary place of business in the territory;

(ii) the Senate Majority Leader shall submit a list of at least four individuals to the President;

(iii) the Minority Leader of the House of Representatives shall submit a list of at least three individuals to the President; and

(iv) the Minority Leader of the Senate shall submit a list of at least three individuals to the President.

(C) If the President does not select any of the names submitted under subparagraphs (A) and (B), then whoever submitted such list may supplement the lists provided in this subsection with additional names.

(D) The Category A member shall maintain a primary residence in the territory or have a primary place of business in the territory.

(E) With respect to the appointment of a Board member in Category A, B, C, D, or E, such an appointment shall be by and with the advice and consent of the Senate, unless the President appoints an individual from a list, as provided in this subsection, in which case no Senate confirmation is required. President.

(F) In the event of a vacancy of a Category A, B, C, D, or E Board seat, the corresponding congressional leader referenced in subparagraph (A) shall submit a list pursuant to this subsection within a timely manner of the Board member's resignation or removal becoming effective. List.

(G) With respect to an Oversight Board for Puerto Rico, in the event any of the 7 members have not been appointed by September 1, 2016, then the President shall appoint an individual from the list for the current vacant category by September 15, 2016, provided that such list includes at least 2 individuals per vacancy who meet the requirements set forth in subsection (f) and section 109, and are willing to serve. Deadlines. Appointments. President.

(3) EX OFFICIO MEMBER.—The Governor, or the Governor's designee, shall be an ex officio member of the Oversight Board without voting rights.

(4) CHAIR.—The voting members of the Oversight Board shall designate one of the voting members of the Oversight Board as the Chair of the Oversight Board (referred to hereafter Deadline.

in this Act as the "Chair") within 30 days of the full appointment of the Oversight Board.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Each appointed member of the Oversight Board shall be appointed for a term of 3 years.

(B) REMOVAL.—The President may remove any member of the Oversight Board only for cause.

(C) CONTINUATION OF SERVICE UNTIL SUCCESSOR APPOINTED.—Upon the expiration of a term of office, a member of the Oversight Board may continue to serve until a successor has been appointed.

(D) REAPPOINTMENT.—An individual may serve consecutive terms as an appointed member, provided that such reappointment occurs in compliance with paragraph (6).

(6) VACANCIES.—A vacancy on the Oversight Board shall be filled in the same manner in which the original member was appointed.

(f) ELIGIBILITY FOR APPOINTMENTS.—An individual is eligible for appointment as a member of the Oversight Board only if the individual—

(1) has knowledge and expertise in finance, municipal bond markets, management, law, or the organization or operation of business or government; and

(2) prior to appointment, an individual is not an officer, elected official, or employee of the territorial government, a candidate for elected office of the territorial government, or a former elected official of the territorial government.

(g) NO COMPENSATION FOR SERVICE.—Members of the Oversight Board shall serve without pay, but may receive reimbursement from the Oversight Board for any reasonable and necessary expenses incurred by reason of service on the Oversight Board.

(h) ADOPTION OF BYLAWS FOR CONDUCTING BUSINESS OF OVERSIGHT BOARD.—

Regulations. Procedures.

(1) IN GENERAL.—As soon as practicable after the appointment of all members and appointment of the Chair, the Oversight Board shall adopt bylaws, rules, and procedures governing its activities under this Act, including procedures for hiring experts and consultants. Such bylaws, rules, and procedures shall be public documents, and shall be submitted by the Oversight Board upon adoption to the Governor, the Legislature, the President, and Congress. The Oversight Board may hire professionals as it determines to be necessary to carry out this Act.

Public information.

(2) ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS.—Under the bylaws adopted pursuant to paragraph (1), the Oversight Board may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Oversight Board's full appointed membership shall be required in order for the Oversight Board to approve a Fiscal Plan under section 201, to approve a Budget under section 202, to cause a legislative act not to be enforced under section 204, or to approve or disapprove an infrastructure project as a Critical Project under section 503.

(3) ADOPTION OF RULES AND REGULATIONS OF TERRITORIAL GOVERNMENT.—The Oversight Board may incorporate in its

bylaws, rules, and procedures under this subsection such rules and regulations of the territorial government as it considers appropriate to enable it to carry out its activities under this Act with the greatest degree of independence practicable.

(4) EXECUTIVE SESSION.—Upon a majority vote of the Oversight Board's full voting membership, the Oversight Board may conduct its business in an executive session that consists solely of the Oversight Board's voting members and any professionals the Oversight Board determines necessary and is closed to the public, but only for the business items set forth as part of the vote to convene an executive session.

SEC. 102. LOCATION OF OVERSIGHT BOARD. 48 USC 2122.

The Oversight Board shall have an office in the covered territory and additional offices as it deems necessary. At any time, any department or agency of the United States may provide the Oversight Board use of Federal facilities and equipment on a reimbursable or non-reimbursable basis and subject to such terms and conditions as the head of that department or agency may establish.

SEC. 103. EXECUTIVE DIRECTOR AND STAFF OF OVERSIGHT BOARD. 48 USC 2123.

(a) EXECUTIVE DIRECTOR.—The Oversight Board shall have an Executive Director who shall be appointed by the Chair with the consent of the Oversight Board. The Executive Director shall be paid at a rate determined by the Oversight Board. Appointment.

(b) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director unless the Oversight Board provides for otherwise. The staff shall include a Revitalization Coordinator appointed pursuant to Title V of this Act. Any such personnel may include private citizens, employees of the Federal Government, or employees of the territorial government, provided, however, that the Executive Director may not fix the pay of employees of the Federal Government or the territorial government. Appointment.

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Oversight Board may be appointed and paid without regard to any provision of the laws of the covered territory or the Federal Government governing appointments and salaries. Any provision of the laws of the covered territory governing procurement shall not apply to the Oversight Board.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, and in accordance with the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371–3375), any of the personnel of that department or agency to the Oversight Board to assist it in carrying out its duties under this Act.

(e) STAFF OF TERRITORIAL GOVERNMENT.—Upon request of the Chair, the head of any department or agency of the covered territory may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Oversight Board to assist it in carrying out its duties under this Act.

48 USC 2124.

SEC. 104. POWERS OF OVERSIGHT BOARD.

(a) HEARINGS AND SESSIONS.—The Oversight Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Oversight Board considers appropriate. The Oversight Board may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Board may, if authorized by the Oversight Board, take any action that the Oversight Board is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—

(1) FROM FEDERAL GOVERNMENT.—Notwithstanding sections 552 (commonly known as the Freedom of Information Act), 552a (commonly known as the Privacy Act of 1974), and 552b (commonly known as the Government in the Sunshine Act) of title 5, United States Code, the Oversight Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act, with the approval of the head of that department or agency.

(2) FROM TERRITORIAL GOVERNMENT.—Notwithstanding any other provision of law, the Oversight Board shall have the right to secure copies, whether written or electronic, of such records, documents, information, data, or metadata from the territorial government necessary to enable the Oversight Board to carry out its responsibilities under this Act. At the request of the Oversight Board, the Oversight Board shall be granted direct access to such information systems, records, documents, information, or data as will enable the Oversight Board to carry out its responsibilities under this Act. The head of the entity of the territorial government responsible shall provide the Oversight Board with such information and assistance (including granting the Oversight Board direct access to automated or other information systems) as the Oversight Board requires under this paragraph.

(d) OBTAINING CREDITOR INFORMATION.—

Public information.

(1) Upon request of the Oversight Board, each creditor or organized group of creditors of a covered territory or covered territorial instrumentality seeking to participate in voluntary negotiations shall provide to the Oversight Board, and the Oversight Board shall make publicly available to any other participant, a statement setting forth—

(A) the name and address of the creditor or of each member of an organized group of creditors; and

(B) the nature and aggregate amount of claims or other economic interests held in relation to the issuer as of the later of—

(i) the date the creditor acquired the claims or other economic interests or, in the case of an organized group of creditors, the date the group was formed; or

(ii) the date the Oversight Board was formed.

Definition.

(2) For purposes of this subsection, an organized group shall mean multiple creditors that are—

(A) acting in concert to advance their common interests, including, but not limited to, retaining legal counsel to represent such multiple entities; and

(B) not composed entirely of affiliates or insiders of one another.

(3) The Oversight Board may request supplemental statements to be filed by each creditor or organized group of creditors quarterly, or if any fact in the most recently filed statement has changed materially.

(e) GIFTS, BEQUESTS, AND DEVISES.—The Oversight Board may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Oversight Board. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in such account as the Oversight Board may establish and shall be available for disbursement upon order of the Chair, consistent with the Oversight Board's bylaws, or rules and procedures. All gifts, bequests or devises and the identities of the donors shall be publicly disclosed by the Oversight Board within 30 days of receipt.

Public information. Deadline.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—The Oversight Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, electronic files, metadata, tapes, and materials of any nature relating to any matter under investigation by the Oversight Board. Jurisdiction to compel the attendance of witnesses and the production of such materials shall be governed by the statute setting forth the scope of personal jurisdiction exercised by the covered territory, or in the case of Puerto Rico, 32 L.P.R.A. App. III. R. 4. 7., as amended.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Oversight Board may apply to the court of first instance of the covered territory. Any failure to obey the order of the court may be punished by the court in accordance with civil contempt laws of the covered territory.

(3) SERVICE OF SUBPOENAS.—The subpoena of the Oversight Board shall be served in the manner provided by the rules of procedure for the courts of the covered territory, or in the case of Puerto Rico, the Rules of Civil Procedure of Puerto Rico, for subpoenas issued by the court of first instance of the covered territory.

(g) AUTHORITY TO ENTER INTO CONTRACTS.—The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) consistent with the Oversight Board's bylaws, rules, and regulations to carry out the Oversight Board's responsibilities under this Act.

(h) AUTHORITY TO ENFORCE CERTAIN LAWS OF THE COVERED TERRITORY.—The Oversight Board shall ensure the purposes of this Act are met, including by ensuring the prompt enforcement of any applicable laws of the covered territory prohibiting public sector employees from participating in a strike or lockout. In the application of this subsection, with respect to Puerto Rico, the term "applicable laws" refers to 3 L.P.R.A. 1451q and 3 L.P.R.A. 1451r, as amended.

(i) VOLUNTARY AGREEMENT CERTIFICATION.—

(1) IN GENERAL.—The Oversight Board shall issue a certification to a covered territory or covered territorial instrumentality if the Oversight Board determines, in its sole discretion,

Determination.

that such covered territory or covered territorial instrumentality, as applicable, has successfully reached a voluntary agreement with holders of its Bond Claims to restructure such Bond Claims—

(A) except as provided in subparagraph (C), if an applicable Fiscal Plan has been certified, in a manner that provides for a sustainable level of debt for such covered territory or covered territorial instrumentality, as applicable, and is in conformance with the applicable certified Fiscal Plan;

(B) except as provided in subparagraph (C), if an applicable Fiscal Plan has not yet been certified, in a manner that provides, in the Oversight Board's sole discretion, for a sustainable level of debt for such covered territory or covered territorial instrumentality; or

(C) notwithstanding subparagraphs (A) and (B), if an applicable Fiscal Plan has not yet been certified and the voluntary agreement is limited solely to an extension of applicable principal maturities and interest on Bonds issued by such covered territory or covered territorial instrumentality, as applicable, for a period of up to one year during which time no interest will be paid on the Bond Claims affected by the voluntary agreement.

(2) EFFECTIVENESS.—The effectiveness of any voluntary agreement referred to in paragraph (1) shall be conditioned on—

(A) the Oversight Board delivering the certification described in paragraph (1); and

(B) the agreement of a majority in amount of the Bond Claims of a covered territory or a covered territorial instrumentality that are to be affected by such agreement, provided, however, that such agreement is solely for purposes of serving as a Qualifying Modification pursuant to subsection 601(g) of this Act and shall not alter existing legal rights of holders of Bond Claims against such covered territory or covered territorial instrumentality that have not assented to such agreement until an order approving the Qualifying Modification has been entered pursuant to section 601(m)(1)(D) of this Act.

Deadline.

(3) PREEXISTING VOLUNTARY AGREEMENTS.—Any voluntary agreement that the territorial government or any territorial instrumentality has executed before May 18, 2016, with holders of a majority in amount of Bond Claims that are to be affected by such agreement to restructure such Bond Claims shall be deemed to be in conformance with the requirements of this subsection.

(j) RESTRUCTURING FILINGS.—

Certification.

(1) IN GENERAL.—Subject to paragraph (3), before taking an action described in paragraph (2) on behalf of a debtor or potential debtor in a case under title III, the Oversight Board must certify the action.

(2) ACTIONS DESCRIBED.—The actions referred to in paragraph (1) are—

(A) the filing of a petition; or

(B) the submission or modification of a plan of adjustment.

(3) CONDITION FOR PLANS OF ADJUSTMENT.—The Oversight Board may certify a plan of adjustment only if it determines, in its sole discretion, that it is consistent with the applicable certified Fiscal Plan. Determination.

(k) CIVIL ACTIONS TO ENFORCE POWERS.—The Oversight Board may seek judicial enforcement of its authority to carry out its responsibilities under this Act.

(l) PENALTIES.—

(1) ACTS PROHIBITED.—Any officer or employee of the territorial government who prepares, presents, or certifies any information or report for the Oversight Board or any of its agents that is intentionally false or misleading, or, upon learning that any such information is false or misleading, fails to immediately advise the Oversight Board or its agents thereof in writing, shall be subject to prosecution and penalties under any laws of the territory prohibiting the provision of false information to government officials, which in the case of Puerto Rico shall include 33 L.P.R.A. 4889, as amended.

(2) ADMINISTRATIVE DISCIPLINE.—In addition to any other applicable penalty, any officer or employee of the territorial government who knowingly and willfully violates paragraph (1) or takes any such action in violation of any valid order of the Oversight Board or fails or refuses to take any action required by any such order, shall be subject to appropriate administrative discipline, including (when appropriate) suspension from duty without pay or removal from office, by order of the Governor.

(3) REPORT BY GOVERNOR ON DISCIPLINARY ACTIONS TAKEN.—In the case of a violation of paragraph (2) by an officer or employee of the territorial government, the Governor shall immediately report to the Oversight Board all pertinent facts together with a statement of the action taken thereon.

(m) ELECTRONIC REPORTING.—The Oversight Board may, in consultation with the Governor, ensure the prompt and efficient payment and administration of taxes through the adoption of electronic reporting, payment and auditing technologies. Consultation.

(n) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Oversight Board, the Administrator of General Services or other appropriate Federal agencies shall promptly provide to the Oversight Board, on a reimbursable or non-reimbursable basis, the administrative support services necessary for the Oversight Board to carry out its responsibilities under this Act.

(o) INVESTIGATION OF DISCLOSURE AND SELLING PRACTICES.—The Oversight Board may investigate the disclosure and selling practices in connection with the purchase of bonds issued by a covered territory for or on behalf of any retail investors including any underrepresentation of risk for such investors and any relationships or conflicts of interest maintained by such broker, dealer, or investment adviser is as provided in applicable laws and regulations.

(p) FINDINGS OF ANY INVESTIGATION.—The Oversight Board shall make public the findings of any investigation referenced in subsection (o). Public information.

SEC. 105. EXEMPTION FROM LIABILITY FOR CLAIMS. 48 USC 2125.

The Oversight Board, its members, and its employees shall not be liable for any obligation of or claim against the Oversight

Board or its members or employees or the territorial government resulting from actions taken to carry out this Act.

Courts.
48 USC 2126.

SEC. 106. TREATMENT OF ACTIONS ARISING FROM ACT.

(a) JURISDICTION.—Except as provided in section 104(f)(2) (relating to the issuance of an order enforcing a subpoena), and title III (relating to adjustments of debts), any action against the Oversight Board, and any action otherwise arising out of this Act, in whole or in part, shall be brought in a United States district court for the covered territory or, for any covered territory that does not have a district court, in the United States District Court for the District of Hawaii.

(b) APPEAL.—Notwithstanding any other provision of law, any order of a United States district court that is issued pursuant to an action brought under subsection (a) shall be subject to review only pursuant to a notice of appeal to the applicable United States Court of Appeals.

(c) TIMING OF RELIEF.—Except with respect to any orders entered to remedy constitutional violations, no order of any court granting declaratory or injunctive relief against the Oversight Board, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) EXPEDITED CONSIDERATION.—It shall be the duty of the applicable United States District Court, the applicable United States Court of Appeals, and, as applicable, the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under this Act.

(e) REVIEW OF OVERSIGHT BOARD CERTIFICATIONS.—There shall be no jurisdiction in any United States district court to review challenges to the Oversight Board's certification determinations under this Act.

48 USC 2127.

SEC. 107. BUDGET AND FUNDING FOR OPERATION OF OVERSIGHT BOARD.

Deadline.

(a) SUBMISSION OF BUDGET.—The Oversight Board shall submit a budget for each fiscal year during which the Oversight Board is in operation, to the President, the House of Representatives Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Governor, and the Legislature.

(b) FUNDING.—The Oversight Board shall use its powers with respect to the Territory Budget of the covered territory to ensure that sufficient funds are available to cover all expenses of the Oversight Board.

(1) PERMANENT FUNDING.—Within 30 days after the date of enactment of this Act, the territorial government shall designate a dedicated funding source, not subject to subsequent legislative appropriations, sufficient to support the annual expenses of the Oversight Board as determined in the Oversight Board's sole and exclusive discretion.

(2)(A) INITIAL FUNDING.—On the date of establishment of an Oversight Board in accordance with section 101(b) and on the 5th day of each month thereafter, the Governor of the covered territory shall transfer or cause to be transferred the greater of $2,000,000 or such amount as shall be determined

by the Oversight Board pursuant to subsection (a) to a new account established by the territorial government, which shall be available to and subject to the exclusive control of the Oversight Board, without any legislative appropriations of the territorial government.

(B) TERMINATION.—The initial funding requirements under subparagraph (A) shall terminate upon the territorial government designating a dedicated funding source not subject to subsequent legislative appropriations under paragraph (1).

(3) REMISSION OF EXCESS FUNDS.—If the Oversight Board determines in its sole discretion that any funds transferred under this subsection exceed the amounts required for the Oversight Board's operations as established pursuant to subsection (a), any such excess funds shall be periodically remitted to the territorial government. Determination.

SEC. 108. AUTONOMY OF OVERSIGHT BOARD. 48 USC 2128.

(a) IN GENERAL.—Neither the Governor nor the Legislature may—

(1) exercise any control, supervision, oversight, or review over the Oversight Board or its activities; or

(2) enact, implement, or enforce any statute, resolution, policy, or rule that would impair or defeat the purposes of this Act, as determined by the Oversight Board.

(b) OVERSIGHT BOARD LEGAL REPRESENTATION.—In any action brought by, on behalf of, or against the Oversight Board, the Oversight Board shall be represented by such counsel as it may hire or retain so long as the representation complies with the applicable professional rules of conduct governing conflicts of interests.

SEC. 109. ETHICS. 48 USC 2129.

(a) CONFLICT OF INTEREST.—Notwithstanding any ethics provision governing employees of the covered territory, all members and staff of the Oversight Board shall be subject to the Federal conflict of interest requirements described in section 208 of title 18, United States Code.

(b) FINANCIAL DISCLOSURE.—Notwithstanding any ethics provision governing employees of the covered territory, all members of the Oversight Board and staff designated by the Oversight Board shall be subject to disclosure of their financial interests, the contents of which shall conform to the same requirements set forth in section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

TITLE II—RESPONSIBILITIES OF OVERSIGHT BOARD

SEC. 201. APPROVAL OF FISCAL PLANS. 48 USC 2141.

(a) IN GENERAL.—As soon as practicable after all of the members and the Chair have been appointed to the Oversight Board in accordance with section 101(e) in the fiscal year in which the Oversight Board is established, and in each fiscal year thereafter during which the Oversight Board is in operation, the Oversight Board shall deliver a notice to the Governor providing a schedule for the process of development, submission, approval, and certification of Fiscal Plans. The notice may also set forth a schedule for revisions to any Fiscal Plan that has already been certified, Notice.

Consultation.

which revisions must be subject to subsequent approval and certification by the Oversight Board. The Oversight Board shall consult with the Governor in establishing a schedule, but the Oversight Board shall retain sole discretion to set or, by delivery of a subsequent notice to the Governor, change the dates of such schedule as it deems appropriate and reasonably feasible.

(b) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan developed under this section shall, with respect to the territorial government or covered territorial instrumentality, provide a method to achieve fiscal responsibility and access to the capital markets, and—

Estimate.

(A) provide for estimates of revenues and expenditures in conformance with agreed accounting standards and be based on—

(i) applicable laws; or

(ii) specific bills that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide adequate funding for public pension systems;

(D) provide for the elimination of structural deficits;

(E) for fiscal years covered by a Fiscal Plan in which a stay under titles III or IV is not effective, provide for a debt burden that is sustainable;

(F) improve fiscal governance, accountability, and internal controls;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan;

Analysis.

(I) include a debt sustainability analysis;

(J) provide for capital expenditures and investments necessary to promote economic growth;

Recommendations.

(K) adopt appropriate recommendations submitted by the Oversight Board under section 205(a);

(L) include such additional information as the Oversight Board deems necessary;

(M) ensure that assets, funds, or resources of a territorial instrumentality are not loaned to, transferred to, or otherwise used for the benefit of a covered territory or another covered territorial instrumentality of a covered territory, unless permitted by the constitution of the territory, an approved plan of adjustment under title III, or a Qualifying Modification approved under title VI; and

(N) respect the relative lawful priorities or lawful liens, as may be applicable, in the constitution, other laws, or agreements of a covered territory or covered territorial instrumentality in effect prior to the date of enactment of this Act.

(2) TERM.—A Fiscal Plan developed under this section shall cover a period of fiscal years as determined by the Oversight Board in its sole discretion but in any case a period of not less than 5 fiscal years from the fiscal year in which it is certified by the Oversight Board.

(c) DEVELOPMENT, REVIEW, APPROVAL, AND CERTIFICATION OF FISCAL PLANS.—

(1) TIMING REQUIREMENT.—The Governor may not submit to the Legislature a Territory Budget under section 202 for

a fiscal year unless the Oversight Board has certified the Territory Fiscal Plan for that fiscal year in accordance with this subsection, unless the Oversight Board in its sole discretion waives this requirement.

(2) FISCAL PLAN DEVELOPED BY GOVERNOR.—The Governor shall submit to the Oversight Board any proposed Fiscal Plan required by the Oversight Board by the time specified in the notice delivered under subsection (a).

Determination.

(3) REVIEW BY THE OVERSIGHT BOARD.—The Oversight Board shall review any proposed Fiscal Plan to determine whether it satisfies the requirements set forth in subsection (b) and, if the Oversight Board determines in its sole discretion that the proposed Fiscal Plan—

(A) satisfies such requirements, the Oversight Board shall approve the proposed Fiscal Plan; or

(B) does not satisfy such requirements, the Oversight Board shall provide to the Governor—

Notice. Recommendations.

(i) a notice of violation that includes recommendations for revisions to the applicable Fiscal Plan; and

(ii) an opportunity to correct the violation in accordance with subsection (d)(1).

(d) REVISED FISCAL PLAN.—

(1) IN GENERAL.—If the Governor receives a notice of violation under subsection (c)(3), the Governor shall submit to the Oversight Board a revised proposed Fiscal Plan in accordance with subsection (b) by the time specified in the notice delivered under subsection (a). The Governor may submit as many revised Fiscal Plans to the Oversight Board as the schedule established in the notice delivered under subsection (a) permits.

(2) DEVELOPMENT BY OVERSIGHT BOARD.—If the Governor fails to submit to the Oversight Board a Fiscal Plan that the Oversight Board determines in its sole discretion satisfies the requirements set forth in subsection (b) by the time specified in the notice delivered under subsection (a), the Oversight Board shall develop and submit to the Governor and the Legislature a Fiscal Plan that satisfies the requirements set forth in subsection (b).

(e) APPROVAL AND CERTIFICATION.—

(1) APPROVAL OF FISCAL PLAN DEVELOPED BY GOVERNOR.—If the Oversight Board approves a Fiscal Plan under subsection (c)(3), it shall deliver a compliance certification for such Fiscal Plan to the Governor and the Legislature.

(2) DEEMED APPROVAL OF FISCAL PLAN DEVELOPED BY OVERSIGHT BOARD.—If the Oversight Board develops a Fiscal Plan under subsection (d)(2), such Fiscal Plan shall be deemed approved by the Governor, and the Oversight Board shall issue a compliance certification for such Fiscal Plan to the Governor and the Legislature.

(f) JOINT DEVELOPMENT OF FISCAL PLAN.—Notwithstanding any other provision of this section, if the Governor and the Oversight Board jointly develop a Fiscal Plan for the fiscal year that meets the requirements under this section, and that the Governor and the Oversight Board certify that the fiscal plan reflects a consensus between the Governor and the Oversight Board, then such Fiscal Plan shall serve as the Fiscal Plan for the territory or territorial instrumentality for that fiscal year.

48 USC 2142.

SEC. 202. APPROVAL OF BUDGETS.

Notice.
Certification.
Time periods.
Determination.

(a) REASONABLE SCHEDULE FOR DEVELOPMENT OF BUDGETS.—As soon as practicable after all of the members and the Chair have been appointed to the Oversight Board in the fiscal year in which the Oversight Board is established, and in each fiscal year thereafter during which the Oversight Board is in operation, the Oversight Board shall deliver a notice to the Governor and the Legislature providing a schedule for developing, submitting, approving, and certifying Budgets for a period of fiscal years as determined by the Oversight Board in its sole discretion but in any case a period of not less than one fiscal year following the fiscal year in which the notice is delivered. The notice may also set forth a schedule for revisions to Budgets that have already been certified, which revisions must be subject to subsequent approval and certification by the Oversight Board. The Oversight Board shall consult with the Governor and the Legislature in establishing a schedule, but the Oversight Board shall retain sole discretion to set or, by delivery of a subsequent notice to the Governor and the Legislature, change the dates of such schedule as it deems appropriate and reasonably feasible.

Consultation.

(b) REVENUE FORECAST.—The Oversight Board shall submit to the Governor and Legislature a forecast of revenues for the period covered by the Budgets by the time specified in the notice delivered under subsection (a), for use by the Governor in developing the Budget under subsection (c).

(c) BUDGETS DEVELOPED BY GOVERNOR.—

Determinations.

(1) GOVERNOR'S PROPOSED BUDGETS.—The Governor shall submit to the Oversight Board proposed Budgets by the time specified in the notice delivered under subsection (a). In consultation with the Governor in accordance with the process specified in the notice delivered under subsection (a), the Oversight Board shall determine in its sole discretion whether each proposed Budget is compliant with the applicable Fiscal Plan and—

Consultation.

(A) if a proposed Budget is a compliant budget, the Oversight Board shall—

(i) approve the Budget; and

(ii) if the Budget is a Territory Budget, submit the Territory Budget to the Legislature; or

(B) if the Oversight Board determines that the Budget is not a compliant budget, the Oversight Board shall provide to the Governor—

Notice.

(i) a notice of violation that includes a description of any necessary corrective action; and

(ii) an opportunity to correct the violation in accordance with paragraph (2).

(2) GOVERNOR'S REVISIONS.—The Governor may correct any violations identified by the Oversight Board and submit a revised proposed Budget to the Oversight Board in accordance with paragraph (1). The Governor may submit as many revised Budgets to the Oversight Board as the schedule established in the notice delivered under subsection (a) permits. If the Governor fails to develop a Budget that the Oversight Board determines is a compliant budget by the time specified in the notice delivered under subsection (a), the Oversight Board shall develop and submit to the Governor, in the case of an

Instrumentality Budget, and to the Governor and the Legislature, in the case of a Territory Budget, a revised compliant budget.

(d) BUDGET APPROVAL BY LEGISLATURE.—

(1) LEGISLATURE ADOPTED BUDGET.—The Legislature shall submit to the Oversight Board the Territory Budget adopted by the Legislature by the time specified in the notice delivered under subsection (a). The Oversight Board shall determine whether the adopted Territory Budget is a compliant budget and— Determination.

(A) if the adopted Territory Budget is a compliant budget, the Oversight Board shall issue a compliance certification for such compliant budget pursuant to subsection (e); and Certification.

(B) if the adopted Territory Budget is not a compliant budget, the Oversight Board shall provide to the Legislature—

(i) a notice of violation that includes a description of any necessary corrective action; and Notice.

(ii) an opportunity to correct the violation in accordance with paragraph (2).

(2) LEGISLATURE'S REVISIONS.—The Legislature may correct any violations identified by the Oversight Board and submit a revised Territory Budget to the Oversight Board in accordance with the process established under paragraph (1) and by the time specified in the notice delivered under subsection (a). The Legislature may submit as many revised adopted Territory Budgets to the Oversight Board as the schedule established in the notice delivered under subsection (a) permits. If the Legislature fails to adopt a Territory Budget that the Oversight Board determines is a compliant budget by the time specified in the notice delivered under subsection (a), the Oversight Board shall develop a revised Territory Budget that is a compliant budget and submit it to the Governor and the Legislature.

(e) CERTIFICATION OF BUDGETS.— Time period.

(1) CERTIFICATION OF DEVELOPED AND APPROVED TERRITORY BUDGETS.—If the Governor and the Legislature develop and approve a Territory Budget that is a compliant budget by the day before the first day of the fiscal year for which the Territory Budget is being developed and in accordance with the process established under subsections (c) and (d), the Oversight Board shall issue a compliance certification to the Governor and the Legislature for such Territory Budget.

(2) CERTIFICATION OF DEVELOPED INSTRUMENTALITY BUDGETS.—If the Governor develops an Instrumentality Budget that is a compliant budget by the day before the first day of the fiscal year for which the Instrumentality Budget is being developed and in accordance with the process established under subsection (c), the Oversight Board shall issue a compliance certification to the Governor for such Instrumentality Budget.

(3) DEEMED CERTIFICATION OF TERRITORY BUDGETS.—If the Governor and the Legislature fail to develop and approve a Territory Budget that is a compliant budget by the day before the first day of the fiscal year for which the Territory Budget is being developed, the Oversight Board shall submit a Budget to the Governor and the Legislature (including any revision

to the Territory Budget made by the Oversight Board pursuant to subsection (d)(2)) and such Budget shall be—

(A) deemed to be approved by the Governor and the Legislature;

(B) the subject of a compliance certification issued by the Oversight Board to the Governor and the Legislature; and

Effective date.

(C) in full force and effect beginning on the first day of the applicable fiscal year.

(4) DEEMED CERTIFICATION OF INSTRUMENTALITY BUDGETS.—If the Governor fails to develop an Instrumentality Budget that is a compliant budget by the day before the first day of the fiscal year for which the Instrumentality Budget is being developed, the Oversight Board shall submit an Instrumentality Budget to the Governor (including any revision to the Instrumentality Budget made by the Oversight Board pursuant to subsection (c)(2)) and such Budget shall be—

(A) deemed to be approved by the Governor;

(B) the subject of a compliance certification issued by the Oversight Board to the Governor; and

Effective date.

(C) in full force and effect beginning on the first day of the applicable fiscal year.

(f) JOINT DEVELOPMENT OF BUDGETS.—Notwithstanding any other provision of this section, if, in the case of a Territory Budget, the Governor, the Legislature, and the Oversight Board, or in the case of an Instrumentality Budget, the Governor and the Oversight Board, jointly develop such Budget for the fiscal year that meets the requirements under this section, and that the relevant parties certify that such budget reflects a consensus among them, then such Budget shall serve as the Budget for the territory or territorial instrumentality for that fiscal year.

Determinations.
48 USC 2143.

SEC. 203. EFFECT OF FINDING OF NONCOMPLIANCE WITH BUDGET.

(a) SUBMISSION OF REPORTS.—Not later than 15 days after the last day of each quarter of a fiscal year (beginning with the fiscal year determined by the Oversight Board), the Governor shall submit to the Oversight Board a report, in such form as the Oversight Board may require, describing—

(1) the actual cash revenues, cash expenditures, and cash flows of the territorial government for the preceding quarter, as compared to the projected revenues, expenditures, and cash flows contained in the certified Budget for such preceding quarter; and

(2) any other information requested by the Oversight Board, which may include a balance sheet or a requirement that the Governor provide information for each covered territorial instrumentality separately.

(b) INITIAL ACTION BY OVERSIGHT BOARD.—

(1) IN GENERAL.—If the Oversight Board determines, based on reports submitted by the Governor under subsection (a), independent audits, or such other information as the Oversight Board may obtain, that the actual quarterly revenues, expenditures, or cash flows of the territorial government are not consistent with the projected revenues, expenditures, or cash flows set forth in the certified Budget for such quarter, the Oversight Board shall—

(A) require the territorial government to provide such additional information as the Oversight Board determines to be necessary to explain the inconsistency; and

(B) if the additional information provided under subparagraph (A) does not provide an explanation for the inconsistency that the Oversight Board finds reasonable and appropriate, advise the territorial government to correct the inconsistency by implementing remedial action.

(2) DEADLINES.—The Oversight Board shall establish the deadlines by which the territorial government shall meet the requirements of subparagraphs (A) and (B) of paragraph (1).

(c) CERTIFICATION.—

(1) INCONSISTENCY.—If the territorial government fails to provide additional information under subsection (b)(1)(A), or fails to correct an inconsistency under subsection (b)(1)(B), prior to the applicable deadline under subsection (b)(2), the Oversight Board shall certify to the President, the House of Representatives Committee on Natural Resources, the Senate Committee on Energy and Natural Resources, the Governor, and the Legislature that the territorial government is inconsistent with the applicable certified Budget, and shall describe the nature and amount of the inconsistency.

(2) CORRECTION.—If the Oversight Board determines that the territorial government has initiated such measures as the Oversight Board considers sufficient to correct an inconsistency certified under paragraph (1), the Oversight Board shall certify the correction to the President, the House of Representatives Committee on Natural Resources, the Senate Committee on Energy and Natural Resources, the Governor, and the Legislature.

(d) BUDGET REDUCTIONS BY OVERSIGHT BOARD.—If the Oversight Board determines that the Governor, in the case of any then-applicable certified Instrumentality Budgets, and the Governor and the Legislature, in the case of the then-applicable certified Territory Budget, have failed to correct an inconsistency identified by the Oversight Board under subsection (c), the Oversight Board shall—

(1) with respect to the territorial government, other than covered territorial instrumentalities, make appropriate reductions in nondebt expenditures to ensure that the actual quarterly revenues and expenditures for the territorial government are in compliance with the applicable certified Territory Budget or, in the case of the fiscal year in which the Oversight Board is established, the budget adopted by the Governor and the Legislature; and

(2) with respect to covered territorial instrumentalities at the sole discretion of the Oversight Board—

(A) make reductions in nondebt expenditures to ensure that the actual quarterly revenues and expenses for the covered territorial instrumentality are in compliance with the applicable certified Budget or, in the case of the fiscal year in which the Oversight Board is established, the budget adopted by the Governor and the Legislature or the covered territorial instrumentality, as applicable; or

(B)(i) institute automatic hiring freezes at the covered territorial instrumentality; and

(ii) prohibit the covered territorial instrumentality from entering into any contract or engaging in any financial or other transactions, unless the contract or transaction was previously approved by the Oversight Board.

Contracts.

(e) TERMINATION OF BUDGET REDUCTIONS.—The Oversight Board shall cancel the reductions, hiring freezes, or prohibition on contracts and financial transactions under subsection (d) if the Oversight Board determines that the territorial government or covered territorial instrumentality, as applicable, has initiated appropriate measures to reduce expenditures or increase revenues to ensure that the territorial government or covered territorial instrumentality is in compliance with the applicable certified Budget or, in the case of the fiscal year in which the Oversight Board is established, the budget adopted by the Governor and the Legislature.

48 USC 2144.

SEC. 204. REVIEW OF ACTIVITIES TO ENSURE COMPLIANCE WITH FISCAL PLAN.

(a) SUBMISSION OF LEGISLATIVE ACTS TO OVERSIGHT BOARD.—

Deadline.

(1) SUBMISSION OF ACTS.—Except to the extent that the Oversight Board may provide otherwise in its bylaws, rules, and procedures, not later than 7 business days after a territorial government duly enacts any law during any fiscal year in which the Oversight Board is in operation, the Governor shall submit the law to the Oversight Board.

(2) COST ESTIMATE; CERTIFICATION OF COMPLIANCE OR NONCOMPLIANCE.—The Governor shall include with each law submitted to the Oversight Board under paragraph (1) the following:

(A) A formal estimate prepared by an appropriate entity of the territorial government with expertise in budgets and financial management of the impact, if any, that the law will have on expenditures and revenues.

(B) If the appropriate entity described in subparagraph (A) finds that the law is not significantly inconsistent with the Fiscal Plan for the fiscal year, it shall issue a certification of such finding.

(C) If the appropriate entity described in subparagraph (A) finds that the law is significantly inconsistent with the Fiscal Plan for the fiscal year, it shall issue a certification of such finding, together with the entity's reasons for such finding.

(3) NOTIFICATION.—The Oversight Board shall send a notification to the Governor and the Legislature if—

(A) the Governor submits a law to the Oversight Board under this subsection that is not accompanied by the estimate required under paragraph (2)(A);

(B) the Governor submits a law to the Oversight Board under this subsection that is not accompanied by either a certification described in paragraph (2)(B) or (2)(C); or

(C) the Governor submits a law to the Oversight Board under this subsection that is accompanied by a certification described in paragraph (2)(C) that the law is significantly inconsistent with the Fiscal Plan.

(4) OPPORTUNITY TO RESPOND TO NOTIFICATION.—

(A) FAILURE TO PROVIDE ESTIMATE OR CERTIFICATION.—After sending a notification to the Governor and the

Legislature under paragraph (3)(A) or (3)(B) with respect to a law, the Oversight Board may direct the Governor to provide the missing estimate or certification (as the case may be), in accordance with such procedures as the Oversight Board may establish.

(B) SUBMISSION OF CERTIFICATION OF SIGNIFICANT INCONSISTENCY WITH FISCAL PLAN AND BUDGET.—In accordance with such procedures as the Oversight Board may establish, after sending a notification to the Governor and Legislature under paragraph (3)(C) that a law is significantly inconsistent with the Fiscal Plan, the Oversight Board shall direct the territorial government to—

(i) correct the law to eliminate the inconsistency; or

(ii) provide an explanation for the inconsistency that the Oversight Board finds reasonable and appropriate.

(5) FAILURE TO COMPLY.—If the territorial government fails to comply with a direction given by the Oversight Board under paragraph (4) with respect to a law, the Oversight Board may take such actions as it considers necessary, consistent with this Act, to ensure that the enactment or enforcement of the law will not adversely affect the territorial government's compliance with the Fiscal Plan, including preventing the enforcement or application of the law.

Determination.

(6) PRELIMINARY REVIEW OF PROPOSED ACTS.—At the request of the Legislature, the Oversight Board may conduct a preliminary review of proposed legislation before the Legislature to determine whether the legislation as proposed would be consistent with the applicable Fiscal Plan under this subtitle, except that any such preliminary review shall not be binding on the Oversight Board in reviewing any law subsequently submitted under this subsection.

(b) EFFECT OF APPROVED FISCAL PLAN ON CONTRACTS, RULES, AND REGULATIONS.—

(1) TRANSPARENCY IN CONTRACTING.—The Oversight Board shall work with a covered territory's office of the comptroller or any functionally equivalent entity to promote compliance with the applicable law of any covered territory that requires agencies and instrumentalities of the territorial government to maintain a registry of all contracts executed, including amendments thereto, and to remit a copy to the office of the comptroller for inclusion in a comprehensive database available to the public. With respect to Puerto Rico, the term "applicable law" refers to 2 L.P.R.A. 97, as amended.

(2) AUTHORITY TO REVIEW CERTAIN CONTRACTS.—The Oversight Board may establish policies to require prior Oversight Board approval of certain contracts, including leases and contracts to a governmental entity or government-owned corporations rather than private enterprises that are proposed to be executed by the territorial government, to ensure such proposed contracts promote market competition and are not inconsistent with the approved Fiscal Plan.

(3) SENSE OF CONGRESS.—It is the sense of Congress that any policies established by the Oversight Board pursuant to paragraph (2) should be designed to make the government contracting process more effective, to increase the public's faith

in this process, to make appropriate use of the Oversight Board's time and resources, to make the territorial government a facilitator and not a competitor to private enterprise, and to avoid creating any additional bureaucratic obstacles to efficient contracting.

Applicability.

(4) AUTHORITY TO REVIEW CERTAIN RULES, REGULATIONS, AND EXECUTIVE ORDERS.—The provisions of this paragraph shall apply with respect to a rule, regulation, or executive order proposed to be issued by the Governor (or the head of any department or agency of the territorial government) in the same manner as such provisions apply to a contract.

(5) FAILURE TO COMPLY.—If a contract, rule, regulation, or executive order fails to comply with policies established by the Oversight Board under this subsection, the Oversight Board may take such actions as it considers necessary to ensure that such contract, rule, executive order or regulation will not adversely affect the territorial government's compliance with the Fiscal Plan, including by preventing the execution or enforcement of the contract, rule, executive order or regulation.

Time periods.
Analysis.

(c) RESTRICTIONS ON BUDGETARY ADJUSTMENTS.—

(1) SUBMISSIONS OF REQUESTS TO OVERSIGHT BOARD.—If the Governor submits a request to the Legislature for the reprogramming of any amounts provided in a certified Budget, the Governor shall submit such request to the Oversight Board, which shall analyze whether the proposed reprogramming is significantly inconsistent with the Budget, and submit its analysis to the Legislature as soon as practicable after receiving the request.

(2) NO ACTION PERMITTED UNTIL ANALYSIS RECEIVED.—The Legislature shall not adopt a reprogramming, and no officer or employee of the territorial government may carry out any reprogramming, until the Oversight Board has provided the Legislature with an analysis that certifies such reprogramming will not be inconsistent with the Fiscal Plan and Budget.

(3) PROHIBITION ON ACTION UNTIL OVERSIGHT BOARD IS APPOINTED.—

(A) During the period after a territory becomes a covered territory and prior to the appointment of all members and the Chair of the Oversight Board, such covered territory shall not enact new laws that either permit the transfer of any funds or assets outside the ordinary course of business or that are inconsistent with the constitution or laws of the territory as of the date of enactment of this Act, provided that any executive or legislative action authorizing the movement of funds or assets during this time period may be subject to review and rescission by the Oversight Board upon appointment of the Oversight Board's full membership.

(B) Upon appointment of the Oversight Board's full membership, the Oversight Board may review, and in its sole discretion, rescind, any law that—

(i) was enacted during the period between, with respect to Puerto Rico, May 4, 2016; or with respect to any other territory, 45 days prior to the establishment of the Oversight Board for such territory, and the date of appointment of all members and the Chair of the Oversight Board; and

(ii) alters pre-existing priorities of creditors in a manner outside the ordinary course of business or inconsistent with the territory's constitution or the laws of the territory as of, in the case of Puerto Rico, May 4, 2016, or with respect to any other territory, 45 days prior to the establishment of the Oversight Board for such territory;

but such rescission shall only be to the extent that the law alters such priorities.

(d) IMPLEMENTATION OF FEDERAL PROGRAMS.—In taking actions under this Act, the Oversight Board shall not exercise applicable authorities to impede territorial actions taken to—

(1) comply with a court-issued consent decree or injunction, or an administrative order or settlement with a Federal agency, with respect to Federal programs;

(2) implement a federally authorized or federally delegated program;

(3) implement territorial laws, which are consistent with a certified Fiscal Plan, that execute Federal requirements and standards; or

(4) preserve and maintain federally funded mass transportation assets.

SEC. 205. RECOMMENDATIONS ON FINANCIAL STABILITY AND MANAGEMENT RESPONSIBILITY.

48 USC 2145.

(a) IN GENERAL.—The Oversight Board may at any time submit recommendations to the Governor or the Legislature on actions the territorial government may take to ensure compliance with the Fiscal Plan, or to otherwise promote the financial stability, economic growth, management responsibility, and service delivery efficiency of the territorial government, including recommendations relating to—

(1) the management of the territorial government's financial affairs, including economic forecasting and multiyear fiscal forecasting capabilities, information technology, placing controls on expenditures for personnel, reducing benefit costs, reforming procurement practices, and placing other controls on expenditures;

(2) the structural relationship of departments, agencies, and independent agencies within the territorial government;

(3) the modification of existing revenue structures, or the establishment of additional revenue structures;

(4) the establishment of alternatives for meeting obligations to pay for the pensions of territorial government employees;

(5) modifications or transfers of the types of services that are the responsibility of, and are delivered by the territorial government;

(6) modifications of the types of services that are delivered by entities other than the territorial government under alternative service delivery mechanisms;

(7) the effects of the territory's laws and court orders on the operations of the territorial government;

(8) the establishment of a personnel system for employees of the territorial government that is based upon employee performance standards;

(9) the improvement of personnel training and proficiency, the adjustment of staffing levels, and the improvement of

training and performance of management and supervisory personnel; and

(10) the privatization and commercialization of entities within the territorial government.

(b) RESPONSE TO RECOMMENDATIONS BY THE TERRITORIAL GOVERNMENT.—

Deadline. Notice.

(1) IN GENERAL.—In the case of any recommendations submitted under subsection (a) that are within the authority of the territorial government to adopt, not later than 90 days after receiving the recommendations, the Governor or the Legislature (whichever has the authority to adopt the recommendation) shall submit a statement to the Oversight Board that provides notice as to whether the territorial government will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Governor or the Legislature (whichever is applicable) notifies the Oversight Board under paragraph (1) that the territorial government will adopt any of the recommendations submitted under subsection (a), the Governor or the Legislature (whichever is applicable) shall include in the statement a written plan to implement the recommendation that includes—

(A) specific performance measures to determine the extent to which the territorial government has adopted the recommendation; and

(B) a clear and specific timetable pursuant to which the territorial government will implement the recommendation.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Governor or the Legislature (whichever is applicable) notifies the Oversight Board under paragraph (1) that the territorial government will not adopt any recommendation submitted under subsection (a) that the territorial government has authority to adopt, the Governor or the Legislature shall include in the statement explanations for the rejection of the recommendations, and the Governor or the Legislature shall submit such statement of explanations to the President and Congress.

48 USC 2146.

SEC. 206. OVERSIGHT BOARD DUTIES RELATED TO RESTRUCTURING.

Determination.

(a) REQUIREMENTS FOR RESTRUCTURING CERTIFICATION.—The Oversight Board, prior to issuing a restructuring certification regarding an entity (as such term is defined in section 101 of title 11, United States Code), shall determine, in its sole discretion, that—

(1) the entity has made good-faith efforts to reach a consensual restructuring with creditors;

(2) the entity has—

Procedures.

(A) adopted procedures necessary to deliver timely audited financial statements; and

Public information.

(B) made public draft financial statements and other information sufficient for any interested person to make an informed decision with respect to a possible restructuring;

(3) the entity is either a covered territory that has adopted a Fiscal Plan certified by the Oversight Board, a covered territorial instrumentality that is subject to a Territory Fiscal Plan

certified by the Oversight Board, or a covered territorial instrumentality that has adopted an Instrumentality Fiscal Plan certified by the Oversight Board; and

(4)(A) no order approving a Qualifying Modification under section 601 has been entered with respect to such entity; or

(B) if an order approving a Qualifying Modification has been entered with respect to such entity, the entity is unable to make its debt payments notwithstanding the approved Qualifying Modification, in which case, all claims affected by the Qualifying Modification shall be subject to a title III case.

(b) ISSUANCE OF RESTRUCTURING CERTIFICATION.—The issuance of a restructuring certification under this section requires a vote of no fewer than 5 members of the Oversight Board in the affirmative, which shall satisfy the requirement set forth in section 302(2) of this Act.

SEC. 207. OVERSIGHT BOARD AUTHORITY RELATED TO DEBT ISSUANCE. 48 USC 2147.

For so long as the Oversight Board remains in operation, no territorial government may, without the prior approval of the Oversight Board, issue debt or guarantee, exchange, modify, repurchase, redeem, or enter into similar transactions with respect to its debt.

SEC. 208. REQUIRED REPORTS. 48 USC 2148.

(a) ANNUAL REPORT.—Not later than 30 days after the last day of each fiscal year, the Oversight Board shall submit a report to the President, Congress, the Governor and the Legislature, describing—

(1) the progress made by the territorial government in meeting the objectives of this Act during the fiscal year;

(2) the assistance provided by the Oversight Board to the territorial government in meeting the purposes of this Act during the fiscal year;

(3) recommendations to the President and Congress on changes to this Act or other Federal laws, or other actions of the Federal Government, that would assist the territorial government in complying with any certified Fiscal Plan; Recommendations.

(4) the precise manner in which funds allocated to the Oversight Board under section 107 and, as applicable, section 104(e) have been spent by the Oversight Board during the fiscal year; and

(5) any other activities of the Oversight Board during the fiscal year.

(b) REPORT ON DISCRETIONARY TAX ABATEMENT AGREEMENTS.—Within six months of the establishment of the Oversight Board, the Governor shall submit a report to the Oversight Board documenting all existing discretionary tax abatement or similar tax relief agreements to which the territorial government, or any territorial instrumentality, is a party, provided that—

(1) nothing in this Act shall be interpreted to limit the power of the territorial government or any territorial instrumentality to execute or modify discretionary tax abatement or similar tax relief agreements, or to enforce compliance with the terms and conditions of any discretionary tax abatement or similar tax relief agreement, to which the territorial government or any territorial instrumentality is a party; and

(2) the members and staff of the Oversight Board shall not disclose the contents of the report described in this subsection, and shall otherwise comply with all applicable territorial and Federal laws and regulations regarding the handling of confidential taxpayer information.

(c) QUARTERLY REPORTS OF CASH FLOW.—The Oversight Board, when feasible, shall report on the amount of cash flow available for the payment of debt service on all notes, bonds, debentures, credit agreements, or other instruments for money borrowed whose enforcement is subject to a stay or moratorium hereunder, together with any variance from the amount set forth in the debt sustainability analysis of the Fiscal Plan under section 201(b)(1)(I).

Certification.
48 USC 2149.

SEC. 209. TERMINATION OF OVERSIGHT BOARD.

An Oversight Board shall terminate upon certification by the Oversight Board that—

(1) the applicable territorial government has adequate access to short-term and long-term credit markets at reasonable interest rates to meet the borrowing needs of the territorial government; and

(2) for at least 4 consecutive fiscal years—

(A) the territorial government has developed its Budgets in accordance with modified accrual accounting standards; and

(B) the expenditures made by the territorial government during each fiscal year did not exceed the revenues of the territorial government during that year, as determined in accordance with modified accrual accounting standards.

48 USC 2150.

SEC. 210. NO FULL FAITH AND CREDIT OF THE UNITED STATES.

(a) IN GENERAL.—The full faith and credit of the United States is not pledged for the payment of any principal of or interest on any bond, note, or other obligation issued by a covered territory or covered territorial instrumentality. The United States is not responsible or liable for the payment of any principal of or interest on any bond, note, or other obligation issued by a covered territory or covered territorial instrumentality.

(b) SUBJECT TO APPROPRIATIONS.—Any claim to which the United States is determined to be liable under this Act shall be subject to appropriations.

(c) FUNDING.—No Federal funds shall be authorized by this Act for the payment of any liability of the territory or territorial instrumentality.

48 USC 2151.

SEC. 211. ANALYSIS OF PENSIONS.

(a) DETERMINATION.—If the Oversight Board determines, in its sole discretion, that a pension system of the territorial government is materially underfunded, the Oversight Board shall conduct an analysis prepared by an independent actuary of such pension system to assist the Oversight Board in evaluating the fiscal and economic impact of the pension cash flows.

(b) PROVISIONS OF ANALYSIS.—An analysis conducted under subsection (a) shall include—

Study.
Time period.

(1) an actuarial study of the pension liabilities and funding strategy that includes a forward looking projection of payments of at least 30 years of benefit payments and funding strategy to cover such payments;

(2) sources of funding to cover such payments;

(3) a review of the existing benefits and their sustainability; and Review.

(4) a review of the system's legal structure and operational arrangements, and any other studies of the pension system the Oversight Board shall deem necessary. Review.

(c) SUPPLEMENTARY INFORMATION.—In any case, the analysis conducted under subsection (a) shall include information regarding the fair market value and liabilities using an appropriate discount rate as determined by the Oversight Board.

SEC. 212. INTERVENTION IN LITIGATION. 48 USC 2152.

(a) INTERVENTION.—The Oversight Board may intervene in any litigation filed against the territorial government.

(b) INJUNCTIVE RELIEF.—

(1) IN GENERAL.—If the Oversight Board intervenes in a litigation under subsection (a), the Oversight Board may seek injunctive relief, including a stay of litigation.

(2) NO INDEPENDENT BASIS FOR RELIEF.—This section does not create an independent basis on which injunctive relief, including a stay of litigation, may be granted.

TITLE III—ADJUSTMENTS OF DEBTS

SEC. 301. APPLICABILITY OF OTHER LAWS; DEFINITIONS. 48 USC 2161.

(a) SECTIONS APPLICABLE TO CASES UNDER THIS TITLE.—Sections 101 (except as otherwise provided in this section), 102, 104, 105, 106, 107, 108, 112, 333, 344, 347(b), 349, 350(b), 351, 361, 362, 364(c), 364(d), 364(e), 364(f), 365, 366, 501, 502, 503, 504, 506, 507(a)(2), 509, 510, 524(a)(1), 524(a)(2), 544, 545, 546, 547, 548, 549(a), 549(c), 549(d), 550, 551, 552, 553, 555, 556, 557, 559, 560, 561, 562, 902 (except as otherwise provided in this section), 922, 923, 924, 925, 926, 927, 928, 942, 944, 945, 946, 1102, 1103, 1109, 1111(b), 1122, 1123(a)(1), 1123(a)(2), 1123(a)(3), 1123(a)(4), 1123(a)(5), 1123(b), 1123(d), 1124, 1125, 1126(a), 1126(b), 1126(c), 1126(e), 1126(f), 1126(g), 1127(d), 1128, 1129(a)(2), 1129(a)(3), 1129(a)(6), 1129(a)(8), 1129(a)(10), 1129(b)(1), 1129(b)(2)(A), 1129(b)(2)(B), 1142(b), 1143, 1144, 1145, and 1146(a) of title 11, United States Code, apply in a case under this title and section 930 of title 11, United States Code, applies in a case under this title; however, section 930 shall not apply in any case during the first 120 days after the date on which such case is commenced under this title. Time period.

(b) MEANINGS OF TERMS.—A term used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a), has the meaning given to the term for the purpose of the applicable section, unless the term is otherwise defined in this title.

(c) DEFINITIONS.—In this title:

(1) AFFILIATE.—The term "affiliate" means, in addition to the definition made applicable in a case under this title by subsection (a)—

(A) for a territory, any territorial instrumentality; and

(B) for a territorial instrumentality, the governing territory and any of the other territorial instrumentalities of the territory.

(2) DEBTOR.—The term "debtor" means the territory or covered territorial instrumentality concerning which a case under this title has been commenced.

(3) HOLDER OF A CLAIM OR INTEREST.—The term "holder of a claim or interest", when used in section 1126 of title 11, United States Code, made applicable in a case under this title by subsection (a)—

Courts.

(A) shall exclude any Issuer or Authorized Instrumentality of the Territory Government Issuer (as defined under Title VI of this Act) or a corporation, trust or other legal entity that is controlled by the Issuer or an Authorized Territorial Instrumentality of the Territory Government Issuer, provided that the beneficiaries of such claims, to the extent they are not referenced in this subparagraph, shall not be excluded, and that, for each excluded trust or other legal entity, the court shall, upon the request of any participant or beneficiary of such trust or entity, at any time after the commencement of the case, order the appointment of a separate committee of creditors pursuant to section 1102(a)(2) of title 11, United States Code; and

(B) with reference to Insured Bonds, shall mean the monoline insurer insuring such Insured Bond to the extent such insurer is granted the right to vote Insured Bonds for purposes of directing remedies or consenting to proposed amendments or modifications as provided in the applicable documents pursuant to which such Insured Bond was issued and insured.

(4) INSURED BOND.—The term "Insured Bond" means a bond subject to a financial guarantee or similar insurance contract, policy and/or surety issued by a monoline insurer.

(5) PROPERTY OF THE ESTATE.—The term "property of the estate", when used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a), means property of the debtor.

(6) STATE.—The term "State" when used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) means State or territory when used in reference to the relationship of a State to the municipality of the State or the territorial instrumentality of a territory, as applicable.

(7) TRUSTEE.—The term "trustee", when used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a), means the Oversight Board, except as provided in section 926 of title 11, United States Code. The term "trustee" as described in this paragraph does not mean the U.S. Trustee, an official of the United States Trustee Program, which is a component of the United States Department of Justice.

(d) REFERENCE TO TITLE.—Solely for purposes of this title, a reference to "this title", "this chapter", or words of similar import in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) or to "this title", "title 11", "Chapter 9", "Chapter 11", "the Code", or words of similar import in the Federal Rules of Bankruptcy Procedure made applicable in a case under this title shall be deemed to be a reference to this title.

(e) SUBSTANTIALLY SIMILAR.—In determining whether claims are "substantially similar" for the purpose of section 1122 of title 11, United States Code, made applicable in a case under this title by subsection (a), the Oversight Board shall consider whether such claims are secured and whether such claims have priority over other claims. Determination.

(f) OPERATIVE CLAUSES.—A section made applicable in a case under this title by subsection (a) that is operative if the business of the debtor is authorized to be operated is operative in a case under this title.

SEC. 302. WHO MAY BE A DEBTOR. 48 USC 2162.

An entity may be a debtor under this title if—

(1) the entity is—

(A) a territory that has requested the establishment of an Oversight Board or has had an Oversight Board established for it by the United States Congress in accordance with section 101 of this Act; or

(B) a covered territorial instrumentality of a territory described in paragraph (1)(A);

(2) the Oversight Board has issued a certification under section 206(b) of this Act for such entity; and

(3) the entity desires to effect a plan to adjust its debts.

SEC. 303. RESERVATION OF TERRITORIAL POWER TO CONTROL TERRITORY AND TERRITORIAL INSTRUMENTALITIES. 48 USC 2163.

Subject to the limitations set forth in titles I and II of this Act, this title does not limit or impair the power of a covered territory to control, by legislation or otherwise, the territory or any territorial instrumentality thereof in the exercise of the political or governmental powers of the territory or territorial instrumentality, including expenditures for such exercise, but whether or not a case has been or can be commenced under this title—

(1) a territory law prescribing a method of composition of indebtedness or a moratorium law, but solely to the extent that it prohibits the payment of principal or interest by an entity not described in section 109(b)(2) of title 11, United States Code, may not bind any creditor of a covered territory or any covered territorial instrumentality thereof that does not consent to the composition or moratorium;

(2) a judgment entered under a law described in paragraph (1) may not bind a creditor that does not consent to the composition; and

(3) unlawful executive orders that alter, amend, or modify rights of holders of any debt of the territory or territorial instrumentality, or that divert funds from one territorial instrumentality to another or to the territory, shall be preempted by this Act.

SEC. 304. PETITION AND PROCEEDINGS RELATING TO PETITION. Courts. 48 USC 2164.

(a) COMMENCEMENT OF CASE.—A voluntary case under this title is commenced by the filing with the district court of a petition by the Oversight Board pursuant to the determination under section 206 of this Act.

(b) OBJECTION TO PETITION.—After any objection to the petition, the court, after notice and a hearing, may dismiss the petition if the petition does not meet the requirements of this title; however, this subsection shall not apply in any case during the first 120

days after the date on which such case is commenced under this title.

(c) ORDER FOR RELIEF.—The commencement of a case under this title constitutes an order for relief.

(d) APPEAL.—The court may not, on account of an appeal from an order for relief, delay any proceeding under this title in the case in which the appeal is being taken, nor shall any court order a stay of such proceeding pending such appeal.

(e) VALIDITY OF DEBT.—The reversal on appeal of a finding of jurisdiction shall not affect the validity of any debt incurred that is authorized by the court under section 364(c) or 364(d) of title 11, United States Code.

(f) JOINT FILING OF PETITIONS AND PLANS PERMITTED.—The Oversight Board, on behalf of debtors under this title, may file petitions or submit or modify plans of adjustment jointly if the debtors are affiliates; provided, however, that nothing in this title shall be construed as authorizing substantive consolidation of the cases of affiliated debtors.

(g) JOINT ADMINISTRATION OF AFFILIATED CASES.—If the Oversight Board, on behalf of a debtor and one or more affiliates, has filed separate cases and the Oversight Board, on behalf of the debtor or one of the affiliates, files a motion to administer the cases jointly, the court may order a joint administration of the cases.

(h) PUBLIC SAFETY.—This Act may not be construed to permit the discharge of obligations arising under Federal police or regulatory laws, including laws relating to the environment, public health or safety, or territorial laws implementing such Federal legal provisions. This includes compliance obligations, requirements under consent decrees or judicial orders, and obligations to pay associated administrative, civil, or other penalties.

(i) VOTING ON DEBT ADJUSTMENT PLANS NOT STAYED.—Notwithstanding any provision in this title to the contrary, including sections of title 11, United States Code, incorporated by reference, nothing in this section shall prevent the holder of a claim from voting on or consenting to a proposed modification of such claim under title VI of this Act.

48 USC 2165.

SEC. 305. LIMITATION ON JURISDICTION AND POWERS OF COURT.

Subject to the limitations set forth in titles I and II of this Act, notwithstanding any power of the court, unless the Oversight Board consents or the plan so provides, the court may not, by any stay, order, or decree, in the case or otherwise, interfere with—

(1) any of the political or governmental powers of the debtor;

(2) any of the property or revenues of the debtor; or

(3) the use or enjoyment by the debtor of any income-producing property.

Courts.
48 USC 2166.

SEC. 306. JURISDICTION.

(a) FEDERAL SUBJECT MATTER JURISDICTION.—The district courts shall have—

(1) except as provided in paragraph (2), original and exclusive jurisdiction of all cases under this title; and

(2) except as provided in subsection (b), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, original but not exclusive jurisdiction of all civil proceedings arising

under this title, or arising in or related to cases under this title.

(b) PROPERTY JURISDICTION.—The district court in which a case under this title is commenced or is pending shall have exclusive jurisdiction of all property, wherever located, of the debtor as of the commencement of the case.

(c) PERSONAL JURISDICTION.—The district court in which a case under this title is pending shall have personal jurisdiction over any person or entity.

(d) REMOVAL, REMAND, AND TRANSFER.—

(1) REMOVAL.—A party may remove any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce the police or regulatory power of the governmental unit, to the district court for the district in which the civil action is pending, if the district court has jurisdiction of the claim or cause of action under this section.

(2) REMAND.—The district court to which the claim or cause of action is removed under paragraph (1) may remand the claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not to remand, is not reviewable by appeal or otherwise by the court of appeals under section 158(d), 1291 or 1292 of title 28, United States Code, or by the Supreme Court of the United States under section 1254 of title 28, United States Code.

(3) TRANSFER.—A district court shall transfer any civil proceeding arising under this title, or arising in or related to a case under this title, to the district court in which the case under this title is pending.

(e) APPEAL.—

(1) An appeal shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district court.

(2) The court of appeals for the circuit in which a case under this title has venue pursuant to section 307 of this title shall have jurisdiction of appeals from all final decisions, judgments, orders and decrees entered under this title by the district court.

(3) The court of appeals for the circuit in which a case under this title has venue pursuant to section 307 of this title shall have jurisdiction to hear appeals of interlocutory orders or decrees if—

Certification.

(A) the district court on its own motion or on the request of a party to the order or decree certifies that—

(i) the order or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

(ii) the order or decree involves a question of law requiring the resolution of conflicting decisions; or

(iii) an immediate appeal from the order or decree may materially advance the progress of the case or proceeding in which the appeal is taken; and

(B) the court of appeals authorizes the direct appeal of the order or decree.

Determination.

(4) If the district court on its own motion or on the request of a party determines that a circumstance specified in clauses (i), (ii), or (iii) of paragraph (3)(A) exists, then the district court shall make the certification described in paragraph (3).

(5) The parties may supplement the certification with a short statement of the basis for the certification issued by the district court under paragraph (3)(A).

(6) Except as provided in section 304(d), an appeal of an interlocutory order or decree does not stay any proceeding of the district court from which the appeal is taken unless the district court, or the court of appeals in which the appeal is pending, issues a stay of such proceedings pending the appeal.

Deadline.

(7) Any request for a certification in respect to an interlocutory appeal of an order or decree shall be made not later than 60 days after the entry of the order or decree.

(f) REALLOCATION OF COURT STAFF.—Notwithstanding any law to the contrary, the clerk of the court in which a case is pending shall reallocate as many staff and assistants as the clerk deems necessary to ensure that the court has adequate resources to provide for proper case management.

48 USC 2167.

SEC. 307. VENUE.

(a) IN GENERAL.—Venue shall be proper in—

(1) with respect to a territory, the district court for the territory or, for any territory that does not have a district court, the United States District Court for the District of Hawaii; and

(2) with respect to a covered territorial instrumentality, the district court for the territory in which the covered territorial instrumentality is located or, for any territory that does not have a district court, the United States District Court for the District of Hawaii.

(b) ALTERNATIVE VENUE.—

Determination.

(1) If the Oversight Board so determines in its sole discretion, then venue shall be proper in the district court for the jurisdiction in which the Oversight Board maintains an office that is located outside the territory.

(2) With respect to paragraph (1), the Oversight Board may consider, among other things—

(A) the resources of the district court to adjudicate a case or proceeding; and

(B) the impact on witnesses who may be called in such a case or proceeding.

48 USC 2168.

SEC. 308. SELECTION OF PRESIDING JUDGE.

(a) For cases in which the debtor is a territory, the Chief Justice of the United States shall designate a district court judge to sit by designation to conduct the case.

(b) For cases in which the debtor is not a territory, and no motion for joint administration of the debtor's case with the case of its affiliate territory has been filed or there is no case in which the affiliate territory is a debtor, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a district court judge to conduct the case.

SEC. 309. ABSTENTION. 48 USC 2169.

Nothing in this title prevents a district court in the interests of justice from abstaining from hearing a particular proceeding arising in or related to a case under this title.

SEC. 310. APPLICABLE RULES OF PROCEDURE. 48 USC 2170.

The Federal Rules of Bankruptcy Procedure shall apply to a case under this title and to all civil proceedings arising in or related to cases under this title.

SEC. 311. LEASES. 48 USC 2171.

A lease to a territory or territorial instrumentality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of title 11, United States Code, solely by reason of the lease being subject to termination in the event the debtor fails to appropriate rent.

SEC. 312. FILING OF PLAN OF ADJUSTMENT. 48 USC 2172.

(a) EXCLUSIVITY.—Only the Oversight Board, after the issuance of a certificate pursuant to section 104(j) of this Act, may file a plan of adjustment of the debts of the debtor.

(b) DEADLINE FOR FILING PLAN.—If the Oversight Board does not file a plan of adjustment with the petition, the Oversight Board shall file a plan of adjustment at the time set by the court.

SEC. 313. MODIFICATION OF PLAN. 48 USC 2173.

The Oversight Board, after the issuance of a certification pursuant to section 104(j) of this Act, may modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of this title. After the Oversight Board files a modification, the plan as modified becomes the plan.

SEC. 314. CONFIRMATION. Plan. Courts. 48 USC 2174.

(a) OBJECTION.—A special tax payer may object to confirmation of a plan.

(b) CONFIRMATION.—The court shall confirm the plan if—

(1) the plan complies with the provisions of title 11 of the United States Code, made applicable to a case under this title by section 301 of this Act;

(2) the plan complies with the provisions of this title;

(3) the debtor is not prohibited by law from taking any action necessary to carry out the plan;

(4) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in 507(a)(2) of title 11, United States Code, will receive on account of such claim cash equal to the allowed amount of such claim;

(5) any legislative, regulatory, or electoral approval necessary under applicable law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval;

(6) the plan is feasible and in the best interests of creditors, which shall require the court to consider whether available remedies under the non-bankruptcy laws and constitution of the territory would result in a greater recovery for the creditors than is provided by such plan; and

(7) the plan is consistent with the applicable Fiscal Plan certified by the Oversight Board under title II.

(c) CONFIRMATION FOR DEBTORS WITH A SINGLE CLASS OF CLAIMS.—If all of the requirements of section 314(b) of this title and section 1129(a) of title 11, United States Code, incorporated into this title by section 301 other than sections 1129(a)(8) and 1129(a)(10) are met with respect to a plan—

(1) with respect to which all claims are substantially similar under section 301(e) of this title;

(2) that includes only one class of claims, which claims are impaired claims; and

(3) that was not accepted by such impaired class,

the court shall confirm the plan notwithstanding the requirements of such sections 1129(a)(8) and 1129(a)(10) of title 11, United States Code if the plan is fair and equitable and does not discriminate unfairly with respect to such impaired class.

48 USC 2175.

SEC. 315. ROLE AND CAPACITY OF OVERSIGHT BOARD.

(a) ACTIONS OF OVERSIGHT BOARD.—For the purposes of this title, the Oversight Board may take any action necessary on behalf of the debtor to prosecute the case of the debtor, including—

(1) filing a petition under section 304 of this Act;

(2) submitting or modifying a plan of adjustment under sections 312 and 313; or

(3) otherwise generally submitting filings in relation to the case with the court.

(b) REPRESENTATIVE OF DEBTOR.—The Oversight Board in a case under this title is the representative of the debtor.

Courts.
48 USC 2176.

SEC. 316. COMPENSATION OF PROFESSIONALS.

(a) After notice to the parties in interest and the United States Trustee and a hearing, the court may award to a professional person employed by the debtor (in the debtor's sole discretion), the Oversight Board (in the Oversight Board's sole discretion), a committee under section 1103 of title 11, United States Code, or a trustee appointed by the court under section 926 of title 11, United States Code—

(1) reasonable compensation for actual, necessary services rendered by the professional person, or attorney and by any paraprofessional person employed by any such person; and

(2) reimbursement for actual, necessary expenses.

(b) The court may, on its own motion or on the motion of the United States Trustee or any other party in interest, award compensation that is less than the amount of compensation that is requested.

(c) In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

(1) the time spent on such services;

(2) the rates charged for such services;

(3) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this chapter;

(4) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;

(5) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the restructuring field; and

(6) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title or title 11, United States Code.

(d) The court shall not allow compensation for—

(1) unnecessary duplication of services; or

(2) services that were not—

(A) reasonably likely to benefit the debtor; or

(B) necessary to the administration of the case.

(e) The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 317 of this title, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the debtor.

(f) Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

SEC. 317. INTERIM COMPENSATION.

Time period.
48 USC 2177.

A debtor's attorney, or any professional person employed by the debtor (in the debtor's sole discretion), the Oversight Board (in the Oversight Board's sole discretion), a committee under section 1103 of title 11, United States Code, or a trustee appointed by the court under section 926 of title 11, United States Code, may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 316 of this title.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. RULES OF CONSTRUCTION.

48 USC 2191.

Nothing in this Act is intended, or may be construed—

(1) to limit the authority of Congress to exercise legislative authority over the territories pursuant to Article IV, section 3 of the Constitution of the United States;

(2) to authorize the application of section 104(f) of this Act (relating to issuance of subpoenas) to judicial officers or employees of territory courts;

(3) to alter, amend, or abrogate any provision of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48 U.S.C. 1801 et seq.); or

(4) to alter, amend, or abrogate the treaties of cession regarding certain islands of American Samoa (48 U.S.C. 1661).

48 USC 2192.

SEC. 402. RIGHT OF PUERTO RICO TO DETERMINE ITS FUTURE POLITICAL STATUS.

Nothing in this Act shall be interpreted to restrict Puerto Rico's right to determine its future political status, including by conducting the plebiscite as authorized by Public Law 113–76.

SEC. 403. FIRST MINIMUM WAGE IN PUERTO RICO.

Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)) is amended by striking paragraphs (2) through (4) and inserting the following:

Time period.

"(2) In lieu of the rate prescribed by subsection (a)(1), the Governor of Puerto Rico, subject to the approval of the Financial Oversight and Management Board established pursuant to section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act, may designate a time period not to exceed four years during which employers in Puerto Rico may pay employees who are initially employed after the date of enactment of such Act a wage which is not less than the wage described in paragraph (1). Notwithstanding the time period designated, such wage shall not continue in effect after such Board terminates in accordance with section 209 of such Act.

"(3) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1) or (2).

"(4) Any employer who violates this subsection shall be considered to have violated section 15(a)(3) (29 U.S.C. 215(a)(3)).

Applicability.

"(5) This subsection shall only apply to an employee who has not attained the age of 20 years, except in the case of the wage applicable in Puerto Rico, 25 years, until such time as the Board described in paragraph (2) terminates in accordance with section 209 of the Act described in such paragraph.".

48 USC 2193.

SEC. 404. APPLICATION OF REGULATION TO PUERTO RICO.

(a) SPECIAL RULE.—The regulations proposed by the Secretary of Labor relating to exemptions regarding the rates of pay for executive, administrative, professional, outside sales, and computer employees, and published in a notice in the Federal Register on July 6, 2015, and any final regulations issued related to such notice, shall have no force or effect in the Commonwealth of Puerto Rico until—

Assessment.

(1) the Comptroller General of the United States completes the assessment and transmits the report required under subsection (b); and

Determination.

(2) the Secretary of Labor, taking into account the assessment and report of the Comptroller General, provides a written determination to Congress that applying such rule to Puerto Rico would not have a negative impact on the economy of Puerto Rico.

(b) ASSESSMENT AND REPORT.—Not later than two years after the date of enactment of this Act, the Comptroller General shall examine the economic conditions in Puerto Rico and shall transmit a report to Congress assessing the impact of applying the regulations described in subsection (a) to Puerto Rico, taking into consideration regional, metropolitan, and non-metropolitan salary and cost-of-living differences.

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

(1) the Bureau of the Census should conduct a study to determine the feasibility of expanding data collection to include Puerto Rico and the other United States territories in the Current Population Survey, which is jointly administered by the Bureau of the Census and the Bureau of Labor Statistics, and which is the primary source of labor force statistics for the population of the United States; and

(2) if necessary, the Bureau of the Census should request the funding required to conduct this feasibility study as part of its budget submission to Congress for fiscal year 2018.

SEC. 405. AUTOMATIC STAY UPON ENACTMENT. 48 USC 2194.

(a) DEFINITIONS.—In this section:

(1) LIABILITY.—The term "Liability" means a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness for borrowed money, including rights, entitlements, or obligations whether such rights, entitlements, or obligations arise from contract, statute, or any other source of law related to such a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness in physical or dematerialized form, of which—

(A) the issuer, obligor, or guarantor is the Government of Puerto Rico; and

(B) the date of issuance or incurrence precedes the date of enactment of this Act.

(2) LIABILITY CLAIM.—The term "Liability Claim" means, as it relates to a Liability—

(A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or

(B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

(b) IN GENERAL.—Except as provided in subsection (c) of this section, the establishment of an Oversight Board for Puerto Rico (i.e., the enactment of this Act) in accordance with section 101 operates with respect to a Liability as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Government of Puerto Rico that was or could have been commenced before the enactment of this Act, or to recover a Liability Claim against the Government of Puerto Rico that arose before the enactment of this Act;

(2) the enforcement, against the Government of Puerto Rico or against property of the Government of Puerto Rico, of a judgment obtained before the enactment of this Act;

(3) any act to obtain possession of property of the Government of Puerto Rico or of property from the Government of Puerto Rico or to exercise control over property of the Government of Puerto Rico;

(4) any act to create, perfect, or enforce any lien against property of the Government of Puerto Rico;

(5) any act to create, perfect, or enforce against property of the Government of Puerto Rico any lien to the extent that such lien secures a Liability Claim that arose before the enactment of this Act;

(6) any act to collect, assess, or recover a Liability Claim against the Government of Puerto Rico that arose before the enactment of this Act; and

(7) the setoff of any debt owing to the Government of Puerto Rico that arose before the enactment of this Act against any Liability Claim against the Government of Puerto Rico.

(c) STAY NOT OPERABLE.—The establishment of an Oversight Board for Puerto Rico in accordance with section 101 does not operate as a stay—

(1) solely under subsection (b)(1) of this section, of the continuation of, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Government of Puerto Rico that was commenced on or before December 18, 2015; or

(2) of the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power.

Deadline.
Time periods.

(d) CONTINUATION OF STAY.—Except as provided in subsections (e), (f), and (g) the stay under subsection (b) continues until the earlier of—

(1) the later of—

(A) the later of—

(i) February 15, 2017; or

(ii) six months after the establishment of an Oversight Board for Puerto Rico as established by section 101(b);

Certification.

(B) the date that is 75 days after the date in subparagraph (A) if the Oversight Board delivers a certification to the Governor that, in the Oversight Board's sole discretion, an additional 75 days are needed to seek to complete a voluntary process under title VI of this Act with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities; or

Determination.

(C) the date that is 60 days after the date in subparagraph (A) if the district court to which an application has been submitted under subparagraph 601(m)(1)(D) of this Act determines, in the exercise of the court's equitable powers, that an additional 60 days are needed to complete a voluntary process under title VI of this Act with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities; or

(2) with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities, the date on which a case is filed by or on behalf of the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities, as applicable, under title III.

(e) JURISDICTION, RELIEF FROM STAY.—

(1) The United States District Court for the District of Puerto Rico shall have original and exclusive jurisdiction of any civil actions arising under or related to this section.

(2) On motion of or action filed by a party in interest and after notice and a hearing, the United States District Court for the District of Puerto Rico, for cause shown, shall grant relief from the stay provided under subsection (b) of this section.

(f) TERMINATION OF STAY; HEARING.—Forty-five days after a request under subsection (e)(2) for relief from the stay of any act against property of the Government of Puerto Rico under subsection (b), such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (e)(2). A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (e)(2). The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (e)(2) if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than thirty days after the conclusion of such preliminary hearing, unless the thirty-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances. Time periods. Notice. Courts.

(g) RELIEF TO PREVENT IRREPARABLE DAMAGE.—Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (b) as is necessary to prevent irreparable damage to the interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (e) or (f). Courts.

(h) ACT IN VIOLATION OF STAY IS VOID.—Any order, judgment, or decree entered in violation of this section and any act taken in violation of this section is void, and shall have no force or effect, and any person found to violate this section may be liable for damages, costs, and attorneys' fees incurred in defending any action taken in violation of this section, and the Oversight Board or the Government of Puerto Rico may seek an order from the court enforcing the provisions of this section.

(i) GOVERNMENT OF PUERTO RICO.—For purposes of this section, the term "Government of Puerto Rico", in addition to the definition set forth in section 5(11) of this Act, shall include— Definition.

(1) the individuals, including elected and appointed officials, directors, officers of and employees acting in their official capacity on behalf of the Government of Puerto Rico; and

(2) the Oversight Board, including the directors and officers of and employees acting in their official capacity on behalf of the Oversight Board.

(j) NO DEFAULT UNDER EXISTING CONTRACTS.—

(1) Notwithstanding any contractual provision or applicable law to the contrary and so long as a stay under this section is in effect, the holder of a Liability Claim or any other claim (as such term is defined in section 101 of title 11, United States Code) may not exercise or continue to exercise any

remedy under a contract or applicable law in respect to the Government of Puerto Rico or any of its property—

(A) that is conditioned upon the financial condition of, or the commencement of a restructuring, insolvency, bankruptcy, or other proceeding (or a similar or analogous process) by, the Government of Puerto Rico, including a default or an event of default thereunder; or

(B) with respect to Liability Claims—

(i) for the non-payment of principal or interest; or

(ii) for the breach of any condition or covenant.

Definition.

(2) The term "remedy" as used in paragraph (1) shall be interpreted broadly, and shall include any right existing in law or contract, including any right to—

(A) setoff;

(B) apply or appropriate funds;

(C) seek the appointment of a custodian (as such term is defined in section 101(11) of title 11, United States Code);

(D) seek to raise rates; or

(E) exercise control over property of the Government of Puerto Rico.

(3) Notwithstanding any contractual provision or applicable law to the contrary and so long as a stay under this section is in effect, a contract to which the Government of Puerto Rico is a party may not be terminated or modified, and any right or obligation under such contract may not be terminated or modified, solely because of a provision in such contract is conditioned on—

(A) the insolvency or financial condition of the Government of Puerto Rico at any time prior to the enactment of this Act;

(B) the adoption of a resolution or establishment of an Oversight Board pursuant to section 101 of this Act; or

(C) a default under a separate contract that is due to, triggered by, or a result of the occurrence of the events or matters in paragraph (1)(B).

(4) Notwithstanding any contractual provision to the contrary and so long as a stay under this section is in effect, a counterparty to a contract with the Government of Puerto Rico for the provision of goods and services shall, unless the Government of Puerto Rico agrees to the contrary in writing, continue to perform all obligations under, and comply with the terms of, such contract, provided that the Government of Puerto Rico is not in default under such contract other than as a result of a condition specified in paragraph (3).

(k) EFFECT.—This section does not discharge an obligation of the Government of Puerto Rico or release, invalidate, or impair any security interest or lien securing such obligation. This section does not impair or affect the implementation of any restructuring support agreement executed by the Government of Puerto Rico to be implemented pursuant to Puerto Rico law specifically enacted for that purpose prior to the enactment of this Act or the obligation of the Government of Puerto Rico to proceed in good faith as set forth in any such agreement.

(l) PAYMENTS ON LIABILITIES.—Nothing in this section shall be construed to prohibit the Government of Puerto Rico from making any payment on any Liability when such payment becomes due during the term of the stay, and to the extent the Oversight Board, in its sole discretion, determines it is feasible, the Government of Puerto Rico shall make interest payments on outstanding indebtedness when such payments become due during the length of the stay.

(m) FINDINGS.—Congress finds the following:

(1) A combination of severe economic decline, and, at times, accumulated operating deficits, lack of financial transparency, management inefficiencies, and excessive borrowing has created a fiscal emergency in Puerto Rico.

(2) As a result of its fiscal emergency, the Government of Puerto Rico has been unable to provide its citizens with effective services.

(3) The current fiscal emergency has also affected the long-term economic stability of Puerto Rico by contributing to the accelerated outmigration of residents and businesses.

(4) A comprehensive approach to fiscal, management, and structural problems and adjustments that exempts no part of the Government of Puerto Rico is necessary, involving independent oversight and a Federal statutory authority for the Government of Puerto Rico to restructure debts in a fair and orderly process.

(5) Additionally, an immediate—but temporary—stay is essential to stabilize the region for the purposes of resolving this territorial crisis.

(A) The stay advances the best interests common to all stakeholders, including but not limited to a functioning independent Oversight Board created pursuant to this Act to determine whether to appear or intervene on behalf of the Government of Puerto Rico in any litigation that may have been commenced prior to the effectiveness or upon expiration of the stay.

(B) The stay is limited in nature and narrowly tailored to achieve the purposes of this Act, including to ensure all creditors have a fair opportunity to consensually renegotiate terms of repayment based on accurate financial information that is reviewed by an independent authority or, at a minimum, receive a recovery from the Government of Puerto Rico equal to their best possible outcome absent the provisions of this Act.

(6) Finally, the ability of the Government of Puerto Rico to obtain funds from capital markets in the future will be severely diminished without congressional action to restore its financial accountability and stability.

(n) PURPOSES.—The purposes of this section are to—

(1) provide the Government of Puerto Rico with the resources and the tools it needs to address an immediate existing and imminent crisis;

(2) allow the Government of Puerto Rico a limited period of time during which it can focus its resources on negotiating a voluntary resolution with its creditors instead of defending numerous, costly creditor lawsuits;

(3) provide an oversight mechanism to assist the Government of Puerto Rico in reforming its fiscal governance and support the implementation of potential debt restructuring;

(4) make available a Federal restructuring authority, if necessary, to allow for an orderly adjustment of all of the Government of Puerto Rico's liabilities; and

(5) benefit the lives of 3.5 million American citizens living in Puerto Rico by encouraging the Government of Puerto Rico to resolve its longstanding fiscal governance issues and return to economic growth.

(o) VOTING ON VOLUNTARY AGREEMENTS NOT STAYED.—Notwithstanding any provision in this section to the contrary, nothing in this section shall prevent the holder of a Liability Claim from voting on or consenting to a proposed modification of such Liability Claim under title VI of this Act.

SEC. 406. PURCHASES BY TERRITORY GOVERNMENTS.

The text of section 302 of the Omnibus Insular Areas Act of 1992 (48 U.S.C. 1469e), is amended to read as follows: "The Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands are authorized to make purchases through the General Services Administration.".

48 USC 2195.

SEC. 407. PROTECTION FROM INTER-DEBTOR TRANSFERS.

(a) PROTECTION OF CREDITORS.—While an Oversight Board for Puerto Rico is in existence, if any property of any territorial instrumentality of Puerto Rico is transferred in violation of applicable law under which any creditor has a valid pledge of, security interest in, or lien on such property, or which deprives any such territorial instrumentality of property in violation of applicable law assuring the transfer of such property to such territorial instrumentality for the benefit of its creditors, then the transferee shall be liable for the value of such property.

(b) ENFORCEABILITY.—A creditor may enforce rights under this section by bringing an action in the United States District Court for the District of Puerto Rico after the expiration or lifting of the stay of section 405, unless a stay under title III is in effect.

SEC. 408. GAO REPORT ON SMALL BUSINESS ADMINISTRATION PROGRAMS IN PUERTO RICO.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(t) GAO REPORT ON SMALL BUSINESS ADMINISTRATION PROGRAMS IN PUERTO RICO.—Not later than one year after the date of enactment of this subsection, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the application and utilization of contracting activities of the Administration (including contracting activities relating to HUBZone small business concerns) in Puerto Rico. The report shall also identify any provisions of Federal law that may create an obstacle to the efficient implementation of such contracting activities.".

SEC. 409. CONGRESSIONAL TASK FORCE ON ECONOMIC GROWTH IN PUERTO RICO. 48 USC 2196.

(a) ESTABLISHMENT.—There is established within the legislative branch a Congressional Task Force on Economic Growth in Puerto Rico (hereinafter referred to as the "Task Force").

(b) MEMBERSHIP.—The Task Force shall be composed of eight members as follows:

(1) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives, in coordination with the Chairman of the Committee on Natural Resources of the House of Representatives.

(2) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives, in coordination with the Chairman of the Committee on Ways and Means of the House of Representatives.

(3) One member of the House of Representatives, who shall be appointed by the Minority Leader of the House of Representatives, in coordination with the ranking minority member of the Committee on Natural Resources of the House of Representatives.

(4) One member of the House of Representatives, who shall be appointed by the Minority Leader of the House of Representatives, in coordination with the ranking minority member of the Committee on Ways and Means of the House of Representatives.

(5) One member of the Senate, who shall be appointed by the Majority Leader of the Senate, in coordination with the Chairman of the Committee on Energy and Natural Resources of the Senate.

(6) One member of the Senate, who shall be appointed by the Majority Leader of the Senate, in coordination with the Chairman of the Committee on Finance of the Senate.

(7) One member of the Senate, who shall be appointed by the Minority Leader of the Senate, in coordination with the ranking minority member of the Committee on Energy and Natural Resources of the Senate.

(8) One member of the Senate, who shall be appointed by the Minority Leader of the Senate, in coordination with the ranking minority member of the Committee on Finance of the Senate.

(c) DEADLINE FOR APPOINTMENT.—All appointments to the Task Force shall be made not later than 15 days after the date of enactment of this Act.

(d) CHAIR.—The Speaker shall designate one Member to serve as chair of the Task Force.

(e) VACANCIES.—Any vacancy in the Task Force shall be filled in the same manner as the original appointment.

(f) STATUS UPDATE.—Between September 1, 2016, and September 15, 2016, the Task Force shall provide a status update to the House and Senate that includes— Time period.

(1) information the Task Force has collected; and

(2) a discussion on matters the chairman of the Task Force deems urgent for consideration by Congress.

(g) REPORT.—Not later than December 31, 2016, the Task Force shall issue a report of its findings to the House and Senate regarding—

(1) impediments in current Federal law and programs to economic growth in Puerto Rico including equitable access to Federal health care programs;

(2) recommended changes to Federal law and programs that, if adopted, would serve to spur sustainable long-term economic growth, job creation, reduce child poverty, and attract investment in Puerto Rico;

(3) the economic effect of Administrative Order No. 346 of the Department of Health of the Commonwealth of Puerto Rico (relating to natural products, natural supplements, and dietary supplements) or any successor or substantially similar order, rule, or guidance of the Commonwealth of Puerto Rico; and

(4) additional information the Task Force deems appropriate.

(h) CONSENSUS VIEWS.—To the greatest extent practicable, the report issued under subsection (f) shall reflect the shared views of all eight Members, except that the report may contain dissenting views.

(i) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate. If the Task Force holds hearings, at least one such hearing must be held in Puerto Rico.

(j) STAKEHOLDER PARTICIPATION.—In carrying out its duties, the Task Force shall consult with the Puerto Rico Legislative Assembly, the Puerto Rico Department of Economic Development and Commerce, and the private sector of Puerto Rico.

(k) RESOURCES.—The Task Force shall carry out its duties by utilizing existing facilities, services, and staff of the House of Representatives and Senate, except that no additional funds are authorized to be appropriated to carry out this section.

(l) TERMINATION.—The Task Force shall terminate upon issuing the report required under subsection (f).

48 USC 2197.

SEC. 410. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing—

(1) the conditions which led to the level of debt, which should be analyzed, per capita and based upon overall economic activity;

(2) how actions of the territorial government improved or impaired the territory's financial conditions; and

(3) recommendations on non-fiscal actions, or policies that would not imperil America's homeland and national security, that could be taken by Congress or the Administration to avert future indebtedness of territories, while respecting sovereignty and constitutional parameters.

48 USC 2198.

SEC. 411. REPORT ON TERRITORIAL DEBT.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and thereafter not less than once every two years, the Comptroller General of the United States shall submit to Congress a report on the public debt of each territory, including—

(1) the historical levels of each territory's public debt, current amount and composition of each territory's public debt, and future projections of each territory's public debt;

(2) the historical levels of each territory's revenue, current amount and composition of each territory's revenue, and future projections of each territory's revenue;

(3) the drivers and composition of each territory's public debt;

(4) the effect of Federal laws, mandates, rules, and regulations on each territory's public debt; and

(5) the ability of each territory to repay it's public debt.

(b) MATERIALS.—The government of each territory shall make available to the Comptroller General of the United States all materials necessary to carry out this section.

SEC. 412. EXPANSION OF HUBZONES IN PUERTO RICO. 48 USC 2199.

(a) IN GENERAL.—

(1) Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended to read as follows:

"(A) QUALIFIED CENSUS TRACT.— Definition.

"(i) IN GENERAL.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

"(ii) EXCEPTION.—For any metropolitan statistical area in the Commonwealth of Puerto Rico, the term 'qualified census tract' has the meaning given that term in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 as applied without regard to subclause (II) of such section, except that this clause shall only apply— Applicability. Time period.

"(I) 10 years after the date that the Administrator implements this clause, or

"(II) the date on which the Financial Oversight and Management Board for the Commonwealth of Puerto Rico created by the Puerto Rico Oversight, Management, and Economic Stability Act ceases to exist,

whichever event occurs first.".

(2) REGULATIONS.—The Administrator of the Small Business Administration shall issue regulations to implement the amendment made by paragraph (1) not later than 90 days after the date of the enactment of this Act. Deadline. 15 USC 632 note.

(b) IMPROVING OVERSIGHT.—

(1) GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall develop and implement criteria and guidance on using a risk-based approach to requesting and verifying information from entities applying to be designated or recertified as qualified HUBZone small business concerns (as defined in section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5))). Deadline. Criteria. Guidance.

(2) ASSESSMENT.—Not later 1 year after the date on which the criteria and guidance described in paragraph (1) is implemented, the Comptroller General of the United States shall begin an assessment of such criteria and guidance. Not later than 6 months after beginning such an assessment, the Comptroller General shall submit a report to the Committee on Deadlines. Reports.

Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that includes—

(A) an assessment of the criteria and guidance issued by the Administrator of the Small Business Administration in accordance with paragraph (1);

(B) an assessment of the implementation of the criteria and guidance issued by issued by the Administrator of the Small Business Administration in accordance with paragraph (1);

(C) an assessment as to whether these measures have successfully ensured that only qualified HUBZone small business concerns are participating in the HUBZone program under section 31 of the Small Business Act (15 U.S.C. 657a);

(D) an assessment as to whether the reforms made by the criteria and guidance implemented under paragraph (1) have resulted in job creation in the Commonwealth of Puerto Rico; and

Recommendations.

(E) recommendations on how to improve controls in the HUBZone program.

48 USC 2200.

SEC. 413. DETERMINATION ON DEBT.

Nothing in this Act shall be interpreted to restrict—

(1) the ability of the Puerto Rico Commission for the Comprehensive Audit of the Public Credit to file its reports; or

(2) the review and consideration of the Puerto Rico Commission's findings by Puerto Rico's government or an Oversight Board for Puerto Rico established under section 101.

TITLE V—PUERTO RICO INFRASTRUCTURE REVITALIZATION

48 USC 2211.

SEC. 501. DEFINITIONS.

In this title:

(1) ACT 76.—The term "Act 76" means Puerto Rico Act 76–2000 (3 L.P.R.A. 1931 et seq.), approved on May 5, 2000, as amended.

(2) CRITICAL PROJECT.—The term "Critical Project" means a project identified under the provisions of this title and intimately related to addressing an emergency whose approval, consideration, permitting, and implementation shall be expedited and streamlined according to the statutory process provided by Act 76, or otherwise adopted pursuant to this title.

(3) ENERGY COMMISSION OF PUERTO RICO.—The term "Energy Commission of Puerto Rico" means the Puerto Rico Energy Commission as established by Subtitle B of Puerto Rico Act 57–2014.

(4) ENERGY PROJECTS.—The term "Energy Projects" means those projects addressing the generation, distribution, or transmission of energy.

(5) EMERGENCY.—The term "emergency" means any event or grave problem of deterioration in the physical infrastructure for the rendering of essential services to the people, or that endangers the life, public health, or safety of the population or of a sensitive ecosystem, or as otherwise defined by section

1 of Act 76 (3 L.P.R.A. 1931). This shall include problems in the physical infrastructure for energy, water, sewer, solid waste, highways or roads, ports, telecommunications, and other similar infrastructure.

(6) ENVIRONMENTAL QUALITY BOARD.—The term "Environmental Quality Board" means the Puerto Rico Environmental Quality Board, a board within the executive branch of the Government of Puerto Rico as established by section 7 of Puerto Rico Act 416–2004 (12 L.P.R.A. 8002a).

(7) EXPEDITED PERMITTING PROCESS.—The term "Expedited Permitting Process" means a Puerto Rico Agency's alternate procedures, conditions, and terms mirroring those established under Act 76 (3 L.P.R.A. 1932) and pursuant to this title shall not apply to any Federal law, statute, or requirement.

(8) GOVERNOR.—The term "Governor" means the Governor of Puerto Rico.

(9) INTERAGENCY ENVIRONMENTAL SUBCOMMITTEE.—The term "Interagency Environmental Subcommittee" means the Interagency Subcommittee on Expedited Environmental Regulations as further described by section 504.

(10) LEGISLATURE.—The term "Legislature" means the Legislature of Puerto Rico.

(11) PLANNING BOARD.—The term "Planning Board" means the Puerto Rico Planning Board, a board within the executive branch of the Government of Puerto Rico established by Puerto Rico Act 75–1975 (23 L.P.R.A. 62 et seq.).

(12) PROJECT SPONSOR.—The term "Project Sponsor" means a Puerto Rico Agency or private party proposing the development of an existing, ongoing, or new infrastructure project or Energy Project.

(13) PUERTO RICO AGENCY OR AGENCIES.—The terms "Puerto Rico Agency" or "Puerto Rico Agencies" means any board, body, board of examiners, public corporation, commission, independent office, division, administration, bureau, department, authority, official, person, entity, municipality, or any instrumentality of Puerto Rico, or an administrative body authorized by law to perform duties of regulating, investigating, or that may issue a decision, or with the power to issue licenses, certificates, permits, concessions, accreditations, privileges, franchises, except the Senate and the House of Representatives of the Legislature and the judicial branch.

(14) PUERTO RICO ELECTRIC POWER AUTHORITY.—The term "Puerto Rico Electric Power Authority" means the Puerto Rico Electric Power Authority established by Puerto Rico Act 83–1941.

SEC. 502. POSITION OF REVITALIZATION COORDINATOR. 48 USC 2212.

(a) ESTABLISHMENT.—There is established, under the Oversight Board, the position of the Revitalization Coordinator.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Revitalization Coordinator shall be appointed by the Governor as follows:

(A) Prior to the appointment of the Revitalization Coordinator and within 60 days of the appointment of the full membership of the Oversight Board, the Oversight Board shall submit to the Governor no less than three nominees for appointment. Deadline.

Consultation.
Deadline.

(B) In consultation with the Oversight Board, not later than 10 days after receiving the nominations under subparagraph (A), the Governor shall appoint one of the nominees as the Revitalization Coordinator. Such appointment shall be effective immediately.

(C) If the Governor fails to select a Revitalization Coordinator, the Oversight Board shall, by majority vote, appoint a Revitalization Coordinator from the list of nominees provided under paragraph (A).

Time period.

(2) QUALIFICATIONS.—In selecting nominees under paragraph (1)(A), the Oversight Board shall only nominate persons who—

(A) have substantial knowledge and expertise in the planning, predevelopment, financing, development, operations, engineering, or market participation of infrastructure projects, provided that stronger consideration may be given to candidates who have experience with Energy Projects and the laws and regulations of Puerto Rico that may be subject to an Expedited Permitting Process;

(B) does not currently provide goods or services to the government of Puerto Rico (and, as applicable, is not the spouse, parent, child, or sibling of a person who provides or has provided goods and services to the government of Puerto Rico in the preceding 3 calendar years); and

(C) shall not be an officer, employee of, or former officer or employee of the government of Puerto Rico in the preceding 3 calendar years.

(3) COMPENSATION.—The Revitalization Coordinator shall be compensated at an annual rate determined by the Oversight Board sufficient in the judgment of the Oversight Board to obtain the services of a person with the skills and experience required to discharge the duties of the position, but such compensation shall not exceed the annual salary of the Executive Director.

(c) ASSIGNMENT OF PERSONNEL.—The Executive Director of the Oversight Board may assign Oversight Board personnel to assist the Revitalization Coordinator.

(d) REMOVAL.—

(1) IN GENERAL.—The Revitalization Coordinator may be removed for any reason, in the Oversight Board's discretion.

(2) TERMINATION OF POSITION.—Upon the termination of the Oversight Board pursuant to section 209 of this Act, the position of the Revitalization Coordinator shall terminate.

48 USC 2213.

SEC. 503. CRITICAL PROJECTS.

(a) IDENTIFICATION OF PROJECTS.—

(1) PROJECT SUBMISSION.—Any Project Sponsor may submit, so long as the Oversight Board is in operation, any existing, ongoing, or proposed project to the Revitalization Coordinator. The Revitalization Coordinator shall require such submission to include—

(A) the impact the project will have on an emergency;

(B) the availability of immediate private capital or other funds, including loan guarantees, loans, or grants to implement, operate, or maintain the project;

(C) the cost of the project and amount of Puerto Rico government funds, if any, necessary to complete and maintain the project;

(D) the environmental and economic benefits provided by the project, including the number of jobs to be created that will be held by residents of Puerto Rico and the expected economic impact, including the impact on ratepayers, if applicable;

(E) the status of the project if it is existing or ongoing; and

(F) in addition to the requirements found in subparagraphs (A) through (E), the Revitalization Coordinator may require such submission to include any or all of the following criteria that assess how the project will—

(i) reduce reliance on oil for electric generation in Puerto Rico;

(ii) improve performance of energy infrastructure and overall energy efficiency;

(iii) expedite the diversification and conversion of fuel sources for electric generation from oil to natural gas and renewables in Puerto Rico as defined under applicable Puerto Rico laws;

(iv) promote the development and utilization of energy sources found on Puerto Rico;

(v) contribute to transitioning to privatized generation capacities in Puerto Rico;

(vi) support the Energy Commission of Puerto Rico in achievement of its goal of reducing energy costs and ensuring affordable energy rates for consumers and business; or

(vii) achieve in whole or in part the recommendations, if feasible, of the study in section 505(d) of this title to the extent such study is completed and not inconsistent with studies or plans otherwise required under Puerto Rico laws.

(2) IDENTIFICATION OF RELEVANT PUERTO RICO AGENCIES.— Within 20 days of receiving a project submission under paragraph (1), the Revitalization Coordinator shall, in consultation with the Governor, identify all Puerto Rico Agencies that will have a role in the permitting, approval, authorizing, or other activity related to the development of such project submission. Deadline. Consultation.

(3) EXPEDITED PERMITTING PROCESS.— Deadlines.

(A) SUBMISSION OF EXPEDITED PERMITTING PROCESS.— Not later than 20 days after receiving a project submission, each Puerto Rico Agency identified in paragraph (1) shall submit to the Revitalization Coordinator the Agency's Expedited Permitting Process.

(B) FAILURE TO PROVIDE EXPEDITED PERMITTING PROCESS.—If a Puerto Rico Agency fails to provide an Expedited Permitting Process within 20 days of receiving a project submission, the Revitalization Coordinator shall consult with the Governor to develop within 20 days an Expedited Permitting Process for the Agency.

(C) IMPLEMENTATION AND PRIORITIZATION.—The Revitalization Coordinator shall require Puerto Rico Agencies to implement the Expedited Permitting Process for Critical Projects. Critical Projects shall be prioritized to

the maximum extent possible in each Puerto Rico Agency regardless of any agreements transferring or delegating permitting authority to any other Territorial Instrumentality or municipality.

(b) CRITICAL PROJECT REPORT.—

Consultation.

(1) IN GENERAL.—For each submitted project, the Revitalization Coordinator in consultation with the Governor and relevant Puerto Rico Agencies identified in subsection (a)(2) shall develop a Critical Project Report within 60 days of the project submission, which shall include:

Assessment.

(A) An assessment of how well the project meets the criteria in subsection (a)(1).

Recommendations.

(B) A recommendation by the Governor whether the project should be considered a Critical Project. If the Governor fails to provide a recommendation during the development of the Critical Project Report, the failure shall constitute a concurrence with the Revitalization Coordinator's recommendation in subparagraph (E).

Determination.

(C) In the case of a project that may affect the implementation of Land-Use Plans, as defined by Puerto Rico Act 550–2004, a determination by the Planning Board will be required within the 60-day timeframe. If the Planning Board determines such project will be inconsistent with relevant Land-Use Plans, then the project will be deemed ineligible for Critical Project designation.

Recommendation.
Determination.
Time period.

(D) In the case of an Energy Project that will connect with the Puerto Rico Electric Power Authority's transmission or distribution facilities, a recommendation by the Energy Commission of Puerto Rico, if the Energy Commission determines such Energy Project will affect an approved Integrated Resource Plan, as defined under Puerto Rico Act 54–2014. If the Energy Commission determines the Energy Project will adversely affect an approved Integrated Resource Plan, then the Energy Commission shall provide the reasons for such determination and the Energy Project shall be ineligible for Critical Project designation, provided that such determination must be made during the 60-day timeframe for the development of the Critical Project Report.

Recommendations.

(E) A recommendation by the Revitalization Coordinator whether the project should be considered a Critical Project.

Time period.

(2) PUBLIC INVOLVEMENT.—Immediately following the completion of the Critical Project Report, the Revitalization Coordinator shall make such Critical Project Report public and allow a period of 30 days for the submission of comments by residents of Puerto Rico specifically on matters relating to the designation of a project as a Critical Project. The Revitalization Coordinator shall respond to the comments within 30 days of closing the coming period and make the responses publicly available.

(3) SUBMISSION TO OVERSIGHT BOARD.—Not later than 5 days after the Revitalization Coordinator has responded to the comments under paragraph (2), the Revitalization Coordinator shall submit the Critical Project Report to the Oversight Board.

(c) ACTION BY THE OVERSIGHT BOARD.—Not later than 30 days after receiving the Critical Project Report, the Oversight Board,

by majority vote, shall approve or disapprove the project as a Critical Project, if the Oversight Board—

(1) approves the project, the project shall be deemed a Critical Project; and

(2) disapproves the project, the Oversight Board shall submit to the Revitalization Coordinator in writing the reasons for disapproval.

SEC. 504. MISCELLANEOUS PROVISIONS. 48 USC 2214.

(a) CREATION OF INTERAGENCY ENVIRONMENTAL SUBCOMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date on which the Revitalization Coordinator is appointed, the Interagency Environmental Subcommittee shall be established and shall evaluate environmental documents required under Puerto Rico law for any Critical Project within the Expedited Permitting Process established by the Revitalization Coordinator under section 503(a)(3). Deadline. Evaluation.

(2) COMPOSITION.—The Interagency Environmental Subcommittee shall consist of the Revitalization Coordinator, and a representative selected by the Governor in consultation with the Revitalization Coordinator representing each of the following agencies: The Environmental Quality Board, the Planning Board, the Puerto Rico Department of Natural and Environmental Resources, and any other Puerto Rico Agency determined to be relevant by the Revitalization Coordinator. Consultation.

(b) LENGTH OF EXPEDITED PERMITTING PROCESS.—With respect to a Puerto Rico Agency's activities related only to a Critical Project, such Puerto Rico Agency shall operate as if the Governor has declared an emergency pursuant to section 2 of Act 76 (3 L.P.R.A. 1932). Section 12 of Act 76 (3 L.P.R.A. 1942) shall not be applicable to Critical Projects. Furthermore, any transactions, processes, projects, works, or programs essential to the completion of a Critical Project shall continue to be processed and completed under such Expedited Permitting Process regardless of the termination of the Oversight Board under section 209.

(c) EXPEDITED PERMITTING PROCESS COMPLIANCE.—

(1) WRITTEN NOTICE.—A Critical Project Sponsor may in writing notify the Oversight Board of the failure of a Puerto Rico Agency or the Revitalization Coordinator to adhere to the Expedited Permitting Process.

(2) FINDING OF FAILURE.—If the Oversight Board finds either the Puerto Rico Agency or Revitalization Coordinator has failed to adhere to the Expedited Permitting Process, the Oversight Board shall direct the offending party to comply with the Expedited Permitting Process. The Oversight Board may take such enforcement action as necessary as provided by section 104(l).

(d) REVIEW OF LEGISLATURE ACTS.—

(1) SUBMISSION OF ACTS TO OVERSIGHT BOARD.—Pursuant to section 204(a), the Governor shall submit to the Oversight Board any law duly enacted during any fiscal year in which the Oversight Board is in operation that may affect the Expedited Permitting Process.

(2) FINDING OF OVERSIGHT BOARD.—Upon receipt of a law under paragraph (1), the Oversight Board shall promptly review

whether the law would adversely impact the Expedited Permitting Process and, upon such a finding, the Oversight Board may deem such law to be significantly inconsistent with the applicable Fiscal Plan.

(e) ESTABLISHMENT OF CERTAIN TERMS AND CONDITIONS.—No Puerto Rico Agency may include in any certificate, right-of-way, permit, lease, or other authorization issued for a Critical Project any term or condition that may be permitted, but is not required, by any applicable Puerto Rico law, if the Revitalization Coordinator determines the term or condition would prevent or impair the expeditious construction, operation, or expansion of the Critical Project. The Revitalization Coordinator may request a Puerto Rico Agency to include in any certificate, right-of-way, permit, lease, or other authorization, a term or condition that may be permitted in accordance with applicable laws if the Revitalization Coordinator determines such inclusion would support the expeditious construction, operation, or expansion of any Critical Project.

Public information. Deadline.

(f) DISCLOSURE.—All Critical Project reports, and justifications for approval or rejection of Critical Project status, shall be made publicly available online within 5 days of receipt or completion.

48 USC 2215.

SEC. 505. FEDERAL AGENCY REQUIREMENTS.

Deadline.

(a) FEDERAL POINTS OF CONTACT.—At the request of the Revitalization Coordinator and within 30 days of receiving such a request, each Federal agency with jurisdiction over the permitting, or administrative or environmental review of private or public projects in Puerto Rico, shall name a Point of Contact who will serve as that agency's liaison with the Revitalization Coordinator.

(b) FEDERAL GRANTS AND LOANS.—For each Critical Project with a pending or potential Federal grant, loan, or loan guarantee application, the Revitalization Coordinator and the relevant Point of Contact shall cooperate with each other to ensure expeditious review of such application.

(c) EXPEDITED REVIEWS AND ACTIONS OF FEDERAL AGENCIES.—All reviews conducted and actions taken by any Federal agency relating to a Critical Project shall be expedited in a manner consistent with completion of the necessary reviews and approvals by the deadlines under the Expedited Permitting Process, but in no way shall the deadlines established through the Expedited Permitting Process be binding on any Federal agency.

(d) TRANSFER OF STUDY OF ELECTRIC RATES.—Section 9 of the Consolidated and Further Continuing Appropriations Act, 2015 (48 U.S.C. 1492a) is amended—

(1) in subsection (a)(5), by inserting ", except that, with respect to Puerto Rico, the term means, the Secretary of Energy" after "Secretary of the Interior"; and

(2) in subsection (b)—

(A) by inserting "(except in the case of Puerto Rico, in which case not later than 270 days after the date of enactment of the Puerto Rico Oversight, Management, and Economic Stability Act)" after "of this Act"; and

(B) by inserting "(except in the case of Puerto Rico)" after "Empowering Insular Communities activity".

48 USC 2216.

SEC. 506. JUDICIAL REVIEW.

(a) DEADLINE FOR FILING OF A CLAIM.—A claim arising under this title must be brought no later than 30 days after the date of the decision or action giving rise to the claim.

(b) EXPEDITED CONSIDERATION.—The District Court for the District of Puerto Rico shall set any action brought under this title for expedited consideration, taking into account the interest of enhancing Puerto Rico's infrastructure for electricity, water and sewer services, roads and bridges, ports, and solid waste management to achieve compliance with local and Federal environmental laws, regulations, and policies while ensuring the continuity of adequate services to the people of Puerto Rico and Puerto Rico's sustainable economic development.

SEC. 507. SAVINGS CLAUSE. 48 USC 2217.

Nothing in this title is intended to change or alter any Federal legal requirements or laws.

TITLE VI—CREDITOR COLLECTIVE ACTION

SEC. 601. CREDITOR COLLECTIVE ACTION. 48 USC 2231.

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATIVE SUPERVISOR.—The term "Administrative Supervisor" means the Oversight Board established under section 101.

(2) AUTHORIZED TERRITORIAL INSTRUMENTALITY.—The term "Authorized Territorial Instrumentality" means a covered territorial instrumentality authorized in accordance with subsection (e).

(3) CALCULATION AGENT.—The term "Calculation Agent" means a calculation agent appointed in accordance with subsection (k).

(4) CAPITAL APPRECIATION BOND.—The term "Capital Appreciation Bond" means a Bond that does not pay interest on a current basis, but for which interest amounts are added to principal over time as specified in the relevant offering materials for such Bond, including that the accreted interest amount added to principal increases daily.

(5) CONVERTIBLE CAPITAL APPRECIATION BOND.—The term "Convertible Capital Appreciation Bond" means a Bond that does not pay interest on a current basis, but for which interest amounts are added to principal over time as specified in the relevant offering materials and which converts to a current pay bond on a future date.

(6) INFORMATION AGENT.—The term "Information Agent" means an information agent appointed in accordance with subsection (l).

(7) INSURED BOND.—The term "Insured Bond" means a bond subject to a financial guarantee or similar insurance contract, policy or surety issued by a monoline insurer.

(8) ISSUER.—The term "Issuer" means, as applicable, the Territory Government Issuer or an Authorized Territorial Instrumentality that has issued or guaranteed at least one Bond that is Outstanding.

(9) MODIFICATION.—The term "Modification" means any modification, amendment, supplement or waiver affecting one or more series of Bonds, including those effected by way of exchange, repurchase, conversion, or substitution.

Determination.

(10) OUTSTANDING.—The term "Outstanding," in the context of the principal amount of Bonds, shall be determined in accordance with subsection (b).

(11) OUTSTANDING PRINCIPAL.—The term "Outstanding Principal" means—

(A) for a Bond that is not a Capital Appreciation Bond or a Convertible Capital Appreciation Bond, the outstanding principal amount of such Bond; and

(B) for a Bond that is a Capital Appreciation Bond or a Convertible Capital Appreciation Bond, the current accreted value of such Capital Appreciation Bond or a Convertible Capital Appreciation Bond, as applicable.

(12) POOL.—The term "Pool" means a pool established in accordance with subsection (d).

(13) QUALIFYING MODIFICATION.—The term "Qualifying Modification" means a Modification proposed in accordance with subsection (g).

(14) SECURED POOL.—The term "Secured Pool" means a Pool established in accordance with subsection (d) consisting only of Bonds that are secured by a lien on property, provided that the inclusion of a Bond Claim in such Pool shall not in any way limit or prejudice the right of the Issuer, the Administrative Supervisor, or any creditor to recharacterize or challenge such Bond Claim, or any purported lien securing such Bond Claim, in any other manner in any subsequent proceeding in the event a proposed Qualifying Modification is not consummated.

(15) TERRITORY GOVERNMENT ISSUER.—The term "Territory Government Issuer" means the Government of Puerto Rico or such covered territory for which an Oversight Board has been established pursuant to section 101.

Determination.

(b) OUTSTANDING BONDS.—In determining whether holders of the requisite principal amount of Outstanding Bonds have voted in favor of, or consented to, a proposed Qualifying Modification, a Bond will be deemed not to be outstanding, and may not be counted in a vote or consent solicitation for or against a proposed Qualifying Modification, if on the record date for the proposed Qualifying Modification—

(1) the Bond has previously been cancelled or delivered for cancellation or is held for reissuance but has not been reissued;

(2) the Bond has previously been called for redemption in accordance with its terms or previously become due and payable at maturity or otherwise and the Issuer has previously satisfied its obligation to make, or provide for, all payments due in respect of the Bond in accordance with its terms;

(3) the Bond has been substituted with a security of another series; or

(4) the Bond is held by the Issuer or by an Authorized Territorial Instrumentality of the Territory Government Issuer or by a corporation, trust or other legal entity that is controlled by the Issuer or an Authorized Territorial Instrumentality of the Territory Government Issuer, as applicable.

For purposes of this subsection, a corporation, trust or other legal entity is controlled by the Issuer or by an Authorized Territorial Instrumentality of the Territory Government Issuer if the Issuer or an Authorized Territorial Instrumentality of the Territory

Government Issuer, as applicable, has the power, directly or indirectly, through the ownership of voting securities or other ownership interests, by contract or otherwise, to direct the management of or elect or appoint a majority of the board of directors or other persons performing similar functions in lieu of, or in addition to, the board of directors of that legal entity.

(c) CERTIFICATION OF DISENFRANCHISED BONDS.—Prior to any vote on, or consent solicitation for, a Qualifying Modification, the Issuer shall deliver to the Calculation Agent a certificate signed by an authorized representative of the Issuer specifying any Bonds that are deemed not to be Outstanding for the purpose of subsection (b) above.

(d) DETERMINATION OF POOLS FOR VOTING.—The Administrative Supervisor, in consultation with the Issuer, shall establish Pools in accordance with the following: Consultation.

(1) Not less than one Pool shall be established for each Issuer.

(2) A Pool that contains one or more Bonds that are secured by a lien on property shall be a Secured Pool.

(3) The Administrative Supervisor shall establish Pools according to the following principles:

(A) For each Issuer that has issued multiple Bonds that are distinguished by specific provisions governing priority or security arrangements, including Bonds that have been issued as general obligations of the Territory Government Issuer to which the Territory Government Issuer pledged the full or good faith, credit, and taxing power of the Territory Government Issuer, separate Pools shall be established corresponding to the relative priority or security arrangements of each holder of Bonds against each Issuer, as applicable, provided, however, that the term "priority" as used in this section shall not be understood to mean differing payment or maturity dates.

(B) For each Issuer that has issued senior and subordinated Bonds, separate Pools shall be established for the senior and subordinated Bonds corresponding to the relative priority or security arrangements.

(C) For each Issuer that has issued multiple Bonds, for at least some of which a guarantee of repayment has been provided by the Territory Government Issuer, separate Pools shall be established for such guaranteed and non-guaranteed Bonds.

(D) Subject to the other requirements contained in this section, for each Issuer that has issued multiple Bonds, for at least some of which a dedicated revenue stream has been pledged for repayment, separate Pools for such Issuer shall be established as follows—

(i) for each dedicated revenue stream that has been pledged for repayment, not less than one Secured Pool for Bonds for which such revenue stream has been pledged, and separate Secured Pools shall be established for Bonds of different priority; and

(ii) not less than one Pool for all other Bonds issued by the Issuer for which a dedicated revenue stream has not been pledged for repayment.

(E) The Administrative Supervisor shall not place into separate Pools Bonds of the same Issuer that have identical rights in security or priority.

(4) Notwithstanding the preceding provisions of this subsection, solely with respect to a preexisting voluntary agreement as described in section 104(i)(3) of this Act, such voluntary agreement may classify Insured Bonds and uninsured bonds in different Pools and provide different treatment thereof so long as the preexisting voluntary agreement has been agreed to by—

(A) holders of a majority in amount of all uninsured bonds outstanding in the modified Pool; and

(B) holders (including insurers with power to vote) of a majority in amount of all Insured Bonds.

(e) AUTHORIZATION OF TERRITORY INSTRUMENTALITIES.—A covered territorial instrumentality is an Authorized Territorial Instrumentality if it has been specifically authorized to be eligible to avail itself of the procedures under this section by the Administrative Supervisor.

(f) INFORMATION DELIVERY REQUIREMENT.—Before solicitation of acceptance or rejection of a Modification under subsection (h), the Issuer shall provide to the Calculation Agent, the Information Agent, and the Administrative Supervisor, the following information—

(1) a description of the Issuer's economic and financial circumstances which are, in the Issuer's opinion, relevant to the request for the proposed Qualifying Modification, a description of the Issuer's existing debts, a description of the impact of the proposed Qualifying Modification on the territory's or its territorial instrumentalities' public debt;

(2) if the Issuer is seeking Modifications affecting any other Pools of Bonds of the Territory Government Issuer or its Authorized Territorial Instrumentalities, a description of such other Modifications;

Plan. Certification.

(3) if a Fiscal Plan with respect to such Issuer has been certified, the applicable Fiscal Plan certified in accordance with section 201; and

(4) such other information as may be required under applicable securities laws.

(g) QUALIFYING MODIFICATION.—A Modification is a Qualifying Modification if one of the following processes has occurred:

(1) CONSULTATION PROCESS.—

(A) the Issuer proposing the Modification has consulted with holders of Bonds in each Pool of such Issuer prior to soliciting a vote on such Modification;

(B) each exchanging, repurchasing, converting, or substituting holder of Bonds of any series in a Pool affected by that Modification is offered the same amount of consideration per amount of principal, the same amount of consideration per amount of interest accrued but unpaid and the same amount of consideration per amount of past due interest, respectively, as that offered to each other exchanging, repurchasing, converting, or substituting holder of Bonds of any series in a Pool affected by that Modification (or, where a menu of instruments or other consideration is offered, each exchanging, repurchasing, converting, or substituting holder of Bonds of any series

in a Pool affected by that Modification is offered the same amount of consideration per amount of principal, the same amount of consideration per amount of interest accrued but unpaid and the same amount of consideration per amount of past due interest, respectively, as that offered to each other exchanging, repurchasing, converting, or substituting holder of Bonds of any series in a Pool affected by that Modification electing the same option under such menu of instruments); and

(C) the Modification is certified by the Administrative Supervisor as being consistent with the requirements set forth in section 104(i)(1) and is in the best interests of the creditors and is feasible. Certification.

(2) VOLUNTARY AGREEMENT PROCESS.—The Administrative Supervisor has issued a certification that— Certification.

(A) the requirements set forth in section 104(i)(2) and section 601(g)(1)(B) have been satisfied; or

(B) the Modification is consistent with a restructuring support or similar agreement to be implemented pursuant to the law of the covered territory executed by the Issuer prior to the establishment of an Oversight Board for the relevant territory.

(h) SOLICITATION.—

(1) Upon receipt of a certification from the Administrative Supervisor under subsection (g), the Information Agent shall, if practical and except as provided in paragraph (2), submit to the holders of any Outstanding Bonds of the relevant Issuer, including holders of the right to vote such Outstanding Bonds, the information submitted by the relevant Issuer under subsection (f)(1) in order to solicit the vote of such holders to approve or reject the Qualifying Modification.

(2) If the Information Agent is unable to identify the address of holders of any Outstanding Bonds of the relevant Issuer, the Information Agent may solicit the vote or consent of such holders by—

(A) delivering the solicitation to the paying agent for any such Issuer or Depository Trust Corporation if it serves as the clearing system for any of the Issuer's Outstanding Bonds; or

(B) delivering or publishing the solicitation by whatever additional means the Information Agent, after consultation with the Issuer, deems necessary and appropriate in order to make a reasonable effort to inform holders of any Outstanding Bonds of the Issuer which may include, notice by mail, publication in electronic media, publication on a website of the Issuer, or publication in newspapers of national circulation in the United States and in a newspaper of general circulation in the territory. Consultation.

(i) WHO MAY PROPOSE A MODIFICATION.—For each Issuer, a Modification may be proposed to the Administrative Supervisor by the Issuer or by one or more holders of the right to vote the Issuer's Outstanding Bonds. To the extent a Modification proposed by one or more holders of the right to vote Outstanding Bonds otherwise complies with the requirements of this title, the Administrative Supervisor may accept such Modification on behalf of the Issuer, in which case the Administrative Supervisor will

instruct the Issuer to provide the information required in subsection (f).

(j) VOTING.—For each Issuer, any Qualifying Modification may be made with the affirmative vote of the holders of the right to vote at least two-thirds of the Outstanding Principal amount of the Outstanding Bonds in each Pool that have voted to approve or reject the Qualifying Modification, provided that holders of the right to vote not less than a majority of the aggregate Outstanding Principal amount of all the Outstanding Bonds in each Pool have voted to approve the Qualifying Modification. The holder of the right to vote the Outstanding Bonds that are Insured Bonds shall be the monoline insurer insuring such Insured Bond to the extent such insurer is granted the right to vote Insured Bonds for purposes of directing remedies or consenting to proposed amendments or modifications as provided in the applicable documents pursuant to which such Insured Bond was issued and insured.

(k) CALCULATION AGENT.—For the purpose of calculating the principal amount of the Bonds of any series eligible to participate in such a vote or consent solicitation and tabulating such votes or consents, the Territory Government Issuer may appoint a Calculation Agent for each Pool reasonably acceptable to the Administrative Supervisor.

(l) INFORMATION AGENT.—For the purpose of administering a vote of holders of Bonds, including the holders of the right to vote such Bonds, or seeking the consent of holder of Bonds, including the holders of the right to vote such Bonds, to a written action under this section, the Territory Government Issuer may appoint an Information Agent for each Pool reasonably acceptable to the Administrative Supervisor.

(m) BINDING EFFECT.—

(1) A Qualifying Modification will be conclusive and binding on all holders of Bonds whether or not they have given such consent, and on all future holders of those Bonds whether or not notation of such Qualifying Modification is made upon the Bonds, if—

(A) the holders of the right to vote the Outstanding Bonds in every Pool of the Issuer pursuant to subsection (j) have consented to or approved the Qualifying Modification;

Certification.

(B) the Administrative Supervisor certifies that—

(i) the voting requirements of this section have been satisfied;

(ii) the Qualifying Modification complies with the requirements set forth in section 104(i)(1); and

(iii) except for such conditions that have been identified in the Qualifying Modification as being non-waivable, any conditions on the effectiveness of the Qualifying Modification have been satisfied or, in the Administrative Supervisor's sole discretion, satisfaction of such conditions has been waived;

(C) with respect to a Bond Claim that is secured by a lien on property and with respect to which the holder of such Bond Claim has rejected or not consented to the Qualifying Modification, the holder of such Bond—

(i) retains the lien securing such Bond Claims; or

(ii) receives on account of such Bond Claim, through deferred cash payments, substitute collateral, or otherwise, at least the equivalent value of the lesser of the amount of the Bond Claim or of the collateral securing such Bond Claim; and

(D) the district court for the territory or, for any territory that does not have a district court, the United States District Court for the District of Hawaii, has, after reviewing an application submitted to it by the applicable Issuer for an order approving the Qualifying Modification, entered an order that the requirements of this section have been satisfied.

(2) Upon the entry of an order under paragraph (1)(D), the conclusive and binding Qualifying Modification shall be valid and binding on any person or entity asserting claims or other rights, including a beneficial interest (directly or indirectly, as principal, agent, counterpart, subrogee, insurer or otherwise) in respect of Bonds subject to the Qualifying Modification, any trustee, any collateral agent, any indenture trustee, any fiscal agent, and any bank that receives or holds funds related to such Bonds. All property of an Issuer for which an order has been entered under paragraph (1)(D) shall vest in the Issuer free and clear of all claims in respect of any Bonds of any other Issuer. Such Qualifying Modification will be full, final, complete, binding, and conclusive as to the territorial government Issuer, other territorial instrumentalities of the territorial government Issuer, and any creditors of such entities, and should not be subject to any collateral attack or other challenge by any such entities in any court or other forum. Other than as provided herein, the foregoing shall not prejudice the rights and claims of any party that insured the Bonds, including the right to assert claims under the Bonds as modified following any payment under the insurance policy, and no claim or right that may be asserted by any party in a capacity other than holder of a Bond affected by the Qualifying Modification shall be satisfied, released, discharged, or enjoined by this provision.

(n) JUDICIAL REVIEW.—

(1) The district court for the territory or, for any territory that does not have a district court, the United States District Court for the District of Hawaii shall have original and exclusive jurisdiction over civil actions arising under this section.

(2) Notwithstanding section 106(e), there shall be a cause of action to challenge unlawful application of this section.

(3) The district court shall nullify a Modification and any effects on the rights of the holders of Bonds resulting from such Modification if and only if the district court determines that such Modification is manifestly inconsistent with this section.

SEC. 602. APPLICABLE LAW. 48 USC 2232.

In any judicial proceeding regarding this title, Federal, State, or territorial laws of the United States, as applicable, shall govern and be applied without regard or reference to any law of any international or foreign jurisdiction.

TITLE VII—SENSE OF CONGRESS REGARDING PERMANENT, PRO-GROWTH FISCAL REFORMS

48 USC 2241.

SEC. 701. SENSE OF CONGRESS REGARDING PERMANENT, PRO-GROWTH FISCAL REFORMS.

It is the sense of the Congress that any durable solution for Puerto Rico's fiscal and economic crisis should include permanent, pro-growth fiscal reforms that feature, among other elements, a free flow of capital between possessions of the United States and the rest of the United States.

Approved June 30, 2016.

LEGISLATIVE HISTORY—S. 2328 (H.R. 5278):

HOUSE REPORTS: No. 114–602, Pt. 1 (Comm. on Natural Resources) accompanying H.R. 5278.

CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 19, considered and passed Senate.
Vol. 162 (2016): June 9, considered and passed House, amended, in lieu of H.R. 5278.
June 27, 29, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
June 30, Presidential remarks.

Public Law 114–188
114th Congress

An Act

To direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

June 30, 2016
[S. 2487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Female Veteran Suicide Prevention Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Female Veteran Suicide Prevention Act".

SEC. 2. SPECIFIC CONSIDERATION OF WOMEN VETERANS IN EVALUATION OF DEPARTMENT OF VETERANS AFFAIRS MENTAL HEALTH CARE AND SUICIDE PREVENTION PROGRAMS.

Section 1709B(a)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: ", including metrics applicable specifically to women";

(2) in subparagraph (D), by striking "and" at the end;

(3) in subparagraph (E), by striking the period at the end and inserting "; and"; and

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

"(F) identify the mental health care and suicide prevention programs conducted by the Secretary that are most effective

for women veterans and such programs with the highest satisfaction rates among women veterans.".

Approved June 30, 2016.

LEGISLATIVE HISTORY—S. 2487 (H.R. 2915):

HOUSE REPORTS: No. 114–365 (Comm. on Veterans' Affairs) accompanying H.R. 2915.

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 7, considered and passed Senate.
June 21, considered and passed House.

Public Law 114–189
114th Congress

An Act

To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

July 6, 2016
[H.R. 3114]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

10 USC 3036 note.

SECTION 1. FINDINGS.

Congress finds the following:

(1) The Corps of Engineers and other Federal agencies are required to preserve and catalogue artifacts and other items of national historical significance that are uncovered during the course of their work (notably under part 79 of title 36, Code of Federal Regulations).

(2) Uncatalogued artifacts within the care of Federal agencies are stored in hundreds of repositories and museums across the Nation.

(3) In October 2009, the Corps of Engineers, Center of Expertise for the Curation and Management of Archaeological Collections, initiated the Veterans' Curation Program to employ and train Iraq and Afghanistan veterans in archaeological processing.

(4) The Veterans' Curation Program employs veterans and members of the Armed Forces in the sorting, cleaning, and cataloguing of artifacts managed by the Corps of Engineers.

(5) Employees of the Veterans' Curation Program gain valuable work skills, including computer database management, records management, photographic and scanning techniques, computer software proficiency, vocabulary and writing skills, and interpersonal communication skills, as well as knowledge and training in archaeology and history.

(6) Since 2009, a total of 241 veterans have participated in the Veterans' Curation Program, including the current class of 38 participants. Of the 203 graduates of the program, 87 percent have received permanent employment in a field related to training received under the program or chosen to continue their education.

(7) Experience in archaeological curation gained through the Veterans' Curation Program is valuable training and experience for the museum, forensics, administrative, records management, and other fields.

(8) Veterans' Curation Program participants may assist the Corps of Engineers in developing a more efficient and comprehensive collections management program and also may provide the workforce to meet the records management needs

at other agencies and departments, including the Department of Veterans Affairs.

SEC. 2. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

Using available funds, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a Veterans' Curation Program to hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.

Approved July 6, 2016.

LEGISLATIVE HISTORY—H.R. 3114:

HOUSE REPORTS: No. 114–249 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 16, 17, considered and passed House.
Vol. 162 (2016): June 23, considered and passed Senate.

Public Law 114–190
114th Congress

An Act

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

July 15, 2016
[H.R. 636]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FAA Extension, Safety, and Security Act of 2016.
49 USC 40101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Extension, Safety, and Security Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

49 USC 40101 note.

In this Act, unless expressly provided otherwise, the term "appropriate committees of Congress" means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE I—FAA EXTENSION

Subtitle A—Airport and Airway Programs

SEC. 1101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(a) of title 49, United States Code, is amended by striking "fiscal years 2012 through 2015" and all that follows through the period at the end and inserting "fiscal years 2012 through 2017.".

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking "July 15, 2016," and inserting "September 30, 2017,".

SEC. 1102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking "July 16, 2016" and inserting "October 1, 2017".

(b) Section 47115(j) of title 49, United States Code, is amended by striking "fiscal years 2012 through 2015" and all that follows through "July 15, 2016," and inserting "fiscal years 2012 through 2017,".

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by striking "fiscal years 2012 through 2015" and all that follows through "July 15, 2016," and inserting "fiscal years 2012 through 2017".

(d) Section 47141(f) of title 49, United States Code, is amended by striking "July 15, 2016" and inserting "September 30, 2017".

(e) Section 41743(e)(2) of title 49, United States Code, is amended by striking "2015" and inserting "2017".

(f) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "fiscal years 2012 through 2015" and all that follows through "July 15, 2016," and inserting "fiscal years 2012 through 2017".

(g) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "July 15, 2016" and inserting "September 30, 2017".

(h) Section 140(c)(1) of the FAA Modernization and Reform Act of 2012 (126 Stat. 28) is amended—

(1) by striking "fiscal years 2013 through 2016," and inserting "fiscal years 2013 through 2017,"; and

(2) by inserting before the period at the end the following: "or an extension of this Act".

(i) Section 332(c)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking "5 years after the date of enactment of this Act" and inserting "on September 30, 2019".

(j) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking "July 15, 2016" and inserting "September 30, 2017".

(k) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking "July 15, 2016" and inserting "September 30, 2017".

SEC. 1103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(E) and inserting the following:

"(E) $9,909,724,000 for each of fiscal years 2016 and 2017."; and

(2) in paragraph (3) by striking "fiscal years 2012 through 2015" and all that follows through "July 15, 2016," and inserting "fiscal years 2012 through 2017,".

SEC. 1104. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(5) of title 49, United States Code, is amended to read as follows:

"(5) $2,855,000,000 for each of fiscal years 2016 and 2017.".

SEC. 1105. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(9) of title 49, United States Code, is amended to read as follows:

"(9) $166,000,000 for each of fiscal years 2016 and 2017.".

SEC. 1106. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Section 48114 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking "fiscal year 2016," and inserting "fiscal year 2017,"; and

(2) in subsection (c)(2) by striking "fiscal year 2016" and inserting "fiscal year 2017".

(b) COMPLIANCE WITH AVIATION FUNDING REQUIREMENT.—The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for each of fiscal years 2016 and 2017.

SEC. 1107. ESSENTIAL AIR SERVICE.

Section 41742(a)(2) of title 49, United States Code, is amended by striking "fiscal year 2014," and all that follows through "July 15, 2016," and inserting "fiscal year 2014, $93,000,000 for fiscal year 2015, and $175,000,000 for each of fiscal years 2016 and 2017".

Subtitle B—Revenue Provisions

SEC. 1201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

26 USC 9502.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A), by striking "July 16, 2016" and inserting "October 1, 2017"; and

(2) in subparagraph (A), by striking the semicolon at the end and inserting "or the FAA Extension, Safety, and Security Act of 2016;".

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking "July 16, 2016" and inserting "October 1, 2017". 26 USC 9502.

SEC. 1202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "July 15, 2016" and inserting "September 30, 2017". 26 USC 4081.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking "July 15, 2016" and inserting "September 30, 2017".

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking "July 15, 2016" and inserting "September 30, 2017".

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking "July 16, 2016" and inserting "October 1, 2017".

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking "July 15, 2016" and inserting "September 30, 2017".

TITLE II—AVIATION SAFETY CRITICAL REFORMS

Subtitle A—Safety

SEC. 2101. PILOT RECORDS DATABASE DEADLINE.

Section 44703(i)(2) of title 49, United States Code, is amended by striking "The Administrator shall establish" and inserting "Not later than April 30, 2017, the Administrator shall establish and make available for use".

SEC. 2102. COCKPIT AUTOMATION MANAGEMENT.

Deadline. 49 USC 44701 note.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop a process to verify that air carrier training programs incorporate measures to train pilots on— Verification.

(A) monitoring automation systems; and

(B) controlling the flightpath of aircraft without autopilot or autoflight systems engaged;

(2) develop metrics or measurable tasks that air carriers can use to evaluate pilot monitoring proficiency;

(3) issue guidance to aviation safety inspectors responsible for oversight of the operations of air carriers on tracking and assessing pilots' proficiency in manual flight; and Guidance.

(4) issue guidance to air carriers and inspectors regarding standards for compliance with the requirements for enhanced Guidance.

pilot training contained in the final rule published in the Federal Register on November 12, 2013 (78 Fed. Reg. 67800).

Deadline.
Recommendations.
Determination.

SEC. 2103. ENHANCED MENTAL HEALTH SCREENING FOR PILOTS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consider the recommendations of the Pilot Fitness Aviation Rulemaking Committee in determining whether to implement, as part of a comprehensive medical certification process for pilots with a first- or second-class airman medical certificate, additional screening for mental health conditions, including depression and suicidal thoughts or tendencies, and assess treatments that would address any risk associated with such conditions.

49 USC 46301 note.
Effective date.
Coordination.
Updates.

SEC. 2104. LASER POINTER INCIDENTS.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with appropriate Federal law enforcement agencies, shall provide quarterly updates to the appropriate committees of Congress regarding—

(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in the flight path of, an aircraft in the airspace jurisdiction of the United States;

(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, the Department of Transportation, or another Federal agency with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

(3) the resolution of any incidents described in paragraph (1) that did not result in a civil or criminal enforcement action; and

(4) any actions the Department of Transportation or another Federal agency has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be $25,000.

Deadline.
Evaluation.
Update.
Rotorcraft.
49 USC 44504 note.

SEC. 2105. CRASH-RESISTANT FUEL SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.

SEC. 2106. HIRING OF AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—Section 44506 of title 49, United States Code, is amended by adding at the end the following:

"(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

"(1) CONSIDERATION OF APPLICANTS.—

Time periods.

"(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controller, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience

involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

"(i) a Federal Aviation Administration air traffic control facility;

"(ii) a civilian or military air traffic control facility of the Department of Defense; or

"(iii) a tower operating under contract with the Federal Aviation Administration under section 47124.

"(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—

"(i) IN GENERAL.—After giving preferential consideration to applicants under subparagraph (A), the Administrator shall consider additional applicants for the position of air traffic controller by referring an approximately equal number of individuals for appointment among the 2 applicant pools described in this subparagraph. The number of individuals referred for consideration from each group shall not differ by more than 10 percent.

"(ii) POOL 1.—Pool 1 applicants are individuals who—

"(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

"(aa) an appropriate recommendation; or

"(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

"(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38 and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing; Deadline.

"(III) are eligible veterans (as defined in section 4211 of title 38) maintaining aviation experience obtained in the course of the individual's military experience; or

"(IV) are preference eligible veterans (as defined in section 2108 of title 5).

"(iii) POOL 2.—Pool 2 applicants are individuals who apply under a vacancy announcement recruiting from all United States citizens.

"(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

"(A) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment when hiring under paragraph (1)(A) or paragraph (1)(B)(ii).

"(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON BASIS OF BIOGRAPHICAL ASSESSMENTS.—

"(i) IN GENERAL.—If an individual described in paragraph (1)(A) or paragraph (1)(B)(ii), who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA–AMC–14–ALLSRCE–33537 (issued on February

10, 2014), was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply for the position as soon as practicable under the revised hiring practices.

"(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

Deadline.

"(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

"(II) met the maximum age requirement on the date of the individual's previous application for the position during the interim hiring process.

Time period.

"(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.".

49 USC 41705 note.

(b) NOTIFICATION OF VACANCIES.—The Administrator of the Federal Aviation Administration shall consider directly notifying secondary schools and institutions of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of a vacancy announcement under section 44506(f)(1)(B)(iii) of title 49, United States Code.

SEC. 2107. TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES.

Deadline. Reports. Assessment.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing required air carrier personnel and contractor training programs regarding the assistance of persons with disabilities, including—

(1) variations in training programs between air carriers;

(2) instances since 2005 where the Department of Transportation has requested that an air carrier take corrective action following a review of the air carrier's training programs; and

(3) actions taken by air carriers following requests described in paragraph (2).

Public information.

(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop, make publicly available, and appropriately disseminate to air carriers such best practices as the Secretary considers necessary to improve the reviewed training programs.

Deadline. Notice. Regulations.

SEC. 2108. AIR TRAVEL ACCESSIBILITY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue the supplemental notice of proposed rulemaking referenced in the Secretary's Report on Significant Rulemakings, dated June 15, 2015, and assigned Regulation Identification Number 2105–AE12.

SEC. 2109. ADDITIONAL CERTIFICATION RESOURCES.

49 USC 44701 note. Contracts.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator of the FAA may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval or the acceptance or validation by the FAA of a foreign authority certificate or design approval.

(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

(1) the travel covered under the agreement is deemed necessary, by both the Administrator and the applicant or certificate-holder, to expedite the acceptance or validation of the relevant certificate or approval;

(2) the travel is conducted at the request of the applicant or certificate-holder;

(3) travel plans and expenses are approved by the applicant or certificate-holder prior to travel; and

(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(l)(6) of title 49, United States Code.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on—

(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

(2) the number of occasions on which the Administrator declined a request by an applicant or certificate-holder to enter into a reimbursable agreement under this section;

(3) the amount of reimbursements collected in accordance with agreements under this section; and

(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for validations of certificates and design approvals.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICANT.—The term "applicant" means a person that has—

(A) applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval; or

(B) applied to the FAA for the acceptance or validation of a foreign authority certificate or design approval.

(2) CERTIFICATE-HOLDER.—The term "certificate-holder" means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

(3) FAA.—The term "FAA" means the Federal Aviation Administration.

SEC. 2110. TOWER MARKING.

49 USC 44718 note. Deadline. Regulations.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations to require the marking of covered towers.

(b) MARKING REQUIRED.—The regulations under subsection (a) shall require that a covered tower be clearly marked in a manner

that is consistent with applicable guidance under the Federal Aviation Administration Advisory Circular issued December 4, 2015 (AC 70/7460–1L), or other relevant safety guidance, as determined by the Administrator.

(c) APPLICATION.—The regulations issued under subsection (a) shall ensure that—

(1) all covered towers constructed on or after the date on which such regulations take effect are marked in accordance with subsection (b); and

Deadline.

(2) a covered tower constructed before the date on which such regulations take effect is marked in accordance with subsection (b) not later than 1 year after such effective date.

(d) DEFINITIONS.—

(1) IN GENERAL.—In this section, the following definitions apply:

(A) COVERED TOWER.—

(i) IN GENERAL.—The term "covered tower" means a structure that—

(I) is self-standing or supported by guy wires and ground anchors;

(II) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

(III) at the highest point of the structure is at least 50 feet above ground level;

(IV) at the highest point of the structure is not more than 200 feet above ground level;

(V) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

(VI) is located—

(aa) outside the boundaries of an incorporated city or town; or

(bb) on land that is—

(AA) undeveloped; or

(BB) used for agricultural purposes.

(ii) EXCLUSIONS.—The term "covered tower" does not include any structure that—

(I) is adjacent to a house, barn, electric utility station, or other building;

(II) is within the curtilage of a farmstead;

(III) supports electric utility transmission or distribution lines;

(IV) is a wind-powered electrical generator with a rotor blade radius that exceeds 6 feet; or

(V) is a street light erected or maintained by a Federal, State, local, or tribal entity.

(B) UNDEVELOPED.—The term "undeveloped" means a defined geographic area where the Administrator determines low-flying aircraft are operated on a routine basis, such as low-lying forested areas with predominant tree cover under 200 feet and pasture and range land.

(2) OTHER DEFINITIONS.—The Administrator shall define such other terms as may be necessary to carry out this section.

(e) DATABASE.—The Administrator shall—

(1) develop a database that contains the location and height of each covered tower;

(2) keep the database current to the extent practicable;

(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law; and

(4) ensure that, by virtue of accessing the database, users agree and acknowledge that information in the database—

(A) may only be used for aviation safety purposes; and

(B) may not be disclosed for purposes other than aviation safety, regardless of whether or not the information is marked or labeled as proprietary or with a similar designation.

SEC. 2111. AVIATION CYBERSECURITY.

49 USC 44903 note.

(a) COMPREHENSIVE AND STRATEGIC AVIATION FRAMEWORK.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall facilitate and support the development of a comprehensive and strategic framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems using a total systems approach that takes into consideration the interactions and interdependence of different components of aircraft systems and the national airspace system.

Deadline.

(2) SCOPE.—In carrying out paragraph (1), the Administrator shall—

(A) identify and address the cybersecurity risks associated with—

(i) the modernization of the national airspace system;

(ii) the automation of aircraft, equipment, and technology; and

(iii) aircraft systems, including by—

(I) directing the Aircraft Systems Information Security Protection Working Group—

(aa) to assess cybersecurity risks to aircraft systems;

(bb) to review the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

(cc) to provide appropriate recommendations to the Administrator if separate or additional rulemaking, policy, or guidance is needed to address cybersecurity risks to aircraft systems; and

(II) identifying and addressing—

(aa) cybersecurity risks associated with in-flight entertainment systems; and

(bb) whether in-flight entertainment systems can and should be isolated and separate, such as through an air gap, under existing rulemaking, policy, and guidance;

(B) clarify cybersecurity roles and responsibilities of offices and employees of the Federal Aviation Administration, as the roles and responsibilities relate to cybersecurity at the Federal Aviation Administration;

(C) identify and implement objectives and actions to reduce cybersecurity risks to air traffic control information

systems, including actions to improve implementation of information security standards, such as those of the National Institute of Standards and Technology;

(D) support voluntary efforts by industry, RTCA, Inc., and other standards-setting organizations to develop and identify consensus standards and best practices relating to guidance on aviation systems information security protection, consistent, to the extent appropriate, with the cybersecurity risk management activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e));

Guidelines.

(E) establish guidelines for the voluntary exchange of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities;

(F) identify short- and long-term objectives and actions that can be taken in response to cybersecurity risks to the national airspace system; and

(G) identify research and development activities to inform actions in response to cybersecurity risks.

(3) IMPLEMENTATION REQUIREMENTS.—In carrying out the activities under this subsection, the Administrator shall—

Coordination.

(A) coordinate with aviation stakeholders, including, at a minimum, representatives of industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

Consultation.

(B) consult with the heads of relevant agencies and with international regulatory authorities;

(C) if determined appropriate, convene an expert panel or working group to identify and address cybersecurity risks; and

Evaluation.

(D) evaluate, on a periodic basis, the effectiveness of the principles established under this subsection.

Deadline.

(b) UPDATE ON CYBERSECURITY IMPLEMENTATION PROGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress an update on progress made toward the implementation of this section.

Deadline. Consultation. Assessment. Research and development.

(c) CYBERSECURITY THREAT MODEL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Director of the National Institute of Standards and Technology, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess and research the potential cost and timetable of developing and maintaining an agencywide threat model, which shall be updated regularly, to strengthen the cybersecurity of agency systems across the Federal Aviation Administration. The Administrator shall brief the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status, results, and composition of the threat model.

Deadline. Consultation. Reports. Plan.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INFORMATION SECURITY STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after consultation with the Director of the National Institute of Standards and Technology, shall transmit

to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) a cybersecurity standards plan to improve implementation of the National Institute of Standards and Technology's latest revisions to information security guidance for Federal Aviation Administration information and Federal Aviation Administration information systems within set timeframes; and

(2) an explanation of why any such revisions are not incorporated in the plan or are not incorporated within set timeframes.

(e) CYBERSECURITY RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other agencies as appropriate, shall establish a cybersecurity research and development plan for the national airspace system, including— Deadline. Consultation. Plan.

(1) any proposal for research and development cooperation with international partners;

(2) an evaluation and determination of research and development needs to determine any cybersecurity risks of cabin communications and cabin information technology systems on board in the passenger domain; and Evaluation. Determination.

(3) objectives, proposed tasks, milestones, and a 5-year budgetary profile. Time period.

SEC. 2112. REPAIR STATIONS LOCATED OUTSIDE UNITED STATES.

(a) RISK-BASED OVERSIGHT.—Section 44733 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g);

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

"(f) RISK-BASED OVERSIGHT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)— Deadline.

"(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

"(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

"(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

"(A) in accordance with United States obligations under applicable international agreements; and

"(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

"(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B)."; and

(3) in subsection (g) (as so redesignated)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) HEAVY MAINTENANCE WORK.—The term 'heavy maintenance work' means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.".

Deadlines. Notice. Regulations. Federal Register, publication. 49 USC 44733 note.

(b) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—The Administrator of the Federal Aviation Administration shall ensure that—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and

(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.

Deadline. 49 USC 44733 note.

(c) BACKGROUND INVESTIGATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

(1) determined acceptable by the Administrator;

(2) consistent with the applicable laws of the country in which the repair station is located; and

(3) consistent with the United States obligations under international agreements.

SEC. 2113. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.

Section 44734(a) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) recognizing and responding to potential human trafficking victims.".

Subtitle B—UAS Safety

49 USC 40101 note.

SEC. 2201. DEFINITIONS.

(a) DEFINITIONS APPLIED.—In this subtitle, the terms "unmanned aircraft", "unmanned aircraft system", and "small unmanned aircraft" have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as amended by this Act.

(b) FAA MODERNIZATION AND REFORM ACT.—Section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting ", including everything that is on board or otherwise attached to the aircraft" after "55 pounds"; and

(2) by striking paragraph (7) and inserting the following:

"(7) TEST RANGE.—

"(A) IN GENERAL.—The term 'test range' means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

"(B) INCLUSIONS.—The term 'test range' includes any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c), as in effect on the day before the date of enactment of this subparagraph, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.". Deadline.

SEC. 2202. IDENTIFICATION STANDARDS. 49 USC 40101 note.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Director of the National Institute of Standards and Technology, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft. Consultation.

(b) CONSIDERATIONS.—As part of any standards developed under subsection (a), the Administrator shall ensure the consideration of—

(1) requirements for remote identification of unmanned aircraft systems;

(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil; and

(3) the feasibility of the development and operation of a publicly accessible online database of unmanned aircraft and the operators thereof, and any criteria for exclusion from the database.

(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on any standards developed under subsection (a). Reports.

(d) GUIDANCE.—Not later than 1 year after the date on which the Administrator submits the report under subsection (c), the Administrator shall issue regulations or guidance, as appropriate, based on any standards developed under subsection (a). Deadline. Regulations.

SEC. 2203. SAFETY STATEMENTS. 49 USC 40101 note.

(a) REQUIRED INFORMATION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), a manufacturer of a small unmanned aircraft shall make available to the owner at the time of delivery of the small unmanned aircraft the safety statement described in subsection (b)(2). Effective date.

(b) SAFETY STATEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section. Deadline. Guidance.

(2) REQUIREMENTS.—A safety statement required under subsection (a) shall include—

(A) information about, and sources of, laws and regulations applicable to small unmanned aircraft;

Recommendations.

(B) recommendations for using small unmanned aircraft in a manner that promotes the safety of persons and property;

(C) the date that the safety statement was created or last modified; and

(D) language approved by the Administrator regarding the following:

(i) A person may operate the small unmanned aircraft as a model aircraft (as defined in section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

(ii) The definition of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(iii) The requirements regarding the operation of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(iv) The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a) of title 49, United States Code.

Contracts. 49 USC 40101 note.

SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUPPORT OF FIREFIGHTING OPERATIONS AND UTILITY RESTORATION.

(a) FIREFIGHTING OPERATIONS.—The Administrator of the Federal Aviation Administration shall enter into agreements with the Secretary of the Interior and the Secretary of Agriculture, as necessary, to continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations consistent with the requirements of section 334(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(b) UTILITY RESTORATION.—The Administrator shall enter into agreements with the Secretary of Energy and with such other agencies or parties, including the Federal Emergency Management Agency, as are necessary to facilitate the expeditious authorization of safe unmanned aircraft system operations in support of service restoration efforts of utilities.

(c) DEFINITION OF UTILITY.—In this section, the term "utility" shall at a minimum include the definition in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)).

49 USC 40101 note.

SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION, LAW ENFORCEMENT, OR EMERGENCY RESPONSE EFFORT BY OPERATION OF UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft

49 USC 46320.

"(a) IN GENERAL.—Except as provided in subsection (b), an individual who operates an unmanned aircraft and in so doing knowingly or recklessly interferes with a wildfire suppression, law enforcement, or emergency response effort is liable to the United States Government for a civil penalty of not more than $20,000.

"(b) EXCEPTIONS.—This section does not apply to the operation of an unmanned aircraft conducted by a unit or agency of the United States Government or of a State, tribal, or local government (including any individual conducting such operation pursuant to a contract or other agreement entered into with the unit or agency) for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

"(c) COMPROMISE AND SETOFF.—

"(1) COMPROMISE.—The United States Government may compromise the amount of a civil penalty imposed under this section.

"(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) WILDFIRE.—The term 'wildfire' has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

"(2) WILDFIRE SUPPRESSION.—The term 'wildfire suppression' means an effort to contain, extinguish, or suppress a wildfire.".

(b) FAA TO IMPOSE CIVIL PENALTY.—Section 46301(d)(2) of title 49, United States Code, is amended by inserting "section 46320," after "section 46319,".

(c) CLERICAL AMENDMENT.—The analysis for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 46301.

"46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.".

SEC. 2206. PILOT PROJECT FOR AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION.

49 USC 40101 note.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a pilot program for airspace hazard mitigation at airports and other critical infrastructure using unmanned aircraft detection systems.

(b) CONSULTATION.—In carrying out the pilot program under subsection (a), the Administrator shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies that are developed, tested, or deployed by those departments and agencies to mitigate threats posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Airport and Airway Trust Fund to carry out this section $6,000,000, to remain available until expended.

(d) AUTHORITY.—After the pilot program established under subsection (a) ceases to be effective pursuant to subsection (g), the Administrator may use unmanned aircraft detection systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the pilot program established under subsection (a).

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

(A) The number of unauthorized unmanned aircraft operations detected, together with a description of such operations.

(B) The number of instances in which unauthorized unmanned aircraft were mitigated, together with a description of such instances.

(C) The number of enforcement cases brought by the Federal Aviation Administration for unauthorized operation of unmanned aircraft detected through the pilot program, together with a description of such cases.

(D) The number of any technical failures in the pilot program, together with a description of such failures.

Recommendations.

(E) Recommendations for safety and operational standards for unmanned aircraft detection systems.

(F) The feasibility of deployment of the systems at other airports.

Classified information.

(3) FORMAT.—To the extent practicable, the report prepared under paragraph (1) shall be submitted in a classified format. If appropriate, the report may include an unclassified summary.

(f) SUNSET.—The pilot program established under subsection (a) shall cease to be effective on the earlier of—

(1) the date that is 18 months after the date of enactment of this Act; and

(2) the date of the submission of the report under subsection (e).

49 USC 40101 note.

SEC. 2207. EMERGENCY EXEMPTION PROCESS.

Deadline. Publication. Guidance. Procedures. Certification. Waiver authority.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. In processing such applications, the Administrator shall give priority to applications for public unmanned aircraft systems engaged in emergency response activities.

(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight or nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with other emergency response efforts.

(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other emergency, the Administrator shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT. 49 USC 40101 note.

(a) RESEARCH PLAN FOR UTM DEVELOPMENT AND DEPLOYMENT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration (in this section referred to as the "Administrator"), in coordination with the Administrator of the National Aeronautics and Space Administration, shall continue development of a research plan for unmanned aircraft systems traffic management (in this section referred to as "UTM") development and deployment. Coordination.

(2) REQUIREMENTS.—In developing the research plan, the Administrator shall—

(A) identify research outcomes sought; and

(B) ensure the plan is consistent with existing regulatory and operational frameworks, and considers potential future regulatory and operational frameworks, for unmanned aircraft systems in the national airspace system.

(3) ASSESSMENT.—The research plan shall include an assessment of the interoperability of a UTM system with existing and potential future air traffic management systems and processes.

(4) DEADLINES.—The Administrator shall—

(A) initiate development of the research plan not later than 60 days after the date of enactment of this Act; and

(B) not later than 180 days after the date of enactment of this Act—

(i) complete the research plan;

(ii) submit the research plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

(iii) publish the research plan on the Internet Web site of the Federal Aviation Administration. Web posting.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of submission of the research plan under subsection (a)(4)(B), the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, the Drone Deadline. Coordination.

Advisory Committee, the research advisory committee established by section 44508(a) of title 49, United States Code, and representatives of the unmanned aircraft industry, shall establish a UTM system pilot program.

(2) SUNSET.—Not later than 2 years after the date of establishment of the pilot program, the Administrator shall conclude the pilot program.

Deadlines.

(c) UPDATES.—Not later than 180 days after the date of establishment of the pilot program, and every 180 days thereafter until the date of conclusion of the pilot program, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives an update on the status and progress of the pilot program.

49 USC 40101 note.

SEC. 2209. APPLICATIONS FOR DESIGNATION.

Deadline.

(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

(b) REVIEW PROCESS.—

(1) APPLICATION PROCEDURES.—

(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

(B) REQUIREMENTS.—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

(C) CONSIDERATIONS.—Only the following may be considered fixed site facilities:

(i) Critical infrastructure, such as energy production, transmission, and distribution facilities and equipment.

(ii) Oil refineries and chemical facilities.

(iii) Amusement parks.

(iv) Other locations that warrant such restrictions.

(2) DETERMINATION.—

Deadline. Notice.

(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

(ii) such other limitations that the Administrator determines may be appropriate.

(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

(i) aviation safety;

(ii) protection of persons and property on the ground;

(iii) national security; or

(iv) homeland security.

(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

(c) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website. Web posting.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL INFRASTRUCTURE. 49 USC 40101 note.

(a) IN GENERAL.—Any application process established under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) shall allow for a person to apply to the Administrator of the Federal Aviation Administration to operate an unmanned aircraft system, for purposes of conducting an activity described in subsection (b)—

(1) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

(2) during the day or at night.

(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

(1) activities for which manned aircraft may be used to comply with Federal, State, or local laws, including—

(A) activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; and

(B) activities relating to ensuring compliance with—

(i) parts 192 and 195 of title 49, Code of Federal Regulations; and

(ii) the requirements of any Federal, State, or local governmental or regulatory body, or industry best practice, pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities;

(2) activities to inspect, repair, construct, maintain, or protect covered facilities, including for the purpose of responding to a pipeline, pipeline system, or electric energy infrastructure incident; and

(3) activities in response to or in preparation for a natural disaster, manmade disaster, severe weather event, or other incident beyond the control of the applicant that may cause material damage to a covered facility.

(c) DEFINITIONS.—In this section, the following definitions apply: Applicability.

(1) COVERED FACILITY.—The term "covered facility" means—

(A) a pipeline or pipeline system;

(B) an electric energy generation, transmission, or distribution facility (including a renewable electric energy facility);

(C) an oil or gas production, refining, or processing facility; or

(D) any other critical infrastructure facility.

(2) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given that term in section 2339D of title 18, United States Code.

(d) DEADLINES.—

(1) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a certification that a process has been established to facilitate applications for unmanned aircraft systems operations described in this section.

(2) FAILURE TO MEET CERTIFICATION DEADLINE.—If the Administrator cannot provide a certification under paragraph (1), the Administrator, not later than 180 days after the deadline specified in paragraph (1), shall update the process under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to facilitate applications for unmanned aircraft systems operations described in this section.

(e) EXEMPTIONS.—In addition to the operations described in this section, the Administrator may authorize, exempt, or otherwise allow other unmanned aircraft systems operations under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) that are conducted beyond the visual line of sight of the individual operating the unmanned aircraft system or during the day or at night.

49 USC 40101 note.

SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.

Section 332(a)(5) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended—

(1) by inserting ", in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia," after "update"; and

(2) by inserting after "annually." the following: "The roadmap shall include, at a minimum—

Cost estimates.

"(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

"(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

"(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

"(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

"(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA's Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

"(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and Assessment.

"(D) an update on the advancement of technologies needed to integrate unmanned aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.".

SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIRCRAFT COLLISION RESEARCH. 49 USC 40101 note.

(a) RESEARCH.—The Administrator of the Federal Aviation Administration (in this section referred to as the "Administrator"), in continuation of ongoing work, shall coordinate with the Administrator of the National Aeronautics and Space Administration to develop a program to conduct comprehensive testing or modeling of unmanned aircraft systems colliding with various sized aircraft in various operational settings, as considered appropriate by the Administrator, including— Coordination. Testing.

(1) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and jet aircraft of various sizes, traveling at various speeds;

(2) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and propeller-driven aircraft of various sizes, traveling at various speeds;

(3) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and rotorcraft of various sizes, traveling at various speeds; and

(4) collisions between unmanned aircraft systems and various parts of the aforementioned aircraft, including—

(A) windshields;

(B) noses;

(C) engines;

(D) radomes;

(E) propellers; and

(F) wings.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the costs and results of research under this section.

SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVELOPMENT STUDY. 49 USC 40101 note.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies to study the potential use of probabilistic assessments of risks by the Administration to streamline the integration of unmanned Deadline. Contracts.

aircraft systems into the national airspace system, including any research and development necessary.

Deadline.

(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Subtitle C—Time Sensitive Aviation Reforms

SEC. 2301. SMALL AIRPORT RELIEF FOR SAFETY PROJECTS.

Section 47114(c)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) SPECIAL RULE FOR FISCAL YEAR 2017.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under that subparagraph for fiscal year 2017 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

"(i) had 10,000 or more passenger boardings during calendar year 2012;

"(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2017 under subparagraph (A); and

"(iii) had scheduled air service at any point during the calendar year used to calculate the apportionment for fiscal year 2017 under subparagraph (A).".

SEC. 2302. USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.

Section 40117 of title 49, United States Code, is amended by adding at the end the following:

"(n) USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

"(1) the eligible agency seeking to impose the new charge controls an airport where a $2.00 passenger facility charge became effective on January 1, 2013; and

"(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).".

Establishment.

SEC. 2303. WORKING GROUP ON IMPROVING AIR SERVICE TO SMALL COMMUNITIES.

Deadline.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group—

(1) to identify obstacles to attracting and maintaining air transportation service to and from small communities; and

(2) to develop recommendations for maintaining and improving air transportation service to and from small communities. Recommendations.

(b) OUTREACH.—In carrying out subsection (a), the working group shall consult with— Consultation.

(1) interested Governors;

(2) representatives of State and local agencies, and other officials and groups, representing rural States and other rural areas;

(3) other representatives of relevant State and local agencies; and

(4) members of the public with experience in aviation safety, pilot training, economic development, and related issues.

(c) CONSIDERATIONS.—In carrying out subsection (a), the working group shall—

(1) consider whether funding for, and the terms of, current or potential new programs are sufficient to help ensure continuation of or improvement to air transportation service to small communities, including the essential air service program and the small community air service development program;

(2) identify initiatives to help support pilot training and aviation safety to maintain air transportation service to small communities;

(3) consider whether Federal funding for airports serving small communities, including airports that have lost air transportation services or had decreased enplanements in recent years, is adequate to ensure that small communities have access to quality, affordable air transportation service;

(4) identify innovative State or local efforts that have established public-private partnerships that are successful in attracting and retaining air transportation service in small communities; and

(5) consider such other issues as the Secretary considers appropriate.

(d) COMPOSITION.—

(1) IN GENERAL.—The working group shall be facilitated through the Secretary or the Secretary's designee.

(2) MEMBERSHIP.—Members of the working group shall be appointed by the Secretary and shall include representatives of—

(A) State and local government, including State and local aviation officials;

(B) State Governors;

(C) aviation safety experts;

(D) economic development officials; and

(E) the traveling public from small communities.

(e) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report, including—

(1) a summary of the views expressed by the participants in the outreach under subsection (b); Summary.

(2) a description of the working group's findings, including the identification of any areas of general consensus among the non-Federal participants in the outreach under subsection (b); and

(3) any recommendations for legislative or regulatory action that would assist in maintaining and improving air transportation service to and from small communities.

SEC. 2304. COMPUTATION OF BASIC ANNUITY FOR CERTAIN AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—Section 8415(f) of title 5, United States Code, is amended to read as follows:

"(f) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has at least 5 years of service in any combination as—

"(1) an air traffic controller as defined by section 2109(1)(A)(i);

"(2) a first level supervisor of an air traffic controller as defined by section 2109(1)(A)(i); or

"(3) a second level supervisor of an air traffic controller as defined by section 2109(1)(A)(i);

so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1 7/10 percent of the individual's average pay by the years of such service.".

5 USC 8415 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to be effective on December 12, 2003.

5 USC 8415 note.

(c) PROCEDURES REQUIRED.—The Director of the Office of Personnel Management shall establish such procedures as are necessary to provide for—

Notification.

(1) notification to each annuitant affected by the amendments made by this section;

(2) recalculation of the benefits of affected annuitants;

(3) an adjustment to applicable monthly benefit amounts pursuant to such recalculation, to begin as soon as is practicable; and

(4) a lump-sum payment to each affected annuitant equal to the additional total benefit amount that such annuitant would have received had the amendment made by subsection (a) been in effect on December 12, 2003.

49 USC 41704 note.

SEC. 2305. REFUNDS FOR DELAYED BAGGAGE.

Deadlines. Regulations.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to require an air carrier or foreign air carrier to promptly provide to a passenger an automated refund for any ancillary fees paid by the passenger for checked baggage if—

(1) the air carrier or foreign air carrier fails to deliver the checked baggage to the passenger—

(A) not later than 12 hours after the arrival of a domestic flight; or

(B) not later than 15 hours after the arrival of an international flight; and

(2) the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage.

Determination.

(b) EXCEPTION.—If, as part of the rulemaking, the Secretary makes a determination on the record that a requirement under subsection (a) is not feasible and would adversely affect consumers in certain cases, the Secretary may modify 1 or both of the deadlines specified in subsection (a)(1) for such cases, except that—

(1) the deadline relating to a domestic flight may not exceed 18 hours after the arrival of the domestic flight; and

(2) the deadline relating to an international flight may not exceed 30 hours after the arrival of the international flight.

SEC. 2306. CONTRACT WEATHER OBSERVERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report, which includes public and stakeholder input— Deadline. Reports.

(1) examining the safety risks, hazard effects, and efficiency and operational effects for airports, airlines, and other stakeholders that could result from a loss of contract weather observer service at the 57 airports targeted for the loss of the service;

(2) detailing how the Federal Aviation Administration will accurately report rapidly changing severe weather conditions at the airports, including thunderstorms, lightning, fog, visibility, smoke, dust, haze, cloud layers and ceilings, ice pellets, and freezing rain or drizzle, without contract weather observers;

(3) indicating how airports can comply with applicable Federal Aviation Administration orders governing weather observations given the current documented limitations of automated surface observing systems; and

(4) identifying the process through which the Federal Aviation Administration analyzed the safety hazards associated with the elimination of the contract weather observer program.

(b) CONTINUED USE OF CONTRACT WEATHER OBSERVERS.—The Administrator may not discontinue the contract weather observer program at any airport until October 1, 2017. Termination date.

SEC. 2307. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS. 49 USC 44703 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if— Deadline. Regulations.

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment; Time period.

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before Time period.

acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

Time period.

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

Deadline. Checklist.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99); and

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew

member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: "I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft."; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

Internet.

(1) be available on the Internet free of charge;

Coordination.

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

Certifications.

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under subsection (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: "I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.".

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

Deadline.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

Deadline.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program. Deadline. Review.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the appropriate committees of Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection. Effective date. Regulations. Federal Register, publication.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 2308. TARMAC DELAYS.

(a) DEPLANING FOLLOWING EXCESSIVE TARMAC DELAY.—Section 42301(b)(3) of title 49, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

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

Deadlines.

"(C) In providing the option described in subparagraph (A), the air carrier shall begin to return the aircraft to a suitable disembarkation point—

"(i) in the case of a flight in interstate air transportation, not later than 3 hours after the main aircraft door is closed in preparation for departure; and

"(ii) in the case of a flight in foreign air transportation, not later than 4 hours after the main aircraft door is closed in preparation for departure."; and

(3) in subparagraph (D) (as redesignated by paragraph (1) of this subsection) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)".

(b) EXCESSIVE TARMAC DELAY DEFINED.—Section 42301(i)(4) of title 49, United States Code, is amended to read as follows:

"(4) EXCESSIVE TARMAC DELAY.—The term 'excessive tarmac delay' means a tarmac delay of more than—

"(A) 3 hours for a flight in interstate air transportation; or

"(B) 4 hours for a flight in foreign air transportation.".

Deadline. 49 USC 42301 note.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations and take other actions necessary to carry out the amendments made by this section.

49 USC 42301 note prec. Deadline. Review.

SEC. 2309. FAMILY SEATING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review and, if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class

or a seat with extra legroom or seat pitch for which additional payment is normally required.

(b) EFFECT ON AIRLINE BOARDING AND SEATING POLICIES.—When considering any new policy under this section, the Secretary shall consider the traditional seating and boarding policies of air carriers providing scheduled passenger interstate or intrastate air transportation and whether those policies generally allow families to sit together.

(c) STATUTORY CONSTRUCTION.—Notwithstanding the requirement in subsection (a), nothing in this section may be construed to allow the Secretary to impose a significant change in the overall seating or boarding policy of an air carrier providing scheduled passenger interstate or intrastate air transportation that has an open or flexible seating policy in place that generally allows adjacent family seating as described in subsection (a).

TITLE III—AVIATION SECURITY

Aviation Security Act of 2016. 49 USC 44901 note.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Aviation Security Act of 2016".

SEC. 3002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) PRECHECK PROGRAM.—The term "PreCheck Program" means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 114 note).

(4) TSA.—The term "TSA" means the Transportation Security Administration.

Subtitle A—TSA PreCheck Expansion

SEC. 3101. PRECHECK PROGRAM AUTHORIZATION.

The Administrator shall continue to administer the PreCheck Program.

SEC. 3102. PRECHECK PROGRAM ENROLLMENT EXPANSION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish PreCheck Program enrollment standards that add multiple private sector application capabilities for the PreCheck Program to increase the public's enrollment access to the program, including standards that allow the use of secure technologies, including online enrollment, kiosks, tablets, or staffed laptop stations at which individuals can apply for entry into the program.

Deadline. Publication. Standards. Public information.

(b) REQUIREMENTS.—Upon publication of the PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) coordinate with interested parties—

Coordination.

(A) to deploy TSA-approved ready-to-market private sector solutions that meet the PreCheck Program enrollment standards under such subsection;

(B) to make available additional PreCheck Program enrollment capabilities; and

(C) to offer secure online and mobile enrollment opportunities;

(2) partner with the private sector to collect biographic and biometric identification information via kiosks, mobile devices, or other mobile enrollment platforms to increase enrollment flexibility and minimize the amount of travel to enrollment centers for applicants;

(3) ensure that any information, including biographic information, is collected in a manner that—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology; and

Confidential information.

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as "Privacy Act of 1974"), and with agency regulations;

(4) ensure that the enrollment process is streamlined and flexible to allow an individual to provide additional information to complete enrollment and verify identity;

Records. Evaluation. Certification. Verification.

(5) ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint-based criminal history records check is evaluated and certified by the Secretary of Homeland Security, and verified by the Government Accountability Office or a federally funded research and development center after award to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to the effectiveness of identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

Certification. Procedures.

(6) ensure that the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in private sector risk assessments.

(c) MARKETING OF PRECHECK PROGRAM.—Upon publication of PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) in accordance with such standards, develop and implement—

(A) a continual process, including an associated timeframe, for approving private sector marketing of the PreCheck Program; and

(B) a long-term strategy for partnering with the private sector to encourage enrollment in such program;

Deadline. Reports. Recommendations.

(2) submit to Congress, at the end of each fiscal year, a report on any PreCheck Program application fees collected in excess of the costs of administering the program, including to assess the feasibility of the program, for such fiscal year, and recommendations for using such fees to support marketing of the program.

(d) IDENTITY VERIFICATION ENHANCEMENT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall— Deadline.

(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the citizenship of individuals enrolling in the PreCheck Program; Coordination.

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to conduct fingerprint and background checks to expedite identity verification.

(e) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(f) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program. Deadline. Assessment. Determination.

Subtitle B—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security

SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States. Deadline.

(b) CONTENTS.—The security risk assessment required under subsection (a) shall include consideration of the following:

(1) The level of coordination and cooperation between the TSA and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

(3) The number of known or suspected terrorists annually transiting through such airport.

(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

(5) The passenger security screening practices, capabilities, and capacity of such airport.

(6) The security vetting undergone by aviation workers at such airport.

(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.

Deadline.

(a) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Administrator shall submit to Congress and the Government Accountability Office a plan—

(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

Assessment. Contracts.

(2) that includes an assessment of the ability of the TSA to enter into a mutual agreement with a foreign government entity that permits TSA representatives to conduct without prior notice inspections of foreign airports.

Deadline. Determination.

(b) GAO REVIEW.—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the TSA to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

Deadline.

SEC. 3203. WORKFORCE ASSESSMENT.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies of the TSA or whose primary professional duties contribute to the TSA's global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

SEC. 3204. DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.

(a) IN GENERAL.—The Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) REPORT.—Not later than 30 days before any donation of security screening equipment pursuant to subsection (a), the Administrator shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland

Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made. Evacuation plan.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.

(a) IN GENERAL.—The Administrator may evaluate foreign countries' air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs. Evaluation.

(b) APPROVAL AND RECOGNITION.—

(1) IN GENERAL.—If the Administrator determines that a foreign country's air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country's air cargo security program. Determination.

(2) EFFECT OF APPROVAL AND RECOGNITION.—If the Administrator approves and officially recognizes pursuant to paragraph (1) a foreign country's air cargo security program, an aircraft transporting cargo that is departing such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

(c) REVOCATION AND SUSPENSION.—

(1) IN GENERAL.—If the Administrator determines at any time that a foreign country's air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country's cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs. Determination.

(2) NOTIFICATION.—If the Administrator revokes or suspends pursuant to paragraph (1) a foreign country's air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension. Deadline.

(d) APPLICATION.—This section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, a foreign air carrier, a cargo carrier, or a foreign cargo carrier.

SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

(a) IN GENERAL.—The Administrator shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from training and capacity development assistance pursuant to subsection (a), the Administrator may provide to the appropriate authorities of such foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

(1) active shooter scenarios;
(2) incident response;
(3) use of canines;
(4) mitigation of insider threats;
(5) perimeter security;
(6) operation and maintenance of security screening technology; and
(7) recurrent related training and exercises.

Subtitle C—Checkpoint Optimization and Efficiency

SEC. 3301. SENSE OF CONGRESS.

It is the sense of Congress that airport checkpoint wait times should not take priority over the security of the aviation system of the United States.

SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.

Deadline. Assessment. Determination.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall complete an assessment of the TSA's staffing allocation model to determine the necessary staffing positions at all airports in the United States at which the TSA operates passenger checkpoints.

(b) APPROPRIATE STAFFING.—The staffing allocation model described in subsection (a) shall be based on necessary staffing levels to maintain minimal passenger wait times and maximum security effectiveness.

(c) ADDITIONAL RESOURCES.—In assessing necessary staffing for minimal passenger wait times and maximum security effectiveness referred to in subsection (b), the Administrator shall include the use of canine explosives detection teams and technology to assist screeners conducting security checks.

(d) TRANSPARENCY.—The Administrator shall share with aviation security stakeholders the staffing allocation model described in subsection (a), as appropriate.

(e) EXCHANGE OF INFORMATION.—The Administrator shall require each Federal Security Director to engage on a regular basis with the appropriate aviation security stakeholders to exchange information regarding airport operations, including security operations.

Deadline. Reports.

(f) GAO REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the staffing allocation model described in subsection (a) and report to the Committee on Homeland Security

of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of such review.

SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RESOURCES.

(a) IN GENERAL.—To the greatest extent practicable, the Administrator shall direct that Transportation Security Officers with appropriate certifications and training are assigned to passenger and baggage security screening functions and that other TSA personnel who may not have certification and training to screen passengers or baggage are utilized for tasks not directly related to security screening, including restocking bins and providing instructions and support to passengers in security lines.

(b) ASSESSMENT AND REASSIGNMENT.—The Administrator shall conduct an assessment of headquarters personnel and reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis, as appropriate.

SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.

Deadlines.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall take the following actions:

(1) Utilize the TSA's Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck Program lanes to ensure that such lanes are operational for use and maximum efficiency.

(2) Make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness.

List.

(3) Disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices.

Recommendations.

(4) Request the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United States Code) provide recommendations on best practices for checkpoint security operations optimization.

(b) STAFFING ADVISORY COORDINATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall—

Establishment.

(1) direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to provide recommendations to the Administrator on Transportation Security Officer staffing numbers, for each such airport; and

Certification.

(2) certify to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such staffing advisory working groups have been established.

(c) REPORTING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall—

(1) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding how the

TSA's Passenger Screening Canine assets may be deployed and utilized for maximum efficiency to mitigate risk and optimize checkpoint operations; and

(2) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the TSA's Credential Authentication Technology Assessment program and how deployment of such program might optimize checkpoint operations.

SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.

For purposes of this subtitle, the term "aviation security stakeholders" shall mean, at a minimum, air carriers, airport operators, and labor organizations representing Transportation Security Officers or, where applicable, contract screeners.

SEC. 3306. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed as authorizing or directing the Administrator to prioritize reducing wait times over security effectiveness.

Subtitle D—Aviation Security Enhancement and Oversight

SEC. 3401. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security of the House of Representatives;

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

(C) the Committee on Commerce, Science, and Transportation of the Senate.

(2) ASAC.—The term "ASAC" means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) SIDA.—The term "SIDA" means the Secure Identification Display Area as such term is defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

SEC. 3402. THREAT ASSESSMENT.

(a) INSIDER THREATS.—

Deadline. Determination.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as such term is defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

(A) domestic intelligence;

(B) international intelligence;

(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their workers;

(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their workers;

(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their workers;

(F) the recent security breaches at domestic and foreign airports; and

(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees, including the ASAC.

(b) REPORTS.—The Administrator shall submit to the appropriate congressional committees—

(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

(2) a report on the implementation status of any recommendations made by the ASAC; and

(3) regular updates about the insider threat environment as new information becomes available or as needed.

SEC. 3403. OVERSIGHT.

(a) ENHANCED REQUIREMENTS.—

(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code. Public information. Regulations.

(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

(A) increased fines and advanced oversight for airport operators that report missing more than five percent of credentials for unescorted access to any SIDA of an airport;

(B) best practices for Category X airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(C) additional audits and status checks for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(D) review and analysis of the prior five years of audits for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and Deadline.

(F) a method for termination by the employer of any airport worker who fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airports and aircraft operators of free, one-time, 24-hour temporary credentials for workers who have reported, in a timely manner, their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

(1) notify the appropriate congressional committees each time an airport operator reports that more than three percent of credentials for unescorted access to any SIDA at a Category X airport are missing, or more than five percent of credentials to access any SIDA at any other airport are missing; and

(2) submit to the appropriate congressional committees an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

Guidance.

SEC. 3404. CREDENTIALS.

Deadline.

(a) LAWFUL STATUS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue to airport operators guidance regarding placement of an expiration date on each airport credential issued to a non-United States citizen that is not longer than the period of time during which such non-United States citizen is lawfully authorized to work in the United States.

(b) REVIEW OF PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

(2) INCLUSIONS.—The guidance issued pursuant to paragraph (1) shall require a comprehensive review of background checks and employment authorization documents issued by United States Citizenship and Immigration Services during the course of a review of procedures under such paragraph.

SEC. 3405. VETTING.

(a) ELIGIBILITY REQUIREMENTS.—

Deadline.
Public information.
Regulations.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence under section 3502, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport.

(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to any SIDA of an airport for an individual found to be otherwise ineligible for such credentials; and

(B) consider, as appropriate and practicable—

(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for such crime and released from incarceration within five years before the date of the individual's application. Time periods.

(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

(A) a specific need exists for providing the individual with unescorted access authority; and

(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

(6) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the TSA.

(b) RECURRENT VETTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible TSA-regulated populations of individuals with unescorted access to any SIDA of an airport. Deadline.

(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

(A) any status notifications the TSA receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the TSA under section

44903 of title 49, United States Code, or other Federal law; and

(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

(3) REPORT TO CONGRESS.—Not later than 30 days after implementation of the Rap Back service described in paragraph (1), the Administrator shall submit to the appropriate congressional committees a report on the such implementation.

Deadline. Coordination.

(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of the enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism-related category codes to improve the effectiveness of the TSA's credential vetting program for individuals who are seeking or have unescorted access to any SIDA of an airport.

Deadline. Determination.

(d) ACCESS TO E–VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E–Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to any SIDA of an airport.

SEC. 3406. METRICS.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

(1) adherence to access point procedures;

(2) proper use of credentials;

(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;

(4) differences in access point characteristics and requirements at airports; and

(5) any additional factors the Administrator considers necessary to measure performance.

SEC. 3407. INSPECTIONS AND ASSESSMENTS.

Deadline. Consultation.

(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

(1) use intelligence, scientific algorithms, and risk-based factors;

(2) ensure integrity, accountability, and control;

(3) subject airport workers to random physical security inspections conducted by TSA representatives in accordance with this section;

(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to SIDAs; and

(5) include validation of identification materials, such as with biometrics.

(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point to— Verification.

(1) verify the credentials of such airport workers;

(2) determine whether such airport workers possess prohibited items, except for those items that may be necessary for the performance of such airport workers' duties, as appropriate, in any SIDA of an airport; and Determination.

(3) verify whether such airport workers are following appropriate procedures to access any SIDA of an airport.

(c) SCREENING REVIEW.—

(1) IN GENERAL.—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

(A) comprehensive airport worker screening at access points to secure areas;

(B) comprehensive perimeter screening, including vehicles;

(C) enhanced fencing or perimeter sensors; and

(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

(A) identify best practices for additional access control and airport worker security at airports; and

(B) disseminate to airport operators the best practices identified under subparagraph (A).

(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at one or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

SEC. 3408. COVERT TESTING.

(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDAs of airports.

(c) REPORTS TO CONGRESS.—

(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate congressional committees a report on the effectiveness of airport access controls to the SIDAs of airports based on red-team, covert testing under subsection (b).

SEC. 3409. SECURITY DIRECTIVES.

Deadlines. Consultation. Determinations.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity to—

(1) determine whether each such security directive continues to be relevant;

(2) determine whether such security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and

(3) update, consolidate, or revoke any security directive as necessary.

(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate congressional committees notice of—

(1) the extent to which each such security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and

(2) when it is anticipated that each such security directive will expire.

SEC. 3410. IMPLEMENTATION REPORT.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

Assessment.

(1) assess the progress made by the TSA and the effect on aviation security of implementing the requirements under sections 3402 through 3409 of this subtitle; and

Recommendations.

(2) report to the appropriate congressional committees on the results of the assessment under paragraph (1), including any recommendations.

SEC. 3411. MISCELLANEOUS AMENDMENTS.

(a) ASAC TERMS OF OFFICE.—Subparagraph (A) of section 44946(c)(2) of title 49, United States Code, is amended to read as follows:

"(A) TERMS.—The term of each member of the Advisory Committee shall be two years, but a member may continue to serve until a successor is appointed. A member of the Advisory Committee may be reappointed.".

(b) FEEDBACK.—Paragraph (5) of section 44946(b) of title 49, United States Code, is amended by striking "paragraph (4)" and inserting "paragraph (2) or (4)".

Subtitle E—Checkpoints of the Future

SEC. 3501. CHECKPOINTS OF THE FUTURE.

Recommendations.

(a) IN GENERAL.—The Administrator, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee (established pursuant to section 44946 of such title) to develop recommendations for more efficient and effective passenger screening processes.

(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

(1) the configuration of a checkpoint;

(2) technology innovation;

(3) ways to address any vulnerabilities identified in audits of checkpoint operations;

(4) ways to prevent security breaches at airports at which Federal security screening is provided;

(5) best practices in aviation security;

(6) recommendations from airports and aircraft operators, and any relevant advisory committees; and

(7) "curb to curb" processes and procedures.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the Aviation Security Advisory Committee review under this section, including any recommendations for improving passenger screening processes. Recommendations.

SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY AND SECURITY AT CATEGORY X AIRPORTS.

(a) IN GENERAL.—The Administrator shall establish a pilot program at at least three and not more than six airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly at airports that have large open areas at which screening is conducted.

(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

(1) select airports from among airports classified by the TSA as Category X airports and that are able to begin the reconfiguration and installation of security systems expeditiously; and

(2) give priority to an airport that—

(A) submits a proposal that seeks Federal funding for reconfiguration of such airport's security systems;

(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided funding towards the cost of such pilot program.

SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND TESTING OF PROTOTYPES FOR AIRPORT SECURITY SYSTEMS.

(a) IN GENERAL.—The Administrator shall establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations that are intended to expedite the movement of passengers by deploying a range of technologies, including passive and active systems, new types of security baggage and personal screening systems, and new systems to review and address passenger and baggage anomalies.

(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

(1) select airports from among airports classified by the TSA as Category X airports that are able to begin the reconfiguration and installation of security systems expeditiously;

(2) consider detection capabilities; and

(3) give priority to an airport that—

(A) submits a proposal that seeks Federal funding to test prototypes for new airport security systems;

(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided funding towards the cost of such pilot program.

SEC. 3504. REPORT REQUIRED.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and a report on the pilot programs established under sections 3502 and 3503 of this subtitle.

SEC. 3505. FUNDING.

The Administrator shall carry out the pilot programs established under sections 3502 and 3503 of this subtitle using amounts—

(1) appropriated to the TSA before the date of the enactment of this Act and available for obligation as of such date of enactment; and

(2) amounts obtained as reimbursements from airports under such pilot programs.

SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY THE TRANSPORTATION SECURITY ADMINISTRATION.

The Administrator, in carrying out the functions of the pilot programs established under sections 3502 and 3503 of this subtitle, may accept services, supplies, equipment, personnel, or facilities, without reimbursement, from any other public or private entity.

Subtitle F—Miscellaneous Provisions

SEC. 3601. VISIBLE DETERRENT.

Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

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

"(5) shall require, as appropriate based on risk, in the case of a VIPR team deployed to an airport, that the VIPR team conduct operations—

"(A) in the sterile area and any other areas to which only individuals issued security credentials have unescorted access; and

"(B) in nonsterile areas."; and

(2) in subsection (b), by striking "such sums as necessary for fiscal years 2007 through 2011" and inserting "such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018".

SEC. 3602. LAW ENFORCEMENT TRAINING FOR MASS CASUALTY AND ACTIVE SHOOTER INCIDENTS.

Paragraph (2) of section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) training exercises to enhance preparedness for and response to mass casualty and active shooter incidents and security events at public locations, including airports and mass transit systems;".

SEC. 3603. ASSISTANCE TO AIRPORTS AND SURFACE TRANSPORTATION SYSTEMS.

Subsection (a) of section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) by redesignating paragraphs (9) through (13) as paragraphs (10) through (14), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) enhancing the security and preparedness of secure and nonsecure areas of eligible airports and surface transportation systems;".

Approved July 15, 2016.

LEGISLATIVE HISTORY—H.R. 636:

HOUSE REPORTS: No. 114–21, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Feb. 13, considered and passed House.
Vol. 162 (2016): Apr. 6, 7, 11–14, 18, 19, considered and passed Senate, amended.
July 11, House concurred in Senate amendments with amendments pursuant to H. Res. 818.
July 13, Senate concurred in House amendments.

Public Law 114–191
114th Congress

An Act

July 15, 2016
[H.R. 3766]

To direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Aid Transparency and Accountability Act of 2016.
22 USC 2151 note.
22 USC 2394c note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Aid Transparency and Accountability Act of 2016".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) EVALUATION.—The term "evaluation" means, with respect to a covered United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program, including projects conducted under such program, as a basis for—

(A) making judgments and evaluations regarding the program;

(B) improving program effectiveness; and

(C) informing decisions about current and future programming.

(3) COVERED UNITED STATES FOREIGN ASSISTANCE.—The term "covered United States foreign assistance" means assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation); and

(ii) chapter 3 of such part (relating to International Organizations and Programs);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund);

(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.); and

(D) the Food for Peace Act (7 U.S.C. 1721 et seq.).

SEC. 3. GUIDELINES FOR COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

Evaluation. Coordination. 22 USC 2394c note.

(a) PURPOSES.—The purposes of this section are to—

(1) evaluate the performance of covered United States foreign assistance and its contribution to the policies, strategies, projects, program goals, and priorities undertaken by the Federal Government;

(2) support and promote innovative programs to improve effectiveness; and

(3) coordinate the monitoring and evaluation processes of Federal departments and agencies that administer covered United States foreign assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall set forth guidelines, according to best practices of monitoring and evaluation studies and analyses, for the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to covered United States foreign assistance.

Deadline.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on—

(A) monitoring the use of resources;

(B) evaluating the outcomes and impacts of covered United States foreign assistance projects and programs; and

(C) applying the findings and conclusions of such evaluations to proposed project and program design.

(2) OBJECTIVES.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on how to—

(A) establish annual monitoring and evaluation objectives and timetables to plan and manage the process of monitoring, evaluating, analyzing progress, and applying learning toward achieving results;

(B) develop specific project monitoring and evaluation plans, including measurable goals and performance metrics, and to identify the resources necessary to conduct such evaluations, which should be covered by program costs;

Plans.

(C) apply rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes;

Applicability.

(D) disseminate guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of covered United States foreign assistance programs;

(E) establish methodologies for the collection of data, including baseline data to serve as a reference point against which progress can be measured;

(F) evaluate, at least once in their lifetime, all programs whose dollar value equals or exceeds the median

program size for the relevant office or bureau or an equivalent calculation to ensure the majority of program resources are evaluated;

(G) conduct impact evaluations on all pilot programs before replicating, or conduct performance evaluations and provide a justification for not conducting an impact evaluation when such an evaluation is deemed inappropriate or impracticable;

(H) develop a clearinghouse capacity for the collection, dissemination, and preservation of knowledge and lessons learned to guide future programs for United States foreign assistance personnel, implementing partners, the donor community, and aid recipient governments;

Reports.

(I) internally distribute evaluation reports;

Public information. Recommendations. Deadline.

(J) publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions, as appropriate, that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

(L) ensure verifiable, reliable, and timely data, including from local beneficiaries and stakeholders, are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of covered United States foreign assistance programs, including an assessment of assumptions and limitations in such evaluations; and

(M) ensure that standards of professional evaluation organizations for monitoring and evaluation efforts are employed, including ensuring the integrity and independence of evaluations, permitting and encouraging the exercise of professional judgment, and providing for quality control and assurance in the monitoring and evaluation process.

(d) PRESIDENT'S REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees that contains a detailed description of the guidelines established pursuant to subsection (b). The report shall be submitted in unclassified form, but it may contain a classified annex.

(e) COMPTROLLER GENERAL'S REPORT.—The Comptroller General of the United States shall, not later than 18 months after the report required by subsection (d) is submitted to Congress, submit to the appropriate congressional committees a report that—

Analysis.

(1) analyzes the guidelines established pursuant to subsection (b); and

Assessments.

(2) assesses the implementation of the guidelines by the agencies, bureaus, and offices that implement covered United States foreign assistance as outlined in the President's budget request.

SEC. 4. INFORMATION ON COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS. 22 USC 2394c.

(a) PUBLICATION OF INFORMATION.— Deadlines. Public information.

(1) UPDATE OF EXISTING WEBSITE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall update the Department of State's website, "ForeignAssistance.gov", to make publicly available comprehensive, timely, and comparable information on covered United States foreign assistance programs, including all information required under subsection (b) that is available to the Secretary of State.

(2) INFORMATION SHARING.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the head of each Federal department or agency that administers covered United States foreign assistance shall provide the Secretary of State with comprehensive information about the covered United States foreign assistance programs carried out by such department or agency.

(3) UPDATES TO WEBSITE.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the Secretary of State shall publish, on the "ForeignAssistance.gov" website or through a successor online publication, the information provided under subsection (b).

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—The information described in subsection (a)—

(A) shall be published for each country on a detailed basis, such as award-by-award; or

(B) if assistance is provided on a regional level, shall be published for each such region on a detailed basis, such as award-by-award.

(2) TYPES OF INFORMATION.—

(A) IN GENERAL.—To ensure the transparency, accountability, and effectiveness of covered United States foreign assistance programs, the information described in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, and evaluations in accordance with section 3(c)(2)(J);

(ii) basic descriptive summaries for covered United States foreign assistance programs and awards under such programs; and

(iii) obligations and expenditures.

(B) PUBLICATION.—Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued. Deadline. Web posting.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require a Federal department or agency that administers covered United States foreign assistance to provide any information that does not relate to, or is not otherwise required by, the covered United States foreign assistance programs carried out by such department or agency.

(3) REPORT IN LIEU OF INCLUSION.— Determinations.

Consultation.

(A) HEALTH OR SECURITY OF IMPLEMENTING PARTNERS.—If the head of a Federal department or agency, in consultation with the Secretary of State, makes a determination that the inclusion of a required item of information online would jeopardize the health or security of an implementing partner or program beneficiary or would require the release of proprietary information of an implementing partner or program beneficiary, the head of the Federal department or agency shall provide such determination in writing to the appropriate congressional committees, including the basis for such determination.

(B) NATIONAL INTERESTS OF THE UNITED STATES.—If the Secretary of State makes a determination that the inclusion of a required item of information online would be detrimental to the national interests of the United States, the Secretary of State shall provide such determination, including the basis for such determination, in writing to the appropriate congressional committees.

(C) FORM.—Information provided under this paragraph may be provided in classified form, as appropriate.

Consultation. Deadline. Reports.

(4) FAILURE TO COMPLY.—If a Federal department or agency fails to comply with the requirements under paragraph (1), (2), or (3) of subsection (a), or subsection (c), with respect to providing information described in subsection (a), and the information is not subject to a determination under subparagraph (A) or (B) of paragraph (3) not to make the information publicly available, the Director of the Office of Management and Budget, in consultation with the head of such department or agency, not later than one year after the date of the enactment of this Act, shall submit a consolidated report to the appropriate congressional committees that includes, with respect to each required item of information not made publicly available—

(A) a detailed explanation of the reason for not making such information publicly available; and

Public information.

(B) a description of the department's or agency's plan and timeline for—

(i) making such information publicly available; and

(ii) ensuring that such information is made publicly available in subsequent years.

Time period.

(c) SCOPE OF INFORMATION.—The online publication required under subsection (a) shall, at a minimum—

(1) in each of the fiscal years 2016 through 2019, provide the information required under subsection (b) for fiscal years 2015 through the current fiscal year; and

(2) for fiscal year 2020 and each fiscal year thereafter, provide the information required under subsection (b) for the immediately preceding 5 fiscal years in a fully searchable form.

Deadline.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should coordinate the consolidation of processes and data collection and presentation for the Department of State's website, "ForeignAssistance.gov", and the United States Agency for International Development's website,

"Explorer.USAID.gov", to the extent that is possible to maximize efficiencies, no later than the end of fiscal year 2018.

Approved July 15, 2016.

LEGISLATIVE HISTORY—H.R. 3766 (S. 2184):

CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 8, considered and passed House.
Vol. 162 (2016): June 28, considered and passed Senate, amended.
July 5, House concurred in Senate amendments.

Public Law 114–192
114th Congress

An Act

July 15, 2016
[H.R. 4372]

To designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARRY G. MILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, shall be known and designated as the "Barry G. Miller Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Barry G. Miller Post Office".

Approved July 15, 2016.

LEGISLATIVE HISTORY—H.R. 4372 (S. 2465):

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 7, considered and passed Senate.

Public Law 114–193
114th Congress

An Act

To designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the "Kenneth M. Christy Post Office Building".

July 15, 2016
[H.R. 4960]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENNETH M. CHRISTY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, shall be known and designated as the "Kenneth M. Christy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Kenneth M. Christy Post Office Building".

Approved July 15, 2016.

LEGISLATIVE HISTORY—H.R. 4960:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 7, considered and passed Senate.

Public Law 114–194
114th Congress

An Act

July 15, 2016
[S. 2845]

To extend the termination of sanctions with respect to Venezuela under the Venezuela Defense of Human Rights and Civil Society Act of 2014.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Venezuela Defense of Human Rights and Civil Society Extension Act of 2016.
50 USC 1701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Venezuela Defense of Human Rights and Civil Society Extension Act of 2016".

SEC. 2. EXTENSION OF TERMINATION OF SANCTIONS WITH RESPECT TO VENEZUELA.

Section 5(e) of the Venezuela Defense of Human Rights and Civil Society Act of 2014 (Public Law 113–278; 50 U.S.C. 1701 note) is amended by striking "December 31, 2016" and inserting "December 31, 2019".

Approved July 15, 2016.

LEGISLATIVE HISTORY—S. 2845:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 28, considered and passed Senate.
July 6, considered and passed House.

Public Law 114–195
114th Congress

An Act

To authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

July 20, 2016
[S. 1252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Global Food Security Act of 2016.
22 USC 9301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Food Security Act of 2016".

22 USC 9301.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations (referred to in this section as the "FAO"), 805,000,000 people worldwide suffer from chronic hunger. Hunger and malnutrition rob people of health and productive lives and stunt the mental and physical development of future generations.

(2) According to the January 2014 "Worldwide Threat Assessment of the US Intelligence Community"—

(A) the "[l]ack of adequate food will be a destabilizing factor in countries important to US national security that do not have the financial or technical abilities to solve their internal food security problems"; and

(B) "[f]ood and nutrition insecurity in weakly governed countries might also provide opportunities for insurgent groups to capitalize on poor conditions, exploit international food aid, and discredit governments for their inability to address basic needs".

(3) A comprehensive approach to sustainable food and nutrition security should not only respond to emergency food shortages, but should also address malnutrition, resilience to food and nutrition insecurity, building the capacity of poor, rural populations to improve their agricultural productivity and incomes, removing institutional impediments to agricultural development, value chain access and efficiency, including processing and storage, enhancing agribusiness development, access to markets and activities that address the specific needs and barriers facing women and small-scale producers, education, and collaborative research.

22 USC 9302.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

(a) STATEMENT OF POLICY OBJECTIVES.—It is in the national interest of the United States to promote global food security, resilience, and nutrition, consistent with national food security investment plans, which is reinforced through programs, activities, and initiatives that—

(1) place food insecure countries on a path toward self-sufficiency and economic freedom through the coordination of United States foreign assistance programs;

(2) accelerate inclusive, agricultural-led economic growth that reduces global poverty, hunger, and malnutrition, particularly among women and children;

(3) increase the productivity, incomes, and livelihoods of small-scale producers, especially women, by working across agricultural value chains, enhancing local capacity to manage agricultural resources effectively and expanding producer access to local and international markets;

(4) build resilience to food shocks among vulnerable populations and households while reducing reliance upon emergency food assistance;

(5) create an enabling environment for agricultural growth and investment, including through the promotion of secure and transparent property rights;

(6) improve the nutritional status of women and children, with a focus on reducing child stunting, including through the promotion of highly nutritious foods, diet diversification, and nutritional behaviors that improve maternal and child health;

(7) demonstrably meet, align with and leverage broader United States strategies and investments in trade, economic growth, national security, science and technology, agriculture research and extension, maternal and child health, nutrition, and water, sanitation, and hygiene;

(8) continue to strengthen partnerships between United States-based universities, including land-grant colleges, and universities and institutions in target countries and communities that build agricultural capacity; and

(9) ensure the effective use of United States taxpayer dollars to further these objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President, in providing assistance to implement the Global Food Security Strategy, should—

(1) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the Global Food Security Strategy;

(2) seek to fully utilize the unique capabilities of each relevant Federal department and agency while collaborating with and leveraging the contributions of other key stakeholders; and

(3) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

22 USC 9303.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) FEED THE FUTURE INNOVATION LABS.—The term "Feed the Future Innovation Labs" means research partnerships led by United States universities that advance solutions to reduce global hunger, poverty, and malnutrition.

(3) FOOD AND NUTRITION SECURITY.—The term "food and nutrition security" means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(4) GLOBAL FOOD SECURITY STRATEGY.—The term "Global Food Security Strategy" means the strategy developed and implemented pursuant to section 5(a).

(5) KEY STAKEHOLDERS.—The term "key stakeholders" means actors engaged in efforts to advance global food security programs and objectives, including—

(A) relevant Federal departments and agencies;

(B) national and local governments in target countries;

(C) other bilateral donors;

(D) international and regional organizations;

(E) international, regional, and local financial institutions;

(F) international, regional, and local private voluntary, nongovernmental, faith-based, and civil society organizations;

(G) the private sector, including agribusinesses and relevant commodities groups;

(H) agricultural producers, including farmer organizations, cooperatives, small-scale producers, and women; and

(I) agricultural research and academic institutions, including land-grant universities and extension services.

(6) MALNUTRITION.—The term "malnutrition" means poor nutritional status caused by nutritional deficiency or excess.

(7) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term "relevant Federal departments and agencies" means the United States Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of State, the Department of the Treasury, the Millennium Challenge Corporation, the Overseas Private Investment Corporation, the Peace Corps, the Office of the United States Trade Representative, the United States African Development Foundation, the United States Geological Survey, and any other department or agency specified by the President for purposes of this section.

(8) RESILIENCE.—The term "resilience" means the ability of people, households, communities, countries, and systems to mitigate, adapt to, and recover from shocks and stresses to

food security in a manner that reduces chronic vulnerability and facilitates inclusive growth.

(9) SMALL-SCALE PRODUCER.—The term "small-scale producer" means farmers, pastoralists, foresters, and fishers that have a low asset base and limited resources, including land, capital, skills and labor, and, in the case of farmers, typically farm on fewer than 5 hectares of land.

(10) STUNTING.—The term "stunting" refers to a condition that—

(A) is measured by a height-to-age ratio that is more than 2 standard deviations below the median for the population;

(B) manifests in children who are younger than 2 years of age;

(C) is a process that can continue in children after they reach 2 years of age, resulting in an individual being "stunted";

(D) is a sign of chronic malnutrition; and

(E) can lead to long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.

(11) SUSTAINABLE.—The term "sustainable" means the ability of a target country, community, implementing partner, or intended beneficiary to maintain, over time, the programs authorized and outcomes achieved pursuant to this Act.

(12) TARGET COUNTRY.—The term "target country" means a developing country that is selected to participate in agriculture and nutrition security programs under the Global Food Security Strategy pursuant to the selection criteria described in section 5(a)(2), including criteria such as the potential for agriculture-led economic growth, government commitment to agricultural investment and policy reform, opportunities for partnerships and regional synergies, the level of need, and resource availability.

President. Coordination. 22 USC 9304.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—The President shall coordinate the development and implementation of a United States whole-of-government strategy to accomplish the policy objectives set forth in section 3(a), which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, food and nutrition security, and agriculture-led economic growth, consistent with the policy objectives described in section 3(a);

Criteria.

(2) establish clear and transparent selection criteria for target countries, communities, regions, and intended beneficiaries of assistance;

(3) describe the methodology and criteria for the selection of target countries;

(4) support and be aligned with country-owned agriculture, nutrition, and food security policy and investment plans developed with input from key stakeholders, as appropriate;

(5) support inclusive agricultural value chain development, with small-scale producers, especially women, gaining greater access to the inputs, skills, resource management capacity,

networking, bargaining power, financing, and market linkages needed to sustain their long-term economic prosperity;

(6) support improvement of the nutritional status of women and children, particularly during the critical first 1,000-day window until a child reaches 2 years of age and with a focus on reducing child stunting, through nutrition-specific and nutrition-sensitive programs, including related water, sanitation, and hygiene programs;

(7) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to food and nutrition security, to include analysis of the multiple underlying causes of malnutrition, including lack of access to safe drinking water, sanitation, and hygiene;

(8) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(9) integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to build safety nets, secure livelihoods, access markets, and access opportunities for longer-term economic growth;

(10) develop community and producer resilience to natural disasters, emergencies, and natural occurrences that adversely impact agricultural yield;

(11) harness science, technology, and innovation, including the research and extension activities supported by relevant Federal Departments and agencies and Feed the Future Innovation Labs, or any successor entities;

(12) integrate agricultural development activities among food insecure populations living in proximity to designated national parks or wildlife areas into wildlife conservation efforts, as necessary and appropriate;

(13) leverage resources and expertise through partnerships with the private sector, farm organizations, cooperatives, civil society, faith-based organizations, and agricultural research and academic institutions;

(14) strengthen and expand collaboration between United States universities, including public, private, and land-grant universities, with higher education institutions in target countries to increase their effectiveness and relevance to promote agricultural development and innovation through the creation of human capital, innovation, and cutting edge science in the agricultural sector;

(15) seek to ensure that target countries and communities respect and promote land tenure rights of local communities, particularly those of women and small-scale producers;

(16) include criteria and methodologies for graduating target countries and communities from assistance provided to implement the Global Food Security Strategy as such countries and communities meet the progress benchmarks identified pursuant to section 8(b)(4); and

(17) demonstrably support the United States national security and economic interest in the countries where assistance is being provided.

(b) COORDINATION.—The President shall coordinate, through a whole-of-government approach, the efforts of relevant Federal

departments and agencies in the implementation of the Global Food Security Strategy by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies;

(2) establishing linkages with other initiatives and strategies of relevant Federal departments and agencies; and

(3) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than October 1, 2016, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the Global Food Security Strategy required under this section, including a detailed description of how the United States intends to advance the objectives set forth in section 3(a) and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The Global Food Security Strategy shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the Global Food Security Strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

President. 22 USC 9305.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.

(a) FOOD SHORTAGES.—The President is authorized to carry out activities pursuant to section 103, section 103A, title XII of chapter 2 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151a–1, 2220a et seq., and 2346 et seq.) to prevent or address food shortages notwithstanding any other provision of law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development $1,000,600,000 for each of fiscal years 2017 and 2018 to carry out those portions of the Global Food Security Strategy that relate to the Department of State and the United States Agency for International Development, respectively.

(c) MONITORING AND EVALUATION.—The President shall seek to ensure that assistance to implement the Global Food Security Strategy is provided under established parameters for a rigorous accountability system to monitor and evaluate progress and impact of the strategy, including by reporting to the appropriate congressional committees and the public on an annual basis.

22 USC 9306.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

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

(1) the crisis in Syria, which is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, forced displacement, aerial bombardment, ethnic

and religious persecution, torture, kidnapping, rape and sexual enslavement, has triggered one of the most profound humanitarian crises of this century and poses a direct threat to regional security and the national security interests of the United States;

(2) it is in the national security interests of the United States to respond to the needs of displaced Syrian persons and the communities hosting such persons, including with food assistance; and

(3) after four years of conflict in Syria and the onset of other major humanitarian emergencies where, like Syria, the provision of certain United States humanitarian assistance has been particularly challenging, including the 2013 super-typhoon in the Philippines, the 2014 outbreak of Ebola in west Africa, the 2015 earthquake in Nepal, ongoing humanitarian disasters in Yemen and South Sudan, and the threat of a major El Nino event in 2016, United States international disaster assistance has become severely stressed.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, in coordination with other donors, regional governments, international organizations, and international financial institutions, to fully leverage, enhance, and expand the impact and reach of available United States humanitarian resources, including for food assistance, to mitigate the effects of manmade and natural disasters by utilizing innovative new approaches to delivering aid that support affected persons and the communities hosting them, build resilience and early recovery, and reduce opportunities for waste, fraud, and abuse.

(c) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) EMERGENCY FOOD SECURITY PROGRAM.—

"(1) IN GENERAL.—Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to make available emergency food assistance, including in the form of funds, transfers, vouchers, and agricultural commodities (including products derived from agricultural commodities) acquired through local or regional procurement, to meet emergency food needs arising from manmade and natural disasters. President.

"(2) DESIGNATION.—Funds made available under this subsection shall be known as the 'International Disaster Assistance – Emergency Food Security Program'.".

(2) Section 492 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended—

(A) in subsection (a), by striking "$25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987." and inserting "$2,794,184,000 for each of fiscal years 2017 and 2018, of which up to $1,257,382,000 should be made available to carry out section 491(c).."; and

(B) by inserting after subsection (b) the following new subsections:

"(c) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—Amounts authorized to be appropriated pursuant to the authorizations of

appropriations under section 491(c) are in addition to funds otherwise available for such purposes.

"(d) FLEXIBILITY.—

"(1) UNITED STATES POLICY.—It is the policy of the United States that the funds made available to carry out section 491 are intended to provide the President with the greatest possible flexibility to address disaster-related needs as they arise and to prepare for and reduce the impact of natural and man-made disasters.

"(2) SENSE OF CONGRESS.—It is the sense of Congress that any amendments to applicable legal provisions contained in this Act are not intended to limit such authorities.

President. "(e) REPORT.—Not later than March 1 of each fiscal year, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that describes the activities undertaken by the President over the course of the prior fiscal year pursuant to section 491(c), including the amounts of assistance provided, intended beneficiaries, monitoring and evaluation strategies, anticipated outcomes, and, as practicable, actual outcomes.".

22 USC 9307.

SEC. 8. REPORTS.

President. (a) GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.—Not later than 1 year and 2 years after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees reports that describe the status of the implementation of the Global Food Security Strategy for 2017 and 2018, which shall—

Summary. (1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food

aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and small-scale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders; Assessment.

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities; Assessment.

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and Analysis.

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner. Plan.

(b) GLOBAL FOOD SECURITY CROSSCUT REPORT.—Not later than 120 days after the President submits the budget to Congress under section 1105(a) of title 31, United States Code, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report including— Budget.

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the principal Federal agencies that carries out global food security activities in the upcoming fiscal year, separately reporting the amount of planned funding to be provided under existing laws pertaining to the global food security strategy to the extent available; and

(B) to the extent available, identifies all assistance and research expenditures at the account level in each of the five prior fiscal years by the Federal Government and United States multilateral commitments using Federal funds for global food security strategy activities;

(2) to the extent available, a detailed accounting of all assistance funding received and obligated by the principal Federal agencies identified in the report and United States multilateral commitments using Federal funds, for global food security activities during the current fiscal year; and

(3) a breakout of the proposed budget for the current and budget years by agency, categorizing expenditures by type of funding, including research, resiliency, and other food security activities to the extent that such information is available.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsections (a) and (b) shall be made available on the public website of the United States Agency for International Web posting.

Development in an open, machine readable format, in a timely manner.

22 USC 9308.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON OTHER PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out programs specified in subsection (b), in the manner provided, and subject to the terms and conditions, of those programs, including, but not limited to, the terms, conditions, and requirements relating to the procurement and transportation of food assistance furnished pursuant to such programs.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

(7) Any other food and nutrition security and emergency and non-emergency food assistance program of the Department of Agriculture.

Approved July 20, 2016.

LEGISLATIVE HISTORY—S. 1252 (H.R. 1567):

HOUSE REPORTS: No. 114–482 (Comm. on Foreign Affairs) accompanying H.R. 1567.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 20, considered and passed Senate.
July 5, 6, considered and passed House.

Public Law 114–196
114th Congress

An Act

To establish the United States Semiquincentennial Commission, and for other purposes.

July 22, 2016
[H.R. 4875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Semiquincentennial Commission Act of 2016.
36 USC 101 note prec.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Semiquincentennial Commission Act of 2016".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that July 4, 2026, the 250th anniversary of the founding of the United States, as marked by the Declaration of Independence in 1776, and the historic events preceding that anniversary—

(1) are of major significance in the development of the national heritage of the United States of individual liberty, representative government, and the attainment of equal and inalienable rights; and

(2) have had a profound influence throughout the world.

(b) PURPOSE.—The purpose of this Act is to establish a Commission to provide for the observance and commemoration of the 250th anniversary of the founding of the United States and related events through local, State, national, and international activities planned, encouraged, developed, and coordinated by a national commission representative of appropriate public and private authorities and organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the United States Semiquincentennial Commission established by section 4(a).

(2) PRIVATE CITIZEN.—The term "private citizen" means an individual who is not an officer or employee of—

(A) the Federal Government; or

(B) a State or local government.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established a commission, to be known as the "United States Semiquincentennial Commission", to plan, encourage, develop, and coordinate the commemoration of the history of the United States leading up to the 250th anniversary of the founding of the United States.

(b) COMPOSITION.—The Commission shall be composed of the following members:

(1) Four members of the Senate, of whom—

(A) two shall be appointed by the majority leader of the Senate; and

(B) two shall be appointed by the minority leader of the Senate.

(2) Four members of the House of Representatives, of whom—

(A) two shall be appointed by the Speaker of the House of Representatives; and

(B) two shall be appointed by the minority leader of the House of Representatives.

(3) Sixteen members who are private citizens, of whom—

(A) four shall be appointed by the majority leader of the Senate;

(B) four shall be appointed by the minority leader of the Senate;

(C) four shall be appointed by the Speaker of the House of Representatives;

(D) four shall be appointed by the minority leader of the House of Representatives; and

President. (E) one of whom shall be designated by the President as the Chairperson.

(4) The following nonvoting ex officio members:

(A) The Secretary.

(B) The Secretary of State.

(C) The Attorney General.

(D) The Secretary of Defense.

(E) The Secretary of Education.

(F) The Librarian of Congress.

(G) The Secretary of the Smithsonian Institution.

(H) The Archivist of the United States.

(I) The presiding officer of the Federal Council on the Arts and the Humanities.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

Pennsylvania. (d) MEETINGS.—All meetings of the Commission shall be convened at Independence Hall in Philadelphia, Pennsylvania, to honor the historical significance of the building as the site of deliberations and adoption of both the United States Declaration of Independence and Constitution.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) prepare an overall program for commemorating the 250th anniversary of the founding of the United States and the historic events preceding that anniversary; and

(2) plan, encourage, develop, and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the United States Semiquincentennial.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In preparing plans and an overall program, the Commission—

(A) shall give due consideration to any related plans and programs developed by State, local, and private groups; and

(B) may designate special committees with representatives from groups described in subparagraph (A) to plan, develop, and coordinate specific activities.

(2) EMPHASIS.—The Commission shall—

(A) emphasize the planning of events in locations of historical significance to the United States, especially in those locations that witnessed the assertion of American liberty, such as—

(i) the 13 colonies; and

(ii) leading cities, including Boston, Charleston, New York City, and Philadelphia; and

(B) give special emphasis to—

(i) the role of persons and locations with significant impact on the history of the United States during the 250-year period beginning on the date of execution of the Declaration of Independence; and

(ii) the ideas associated with that history, which have been so important in the development of the United States, in world affairs, and in the quest for freedom of all mankind.

(3) INFRASTRUCTURE.—The Commission shall—

(A) evaluate existing infrastructure; Evaluation.

(B) include in the report required under subsection (c) recommendations for what infrastructure should be in place for the successful undertaking of an appropriate celebration in accordance with this Act; and Recommendations.

(C) coordinate with State and local bodies to make necessary infrastructure improvements. Coordination.

(c) REPORT SUBMITTED TO THE PRESIDENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President a comprehensive report that includes the specific recommendations of the Commission for the commemoration of the 250th anniversary and related events.

(2) RECOMMENDED ACTIVITIES.—The report may include recommended activities such as—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the period of the American Revolution;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other programs, especially those located in the 13 colonies, including the major cities and buildings of national historical significance of the 13 colonies;

(D) the development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events, such as—

(i) the signing of the Declaration of Independence;

(ii) programs and activities focusing on the national and international significance of the United States Semiquincentennial; and

(iii) the implications of the Semiquincentennial for present and future generations; and

(F) encouraging Federal agencies to integrate the celebration of the Semiquincentennial into the regular activities and execution of the purpose of the agencies through such activities as the issuance of coins, medals, certificates of recognition, stamps, and the naming of vessels.

(3) REQUIREMENTS.—The report shall include—

Recommendations.

(A) the recommendations of the Commission for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the Commission; and

(B) proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out the recommendations.

President.

(d) REPORT SUBMITTED TO CONGRESS.—The President shall submit to Congress a report that contains—

(1) the complete report of the Commission; and

Recommendations.

(2) such comments and recommendations for legislation and such a description of administrative actions taken by the President as the President considers appropriate.

(e) POINT OF CONTACT.—The Commission, acting through the secretariat of the Commission described in section 9(b), shall serve as the point of contact of the Federal Government for all State, local, international, and private sector initiatives regarding the Semiquincentennial of the founding of the United States, with the purpose of coordinating and facilitating all fitting and proper activities honoring the 250th anniversary of the founding of the United States.

SEC. 6. COORDINATION.

Consultation.

(a) IN GENERAL.—In carrying out this Act, the Commission shall consult and cooperate with, and seek advice and assistance from, appropriate Federal agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations.

(b) RESPONSIBILITY OF OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Federal agencies shall cooperate with the Commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) DEPARTMENT OF THE INTERIOR.—

Study.

(A) IN GENERAL.—The Secretary shall undertake a study of appropriate actions that might be taken to further preserve and develop historic sites and battlefields, at such time and in such manner as will ensure that fitting observances and exhibits may be held at appropriate sites and battlefields during the 250th anniversary celebration.

Recommendations.

(B) REPORT.—The Secretary shall submit to the Commission a report that contains the results of the study

and the recommendations of the Secretary, in time to afford the Commission an opportunity—

(i) to review the study; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(3) ARTS AND HUMANITIES.—

(A) IN GENERAL.—The presiding officer of the Federal Council on the Arts and the Humanities, the Chairperson of the National Endowment for the Arts, and the Chairperson of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and artistic expressions focusing on the history, culture, and political thought of the period predating the United States Semiquincentennial.

(B) LIBRARY OF CONGRESS, SMITHSONIAN INSTITUTION, AND ARCHIVES.—

(i) IN GENERAL.—The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period predating the United States Semiquincentennial.

(ii) LOCATION.—To the maximum extent practicable, displays described in subparagraph (A) shall be located in, or in facilities near to, buildings of historical significance to the American Revolution, so as to promote greater public awareness of the heritage of the United States.

(C) SUBMISSION OF RECOMMENDATIONS.—Each of the officers described in this paragraph shall submit to the Commission a report containing recommendations in time to afford the Commission an opportunity— Reports.

(i) to review the reports; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(4) DEPARTMENT OF STATE.—The Secretary of State shall coordinate the participation of foreign nations in the celebration of the United States Semiquincentennial, including by soliciting the erection of monuments and other cultural cooperations in founding cities of the United States so as—

(A) to celebrate the shared heritage of the United States with the many peoples and nations of the world; and

(B) to provide liaison and encouragement for the erection of international pavilions to showcase the spread of democratic institutions abroad in the period following the American Revolution.

SEC. 7. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive

such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of money, property, or personal services.

(e) ADDITIONAL POWERS.—As determined necessary by the Commission, the Commission may—

(1) procure supplies, services, and property;

(2) make contracts;

(3) expend in furtherance of this Act funds donated or received in pursuance of contracts entered into under this Act; and

(4) take such actions as are necessary to enable the Commission to carry out efficiently and in the public interest the purposes of this Act.

(f) USE OF MATERIALS.—

(1) TIME CAPSULE.—A representative portion of all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial shall be deposited in a time capsule—

(A) to be buried in Independence Mall, Philadelphia, on July 4, 2026; and

(B) to be unearthed on the occasion of the 500th anniversary of the United States of America on July 4, 2276.

(2) OTHER MATERIALS.—All other books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial, whether donated to the Commission or collected by the Commission, may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

(g) PROPERTY.—Any property acquired by the Commission remaining on termination of the Commission may be—

(1) used by the Secretary for purposes of the National Park Service; or

(2) disposed of as excess or surplus property.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—The members of the Commission shall receive no compensation for service on the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from

the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines necessary.

SEC. 9. EXPENDITURES OF COMMISSION.

(a) IN GENERAL.—All expenditures of the Commission shall be made solely from donated funds.

(b) ADMINISTRATIVE SECRETARIAT.—The Secretary of the Interior shall, through a competitive process, seek to enter into an arrangement with a nonprofit organization, the mission of which is consistent with the purpose of this Act. Under such arrangement, such nonprofit organization shall—

(1) serve as the secretariat of the Commission, including by serving as the point of contact under section 5(e);

(2) house the administrative offices of the Commission;

(3) assume responsibility for funds of the Commission; and

(4) provide to the Commission financial and administrative services, including services related to budgeting, accounting, financial reporting, personnel, and procurement.

(c) PAYMENT FOR FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), payment for services provided under subsection (b)(4) shall be made in

advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed on by the Chairperson of the Commission and the secretariat of the Commission.

(2) RELATIONSHIP TO REGULATIONS.—

Applicability.

(A) ERRONEOUS PAYMENTS.—The regulations under section 5514 of title 5, United States Code, relating to the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to, or on behalf of, a Commission employee.

(B) NO PROMULGATION BY COMMISSION.—The Commission shall not be required to prescribe any regulations relating to the matters described in subparagraph (A).

Time period.

(d) ANNUAL REPORT.—Once each year during the period beginning on the date of enactment of this Act and ending on December 31, 2027, the Commission shall submit to Congress a report of the activities of the Commission, including an accounting of funds received and expended during the year covered by the report.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on December 31, 2027.

Approved July 22, 2016.

LEGISLATIVE HISTORY—H.R. 4875 (S. 2815):

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 5, considered and passed House.
July 12, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
July 22, Presidential statement.

Public Law 114–197
114th Congress

An Act

To increase, effective as of December 1, 2016, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

July 22, 2016
[H.R. 5588]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation COLA Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation COLA Act of 2016".

38 USC 1114 note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2016, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2016, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2016, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

Federal Register, publication. Deadline. 38 USC 1114 note.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2017.

Approved July 22, 2016.

LEGISLATIVE HISTORY—H.R. 5588 (S. 1493):

SENATE REPORTS: No. 114–122 (Comm. on Veterans' Affairs) accompanying S. 1493.

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 11, considered and passed House.
July 13, considered and passed Senate.

Public Law 114–198
114th Congress

An Act

To authorize the Attorney General and Secretary of Health and Human Services to award grants to address the prescription opioid abuse and heroin use crisis, and for other purposes.

July 22, 2016
[S. 524]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Comprehensive Addiction and Recovery Act of 2016.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Addiction and Recovery Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PREVENTION AND EDUCATION

SEC. 101. TASK FORCE ON PAIN MANAGEMENT. Establishment.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(2) TASK FORCE.—The term "task force" means the Pain Management Best Practices Inter-Agency Task Force convened under subsection (b).

(b) INTER-AGENCY TASK FORCE.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Veterans Affairs and the Secretary of Defense, shall convene a Pain Management Best Practices Inter-Agency Task Force.

(c) MEMBERSHIP.—The task force shall be comprised of—

(1) representatives of—

(A) the Department of Health and Human Services and relevant agencies within the Department of Health and Human Services;

(B) the Department of Veterans Affairs;

(C) the Department of Defense; and

(D) the Office of National Drug Control Policy;

(2) currently licensed and practicing physicians, dentists, and nonphysician prescribers;

(3) currently licensed and practicing pharmacists and pharmacies;

(4) experts in the fields of pain research and addiction research, including adolescent and young adult addiction research;

(5) representatives of—

(A) pain management professional organizations;

(B) the mental health treatment community;

(C) the addiction treatment community, including individuals in recovery from substance use disorder;

(D) pain advocacy groups, including patients;

(E) veteran service organizations;

(F) groups with expertise on overdose reversal, including first responders;

(G) State medical boards; and

(H) hospitals;

(6) experts on the health of, and prescription opioid use disorders in, members of the Armed Forces and veterans; and

(7) experts in the field of minority health.

(d) REPRESENTATION.—The Secretary shall ensure that the membership of the task force includes individuals representing rural and underserved areas.

(e) DUTIES.—The task force shall—

(1) identify, review, and, as appropriate, determine whether there are gaps in or inconsistencies between best practices for pain management (including chronic and acute pain) developed or adopted by Federal agencies;

(2) not later than 1 year after the date on which the task force is convened under subsection (b), propose updates to best practices and recommendations on addressing gaps or inconsistencies identified under paragraph (1), as appropriate, and submit to relevant Federal agencies and the general public

Deadline. Recommendations. Public information.

such proposed updates and recommendations, taking into consideration—

(A) existing pain management research and other relevant research;

(B) recommendations from relevant conferences and existing relevant evidence-based guidelines;

(C) ongoing efforts at the State and local levels and by medical professional organizations to develop improved pain management strategies, including consideration of differences within and between classes of opioids, the availability of opioids with abuse deterrent technology, and pharmacological, nonpharmacological, and medical device alternatives to opioids to reduce opioid monotherapy in appropriate cases;

(D) the management of high-risk populations who receive opioids in the course of medical care, other than for pain management;

(E) the 2016 Guideline for Prescribing Opioids for Chronic Pain issued by the Centers for Disease Control and Prevention; and

(F) private sector, State, and local government efforts related to pain management and prescribing pain medication;

Public information. Time period.

(3) provide the public with at least 90 days to submit comments on any proposed updates and recommendations under paragraph (2); and

(4) develop a strategy for disseminating information about best practices for pain management (including chronic and acute pain) to stakeholders, if appropriate.

(f) LIMITATION.—The task force shall not have rulemaking authority.

(g) SUNSET.—The task force under this section shall sunset after 3 years.

42 USC 290bb–25g. Coordination.

SEC. 102. AWARENESS CAMPAIGNS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the heads of other departments and agencies, shall, as appropriate, through existing programs and activities, advance the education and awareness of the public (including providers, patients, and consumers) and other appropriate entities regarding the risk of abuse of prescription opioids if such drugs are not taken as prescribed.

(b) TOPICS.—The education and awareness campaigns under subsection (a) shall address—

(1) the dangers of opioid abuse;

(2) the prevention of opioid abuse, including through safe disposal of prescription medications and other safety precautions; and

(3) the detection of early warning signs of addiction.

(c) OTHER REQUIREMENTS.—The education and awareness campaigns under subsection (a) shall, as appropriate—

(1) take into account any association between prescription opioid abuse and heroin use;

(2) emphasize—

(A) the similarities between heroin and prescription opioids; and

(B) the effects of heroin and prescription opioids on the human body; and

(3) bring greater public awareness to the dangerous effects of fentanyl when mixed with heroin or abused in a similar manner.

SEC. 103. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO ADDRESS LOCAL DRUG CRISES. 21 USC 1536.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Substance Abuse and Mental Health Services Administration.

(2) DIRECTOR.—The term "Director" means the Director of the Office of National Drug Control Policy.

(3) DRUG-FREE COMMUNITIES ACT OF 1997.—The term "Drug-Free Communities Act of 1997" means chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means an organization that—

(A) on or before the date of submitting an application for a grant under this section, receives or has received a grant under the Drug-Free Communities Act of 1997; and

(B) has documented, using local data, rates of abuse of opioids or methamphetamines at levels that are—

(i) significantly higher than the national average as determined by the Secretary (including appropriate consideration of the results of the Monitoring the Future Survey published by the National Institute on Drug Abuse and the National Survey on Drug Use and Health published by the Substance Abuse and Mental Health Services Administration); or

(ii) higher than the national average, as determined by the Secretary (including appropriate consideration of the results of the surveys described in clause (i)), over a sustained period of time.

(5) EMERGING DRUG ABUSE ISSUE.—The term "emerging drug abuse issue" means a substance use disorder within an area involving—

(A) a sudden increase in demand for particular drug abuse treatment services relative to previous demand; and

(B) a lack of resources in the area to address the emerging problem.

(6) LOCAL DRUG CRISIS.—The term "local drug crisis" means, with respect to the area served by an eligible entity—

(A) a sudden increase in the abuse of opioids or methamphetamines, as documented by local data;

(B) the abuse of prescription medications, specifically opioids or methamphetamines, that is significantly higher than the national average, over a sustained period of time, as documented by local data; or

(C) a sudden increase in opioid-related deaths, as documented by local data.

(7) OPIOID.—The term "opioid" means any drug having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

Coordination.

(b) PROGRAM AUTHORIZED.—The Director, in coordination with the Administrator, may make grants to eligible entities to implement comprehensive community-wide strategies that address local drug crises and emerging drug abuse issues within the area served by the eligible entity.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(2) CRITERIA.—As part of an application for a grant under this section, the Director shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing the local drug crisis or emerging drug abuse issue within the area served by the eligible entity.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section—

(1) for programs designed to implement comprehensive community-wide prevention strategies to address the local drug crisis in the area served by the eligible entity, in accordance with the plan submitted under subsection (c)(2);

(2) to obtain specialized training and technical assistance from the organization funded under section 4 of Public Law 107–82 (21 U.S.C. 1521 note); and

(3) for programs designed to implement comprehensive community-wide strategies to address emerging drug abuse issues in the community.

(e) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of those Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant those funds.

(f) EVALUATION.—A grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipient of a grant under the Drug-Free Communities Act of 1997, and may also include an evaluation of the effectiveness at reducing abuse of opioids or methamphetamines.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 8 percent of the amounts made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

Contracts.

(h) DELEGATION AUTHORITY.—The Director may enter into an interagency agreement with the Administrator to delegate authority for the execution of grants and for such other activities as may be necessary to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2017 through 2021.

42 USC 290bb–25g note.

SEC. 104. INFORMATION MATERIALS AND RESOURCES TO PREVENT ADDICTION RELATED TO YOUTH SPORTS INJURIES.

Public information. Web posting.

(a) REPORT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, not later than 24 months after the date of the enactment of this section, make publicly available on the appropriate website of the Department of Health and Human Services a report determining the extent to which informational materials and resources described

in subsection (c) are available to teenagers and adolescents who play youth sports, families of such teenagers and adolescents, nurses, youth sports groups, and relevant health care provider groups.

(b) DEVELOPMENT OF INFORMATIONAL MATERIALS AND RESOURCES.—The Secretary may, for purposes of preventing substance use disorder in teenagers and adolescents who are injured playing youth sports and are subsequently prescribed an opioid, not later than 12 months after the report is made publicly available under subsection (a), and taking into consideration the findings of such report and in coordination with relevant health care provider groups, facilitate the development of informational materials and resources described in subsection (c) for teenagers and adolescents who play youth sports, families of such teenagers and adolescents, nurses, youth sports groups, and relevant health care provider groups. Deadline.

(c) MATERIALS AND RESOURCES DESCRIBED.—For purposes of this section, the informational materials and resources described in this subsection are informational materials and resources with respect to youth sports injuries for which opioids are potentially prescribed, including materials and resources focused on the risks associated with opioid use and misuse, treatment options for such injuries that do not involve the use of opioids, and how to seek treatment for addiction.

(d) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this section. This section shall be carried out using amounts otherwise available for such purpose.

SEC. 105. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENT FOR BECOMING CIVILIAN HEALTH CARE PROFESSIONALS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

"SEC. 315. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN HEALTH CARE PROFESSIONALS. 42 USC 247.

"(a) PROGRAM.—

"(1) IN GENERAL.—The Secretary may establish a program, in consultation with the Secretary of Labor, consisting of awarding demonstration grants to States to streamline State requirements and procedures in order to assist veterans who held certain military occupational specialties related to medical care or who have completed certain medical training while serving in the Armed Forces of the United States to meet certification, licensure, and other requirements applicable to civilian health care professions (such as emergency medical technician, paramedic, licensed practical nurse, registered nurse, physical therapy assistant, or physician assistant professions) in the State. Consultation.

"(2) CONSULTATION AND COLLABORATION.—In determining the eligible military occupational specialties or training courses and the assistance required as described in paragraph (1), the Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training, and shall collaborate with the initiatives carried out under section 4114

of title 38, United States Code, and sections 1142 through 1144 of title 10, United States Code.

"(b) USE OF FUNDS.—Amounts received as a demonstration grant under this section shall be used to—

Plan. "(1) prepare and implement a plan to streamline State requirements and procedures as described in subsection (a), including by—

Determination. "(A) determining the extent to which the requirements for the education, training, and skill level of civilian health care professions (such as emergency medical technicians, paramedics, licensed practical nurses, registered nurses, physical therapy assistants, or physician assistants) in the State are equivalent to requirements for the education, training, and skill level of veterans who served in medical related fields while a member of the Armed Forces of the United States; and

"(B) identifying methods, such as waivers, for veterans who served in medical related fields while a member of the Armed Forces of the United States to forgo or meet any such equivalent State requirements; and

"(2) if necessary to meet workforce shortages or address gaps in education, training, or skill level to meet certification, licensure or other requirements applicable to becoming a civilian health care professional (such as an emergency medical technician, paramedic, licensed practical nurse, registered nurse, physical therapy assistant, or physician assistant professions) in the State, develop or expand career pathways at institutions of higher education to support veterans in meeting such requirements.

"(c) REPORT.—Upon the completion of the demonstration program under this section, the Secretary shall submit to Congress a report on the program.

"(d) FUNDING.—No additional funds are authorized to be appropriated for the purpose of carrying out this section. This section shall be carried out using amounts otherwise available for such purpose.

"(e) SUNSET.—The demonstration program under this section shall not exceed 5 years.".

21 USC 355 note. **SEC. 106. FDA OPIOID ACTION PLAN.**

(a) IN GENERAL.—

(1) NEW DRUG APPLICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the approval pursuant to an application submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) of a new drug that is an opioid, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall refer the application to an advisory committee of the Food and Drug Administration to seek recommendations from such advisory committee.

(B) PUBLIC HEALTH EXEMPTION.—A referral to an advisory committee under subparagraph (A) is not required with respect to a new opioid drug or drugs if the Secretary—

(i) finds that such a referral is not in the interest of protecting and promoting public health;

(ii) finds that such a referral is not necessary based on a review of the relevant scientific information; and

(iii) submits a notice containing the rationale for such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives. Notice.

(2) PEDIATRIC OPIOID LABELING.—The Secretary shall convene the Pediatric Advisory Committee of the Food and Drug Administration to seek recommendations from such Committee regarding a framework for the inclusion of information in the labeling of drugs that are opioids relating to the use of such drugs in pediatric populations before the Secretary approves any labeling or change to labeling for any drug that is an opioid intended for use in a pediatric population. Recommendations.

(3) SUNSET.—The requirements of paragraphs (1) and (2) shall cease to be effective on October 1, 2022.

(b) PRESCRIBER EDUCATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, as part of the Food and Drug Administration's evaluation of the Extended-Release/Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy, and in consultation with relevant stakeholders, shall develop recommendations regarding education programs for prescribers of opioids pursuant to section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), including recommendations on— Deadline. Consultation. Recommendations. 21 USC 355–1 note.

(1) which prescribers should participate in such programs; and

(2) how often participation in such programs is necessary.

(c) GUIDANCE ON EVALUATING THE ABUSE DETERRENCE OF GENERIC SOLID ORAL OPIOID DRUG PRODUCTS.—Not later than 18 months after the end of the period for public comment on the draft guidance entitled "General Principles for Evaluating the Abuse Deterrence of Generic Solid Oral Opioid Drug Products" issued by the Center for Drug Evaluation and Research of the Food and Drug Administration in March 2016, the Commissioner of Food and Drugs shall publish in the Federal Register a final version of such guidance. Deadline. Time period. Federal Register, publication. 21 USC 355 note.

SEC. 107. IMPROVING ACCESS TO OVERDOSE TREATMENT.

(a) GRANTS FOR REDUCING OVERDOSE DEATHS.—Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

"SEC. 544. GRANTS FOR REDUCING OVERDOSE DEATHS. 42 USC 290dd–3.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to expand access to drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this section may not be for more than $200,000 per grant year.

"(3) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act), an opioid treatment program under part 8 of title 42, Code Definition.

of Federal Regulations, any practitioner dispensing narcotic drugs pursuant to section 303(g) of the Controlled Substances Act, or any other entity that the Secretary deems appropriate.

Definition.

"(4) PRESCRIBING.—For purposes of this section, the term 'prescribing' means, with respect to a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, the practice of prescribing such drug or device—

"(A) in conjunction with an opioid prescription for patients at an elevated risk of overdose;

"(B) in conjunction with an opioid agonist approved under section 505 of the Federal Food, Drug, and Cosmetic Act for the treatment of opioid use disorder;

"(C) to the caregiver or a close relative of patients at an elevated risk of overdose from opioids; or

"(D) in other circumstances in which a provider identifies a patient is at an elevated risk for an intentional or unintentional drug overdose from heroin or prescription opioid therapies.

"(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary, in such form and manner as specified by the Secretary, an application that describes—

"(1) the extent to which the area to which the entity will furnish services through use of the grant is experiencing significant morbidity and mortality caused by opioid abuse;

Criteria.

"(2) the criteria that will be used to identify eligible patients to participate in such program; and

Plan.

"(3) a plan for sustaining the program after Federal support for the program has ended.

"(c) USE OF FUNDS.—An eligible entity receiving a grant under this section may use amounts under the grant for any of the following activities, but may use not more than 20 percent of the grant funds for activities described in paragraphs (3) and (4):

"(1) To establish a program for prescribing a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(2) To train and provide resources for health care providers and pharmacists on the prescribing of drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(3) To purchase drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, for distribution under the program described in paragraph (1).

"(4) To offset the co-payments and other cost sharing associated with drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(5) To establish protocols to connect patients who have experienced a drug overdose with appropriate treatment, including medication-assisted treatment and appropriate counseling and behavioral therapies.

"(d) EVALUATIONS BY RECIPIENTS.—As a condition of receipt of a grant under this section, an eligible entity shall, for each year for which the grant is received, submit to the Secretary an

evaluation of activities funded by the grant which contains such information as the Secretary may reasonably require.

"(e) REPORTS BY THE SECRETARY.—Not later than 5 years after the date on which the first grant under this section is awarded, the Secretary shall submit to the appropriate committees of the House of Representatives and of the Senate a report aggregating the information received from the grant recipients for such year under subsection (d) and evaluating the outcomes achieved by the programs funded by grants awarded under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for the period of fiscal years 2017 through 2021.".

(b) IMPROVING ACCESS TO OVERDOSE TREATMENT.—

(1) INFORMATION ON BEST PRACTICES.—Not later than 180 days after the date of enactment of this Act: Deadline.

(A) The Secretary of Health and Human Services may provide information to prescribers within Federally qualified health centers (as defined in paragraph (4) of section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa))), and the health care facilities of the Indian Health Service, on best practices for prescribing or co-prescribing a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

(B) The Secretary of Defense may provide information to prescribers within Department of Defense medical facilities on best practices for prescribing or co-prescribing a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

(C) The Secretary of Veterans Affairs may provide information to prescribers within Department of Veterans Affairs medical facilities on best practices for prescribing or co-prescribing a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection should be construed to establish or contribute to a medical standard of care.

SEC. 108. NIH OPIOID RESEARCH. 42 USC 284q–1.

(a) IN GENERAL.—The Director of the National Institutes of Health (referred to in this section as the "NIH") may intensify and coordinate fundamental, translational, and clinical research of the NIH with respect to—

(1) the understanding of pain;

(2) the discovery and development of therapies for chronic pain; and

(3) the development of alternatives to opioids for effective pain treatments.

(b) PRIORITY AND DIRECTION.—The prioritization and direction of the Federally funded portfolio of pain research studies shall consider recommendations made by the Interagency Pain Research Coordinating Committee in concert with the Pain Management Best Practices Inter-Agency Task Force, and in accordance with the National Pain Strategy, the Federal Pain Research Strategy, and the NIH-Wide Strategic Plan for Fiscal Years 2016–2020, the latter of which calls for the relative burdens of individual diseases and medical disorders to be regarded as crucial considerations in balancing the priorities of the Federal research portfolio.

SEC. 109. NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING REAUTHORIZATION.

(a) AMENDMENT TO PURPOSE.—Paragraph (1) of section 2 of the National All Schedules Prescription Electronic Reporting Act of 2005 (Public Law 109–60) is amended to read as follows:

42 USC 280g–3 note.

"(1) foster the establishment of State-administered controlled substance monitoring systems in order to ensure that health care providers have access to the accurate, timely prescription history information that they may use as a tool for the early identification of patients at risk for addiction in order to initiate appropriate medical interventions and avert the tragic personal, family, and community consequences of untreated addiction; and".

(b) AMENDMENTS TO CONTROLLED SUBSTANCE MONITORING PROGRAM.—Section 399O of the Public Health Service Act (42 U.S.C. 280g–3) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting ", in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration and Director of the Centers for Disease Control and Prevention," after "the Secretary";

(B) in subparagraph (A), by striking "or";

(C) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(C) to maintain an existing State-controlled substance monitoring program.";

(2) by amending subsection (b) to read as follows:

Federal Register, publication. Public information.

"(b) MINIMUM REQUIREMENTS.—The Secretary shall maintain and, as appropriate, supplement or revise (after publishing proposed additions and revisions in the Federal Register and receiving public comments thereon) minimum requirements for criteria to be used by States for purposes of clauses (ii), (v), (vi), and (vii) of subsection (c)(1)(A).";

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking "(a)(1)(B)" and inserting "(a)(1)(B) or (a)(1)(C)";

(ii) in clause (i), by striking "program to be improved" and inserting "program to be improved or maintained";

(iii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iv) by inserting after clause (ii), the following:

"(iii) a plan to apply the latest advances in health information technology, to the extent practicable, in order to incorporate prescription drug monitoring program data directly into the workflow of prescribers and dispensers to ensure timely access to patients' controlled prescription drug history;";

(v) in clause (iv) (as so redesignated), by striking "; and" and inserting the following: "and at least one health information technology system such as electronic health records, health information exchanges, or e-prescribing systems;";

(vi) in clause (v) (as so redesignated)—

(I) by striking "public health" and inserting "public health or safety"; and

(II) by striking the period and inserting "; and"; and

(vii) by adding at the end the following:

"(vi) information, where applicable, on how the controlled substance monitoring program jointly works with the applicant's respective State substance abuse agency to ensure information collected and maintained by the controlled substance monitoring program is used to inform the provision of clinically appropriate substance use disorder services to individuals in need.";

(B) in paragraph (3)—

(i) by striking "If a State that submits" and inserting the following:

"(A) IN GENERAL.—If a State that submits";

(ii) by inserting before the period at the end "and include timelines for full implementation of such interoperability. The State shall also describe the manner in which it will achieve interoperability between its monitoring program and health information technology systems, as allowable under State law, and include timelines for the implementation of such interoperability"; and

(iii) by adding at the end the following:

"(B) MONITORING OF EFFORTS.—The Secretary shall monitor State efforts to achieve interoperability, as described in subparagraph (A)."; and

(C) in paragraph (5)—

(i) by striking "implement or improve" and inserting "establish, improve, or maintain"; and

(ii) by adding at the end the following: "The Secretary shall redistribute any funds that are so returned among the remaining grantees under this section in accordance with the formula described in subsection (a)(2)(B).";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking "In implementing or improving" and all that follows through "(a)(1)(B)" and inserting "In establishing, improving, or maintaining a controlled substance monitoring program under this section, a State shall comply, or with respect to a State that applies for a grant under subparagraph (B) or (C) of subsection (a)(1)"; and

(ii) by striking "public health" and inserting "public health or safety"; and

(B) by adding at the end the following:

Reports.

"(5) The State shall report on interoperability with the controlled substance monitoring program of Federal agencies, where appropriate, interoperability with health information technology systems such as electronic health records, health information exchanges, and e-prescribing, where appropriate, and whether or not the State provides automatic, up-to-date, or daily information about a patient when a practitioner (or the designee of a practitioner, where permitted) requests information about such patient.";

(5) in subsections (e), (f)(1), and (g), by striking "implementing or improving" each place it appears and inserting "establishing, improving, or maintaining";

(6) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "misuse of a schedule II, III, or IV substance" and inserting "misuse of a controlled substance included in schedule II, III, or IV of section 202(c) of the Controlled Substances Act"; and

(ii) in subparagraph (D)—

(I) by inserting "a State substance abuse agency," after "State health department,"; and

(II) by striking "such department, program, or administration" each place it appears and inserting "such department, program, agency, or administration" in each such place; and

(B) by adding at the end the following:

"(3) EVALUATION AND REPORTING.—Subject to subsection (g), a State receiving a grant under subsection (a) shall provide the Secretary with aggregate data to enable the Secretary—

"(A) to evaluate the success of the State's program in achieving its purposes; or

"(B) to prepare and submit the report to Congress required by subsection (k)(2).

"(4) RESEARCH BY OTHER ENTITIES.—A department, program, agency, or administration receiving nonidentifiable information under paragraph (1)(D) may make such information available to other entities for research purposes.";

(7) by striking subsection (k);

(8) by redesignating subsections (h) through (j) as subsections (i) through (k), respectively;

(9) in subsections (c)(1)(A)(iv) and (d)(4), by striking "subsection (h)" each place it appears and inserting "subsection (i)";

(10) by inserting after subsection (g) the following:

"(h) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving a grant under subsection (a) shall take steps to—

"(1) facilitate prescriber and dispenser use of the State's controlled substance monitoring system, to the extent practicable; and

"(2) educate prescribers and dispensers on the benefits of the system.";

(11) in subsection (k)(2)(A), as so redesignated—

(A) in clause (ii), by striking "or affected" and inserting ", established or strengthened initiatives to ensure linkages to substance use disorder services, or affected"; and

(B) in clause (iii), by striking "including an assessment" and inserting "and between controlled substance monitoring programs and health information technology systems, including an assessment";

(12) in subsection (l)(1), by striking "establishment, implementation, or improvement" and inserting "establishment, improvement, or maintenance";

(13) in subsection (m)(8), by striking "and the District of Columbia" and inserting ", the District of Columbia, and any commonwealth or territory of the United States"; and

(14) by amending subsection (n) to read as follows:

"(n) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, $10,000,000 for each of fiscal years 2017 through 2021.".

SEC. 110. OPIOID OVERDOSE REVERSAL MEDICATION ACCESS AND EDUCATION GRANT PROGRAMS.

(a) IN GENERAL.—Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by section 107, is further amended by adding at the end the following:

"SEC. 545. OPIOID OVERDOSE REVERSAL MEDICATION ACCESS AND EDUCATION GRANT PROGRAMS. 42 USC 290ee.

"(a) GRANTS TO STATES.—The Secretary shall make grants to States to—

"(1) implement strategies for pharmacists to dispense a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, as appropriate, pursuant to a standing order;

"(2) encourage pharmacies to dispense opioid overdose reversal medication pursuant to a standing order;

"(3) develop or provide training materials that persons authorized to prescribe or dispense a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose may use to educate the public concerning—

"(A) when and how to safely administer such drug or device; and

"(B) steps to be taken after administering such drug or device; and

"(4) educate the public concerning the availability of drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose without a person-specific prescription.

"(b) CERTAIN REQUIREMENT.—A grant may be made under this section only if the State involved has authorized standing orders to be issued for drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(c) PREFERENCE IN MAKING GRANTS.—In making grants under this section, the Secretary may give preference to States that have a significantly higher rate of opioid overdoses than the national average, and that—

"(1) have not implemented standing orders regarding drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose;

"(2) authorize standing orders to be issued that permit community-based organizations, substance abuse programs, or other nonprofit entities to acquire, dispense, or administer drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose; or

"(3) authorize standing orders to be issued that permit police, fire, or emergency medical services agencies to acquire and administer drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(d) GRANT TERMS.—

"(1) NUMBER.—A State may not receive more than one grant under this section at a time.

"(2) PERIOD.—A grant under this section shall be for a period of 3 years.

"(3) LIMITATION.—A State may use not more than 20 percent of a grant under this section for educating the public pursuant to subsection (a)(4).

"(e) APPLICATIONS.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary in such form and manner and containing such information as the Secretary may reasonably require, including detailed proposed expenditures of grant funds.

Evaluation.

"(f) REPORTING.—A State that receives a grant under this section shall, at least annually for the duration of the grant, submit a report to the Secretary evaluating the progress of the activities supported through the grant. Such reports shall include information on the number of pharmacies in the State that dispense a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose under a standing order, and other information as the Secretary determines appropriate to evaluate the use of grant funds.

"(g) DEFINITIONS.—In this section the term 'standing order' means a document prepared by a person authorized to prescribe medication that permits another person to acquire, dispense, or administer medication without a person-specific prescription.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $5,000,000 for the period of fiscal years 2017 through 2019.

"(2) ADMINISTRATIVE COSTS.—Not more than 3 percent of the amounts made available to carry out this section may be used by the Secretary for administrative expenses of carrying out this section.".

Effective date.
42 USC 257 note.

(b) TECHNICAL CLARIFICATION.—Effective as if included in the enactment of the Children's Health Act of 2000 (Public Law 106–310), section 3405(a) of such Act (114 Stat. 1221) is amended by striking "Part E of title III" and inserting "Part E of title III of the Public Health Service Act".

TITLE II—LAW ENFORCEMENT AND TREATMENT

SEC. 201. COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

(a) COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART LL—COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM

"SEC. 3021. DESCRIPTION. 42 USC 3797ff.

"(a) GRANTS AUTHORIZED.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes, for use by the State, unit of local government, or Indian tribe to provide services primarily relating to opioid abuse, including for any one or more of the following:

"(1) Developing, implementing, or expanding a treatment alternative to incarceration program, which may include—

"(A) prebooking or postbooking components, which may include the activities described in part DD or HH of this title;

"(B) training for criminal justice agency personnel on substance use disorders and co-occurring mental illness and substance use disorders;

"(C) a mental health court, including the activities described in part V of this title;

"(D) a drug court, including the activities described in part EE of this title;

"(E) a veterans treatment court program, including the activities described in subsection (i) of section 2991 of this title;

"(F) a focus on parents whose incarceration could result in their children entering the child welfare system; and

"(G) a community-based substance use diversion program sponsored by a law enforcement agency.

"(2) In the case of a State, facilitating or enhancing planning and collaboration between State criminal justice agencies and State substance abuse agencies in order to more efficiently and effectively carry out activities or services described in any paragraph of this subsection that address problems related to opioid abuse.

"(3) Providing training and resources for first responders on carrying and administering an opioid overdose reversal drug or device approved or cleared by the Food and Drug Administration, and purchasing such a drug or device for first responders who have received such training to so carry and administer.

"(4) Locating or investigating illicit activities related to the unlawful distribution of opioids.

"(5) Developing, implementing, or expanding a medication-assisted treatment program used or operated by a criminal justice agency, which may include training criminal justice

agency personnel on medication-assisted treatment, and carrying out the activities described in part S of this title.

"(6) In the case of a State, developing, implementing, or expanding a prescription drug monitoring program to collect and analyze data related to the prescribing of schedules II, III, and IV controlled substances through a centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program in each other State, and with any interstate entity that shares information between such programs.

"(7) Developing, implementing, or expanding a program to prevent and address opioid abuse by juveniles.

"(8) Developing, implementing, or expanding a program (which may include demonstration projects) to utilize technology that provides a secure container for prescription drugs that would prevent or deter individuals, particularly adolescents, from gaining access to opioid medications that are lawfully prescribed for other individuals.

"(9) Developing, implementing, or expanding a prescription drug take-back program.

"(10) Developing, implementing, or expanding an integrated and comprehensive opioid abuse response program.

"(b) CONTRACTS AND SUBAWARDS.—A State, unit of local government, or Indian tribe may, in using a grant under this part for purposes authorized by subsection (a), use all or a portion of that grant to contract with, or make one or more subawards to, one or more—

"(1) local or regional organizations that are private and nonprofit, including faith-based organizations;

"(2) units of local government; or

"(3) tribal organizations.

"(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

Coordination.

"(1) PROGRAM ASSESSMENT COMPONENT.—Each program funded under this part shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) WAIVER.—The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this part may be used for costs incurred to administer such grant.

"(e) PERIOD.—The period of a grant made under this part may not be longer than 4 years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

42 USC 3797ff–1.

"SEC. 3022. APPLICATIONS.

"To request a grant under this part, the chief executive officer of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time and in such form as the Attorney General may require. Such application shall include the following:

Certification.

"(1) A certification that Federal funds made available under this part will not be used to supplant State, local, or tribal funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for the activities described in section 3021(a).

"(2) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

"(3) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

"(A) the activities or services to be funded by the grant meet all the requirements of this part;

"(B) all the information contained in the application is correct;

"(C) there has been appropriate coordination with affected agencies; and

"(D) the applicant will comply with all provisions of this part and all other applicable Federal laws.

"(4) An assurance that the applicant will work with the Drug Enforcement Administration to develop an integrated and comprehensive strategy to address opioid abuse.

"SEC. 3023. REVIEW OF APPLICATIONS.

Notice.
42 USC 3797ff–2.

"The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this part without first affording the applicant reasonable notice of any deficiencies in the application and an opportunity for correction of any such deficiencies and reconsideration.

"SEC. 3024. EQUITABLE DISTRIBUTION OF FUNDS.

42 USC 3797ff–3.

"In awarding grants under this part, the Attorney General shall distribute funds in a manner that—

"(1) equitably addresses the needs of underserved populations, including rural and tribal communities; and

"(2) focuses on communities that have been disproportionately impacted by opioid abuse as evidenced in part by—

"(A) high rates of primary treatment admissions for heroin and other opioids;

"(B) high rates of drug poisoning deaths from heroin and other opioids; and

"(C) a lack of accessibility to treatment providers and facilities and to emergency medical services.

"SEC. 3025. DEFINITIONS.

42 USC 3797ff–4.

"In this part:

"(1) The term 'first responder' includes a firefighter, law enforcement officer, paramedic, emergency medical technician, or other individual (including an employee of a legally organized and recognized volunteer organization, whether compensated or not), who, in the course of his or her professional duties, responds to fire, medical, hazardous material, or other similar emergencies.

"(2) The term 'medication-assisted treatment' means the use of medications approved by the Food and Drug Administration for the treatment of opioid abuse.

"(3) The term 'opioid' means any drug, including heroin, having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

"(4) The term 'schedule II, III, or IV controlled substance' means a controlled substance that is listed on schedule II, schedule III, or schedule IV of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

"(5) The terms 'drug' and 'device' have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(6) The term 'criminal justice agency' means a State, local, or tribal—

"(A) court;

"(B) prison;

"(C) jail;

"(D) law enforcement agency; or

"(E) other agency that performs the administration of criminal justice, including prosecution, pretrial services, and community supervision.

"(7) The term 'tribal organization' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(8) The term 'State substance abuse agency' has the meaning given that term in section 508(r)(6) of the Public Health Service Act (42 U.S.C. 290bb–1).".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (26) the following:

"(27) There are authorized to be appropriated to carry out part LL $103,000,000 for each of fiscal years 2017 through 2021.".

(b) EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.—Section 609Y(a) of the Justice Assistance Act of 1984 (42 U.S.C. 10513(a)) is amended by striking "September 30, 1984" and inserting "September 30, 2021".

(c) INCLUSION OF SERVICES FOR PREGNANT WOMEN UNDER FAMILY-BASED SUBSTANCE ABUSE GRANTS.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3797s et seq.) is amended—

42 USC 3797s.

(1) in section 2921(2), by inserting before the period at the end "or pregnant women"; and

42 USC 3797s–6.

(2) in section 2927—

(A) in paragraph (1)(A), by inserting "pregnant or" before "a parent"; and

(B) in paragraph (3), by inserting "or pregnant women" after "incarcerated parents".

(d) GAO STUDY AND REPORT ON FEDERAL AGENCY PROGRAMS AND RESEARCH RELATIVE TO SUBSTANCE USE AND SUBSTANCE USE DISORDERS AMONG ADOLESCENTS AND YOUNG ADULTS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on how Federal agencies, through grant programs, are addressing prevention of, treatment for, and

recovery from, substance use by, and substance use disorders among, adolescents and young adults. Such study shall include an analysis of each of the following:

(A) The research that has been, and is being, conducted or supported pursuant to grant programs operated by Federal agencies on prevention of, treatment for, and recovery from substance use by and substance use disorders among adolescents and young adults, including an assessment of—

(i) such research relative to any unique circumstances (including social and biological circumstances) of adolescents and young adults that may make adolescent-specific and young adult-specific treatment protocols necessary, including any effects that substance use and substance use disorders may have on brain development and the implications for treatment and recovery; and

(ii) areas of such research in which greater investment or focus is necessary relative to other areas of such research.

(B) Federal agency nonresearch programs and activities that address prevention of, treatment for, and recovery from substance use by and substance use disorders among adolescents and young adults, including an assessment of the effectiveness of such programs and activities in preventing substance use by and substance use disorders among adolescents and young adults, treating such adolescents and young adults in a way that accounts for any unique circumstances faced by adolescents and young adults, and supports long-term recovery among adolescents and young adults.

(C) Gaps that have been identified by officials of Federal agencies or experts in the efforts supported by grant programs operated by Federal agencies relating to prevention of, treatment for, and recovery from substance use by and substance use disorders among adolescents and young adults, including gaps in research, data collection, and measures to evaluate the effectiveness of such efforts, and the reasons for such gaps.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report containing the results of the study conducted under paragraph (1), including—

(A) a summary of the findings of the study; and Summary.

(B) recommendations based on the results of the study, including recommendations for such areas of research and legislative and administrative action as the Comptroller General determines appropriate. Recommendations.

SEC. 202. FIRST RESPONDER TRAINING.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by section 110, is further amended by adding at the end the following:

"SEC. 546. FIRST RESPONDER TRAINING. 42 USC 290ee–1.

"(a) PROGRAM AUTHORIZED.—The Secretary shall make grants to States, local governmental entities, and Indian tribes and tribal

organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) to allow first responders and members of other key community sectors to administer a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose.

"(b) APPLICATION.—

"(1) IN GENERAL.—An entity seeking a grant under this section shall submit an application to the Secretary—

"(A) that meets the criteria under paragraph (2); and

"(B) at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CRITERIA.—An entity, in submitting an application under paragraph (1), shall—

"(A) describe the evidence-based methodology and outcome measurements that will be used to evaluate the program funded with a grant under this section, and specifically explain how such measurements will provide valid measures of the impact of the program;

"(B) describe how the program could be broadly replicated if demonstrated to be effective;

"(C) identify the governmental and community agencies with which the entity will coordinate to implement the program; and

"(D) describe how the entity will ensure that law enforcement agencies will coordinate with their corresponding State substance abuse and mental health agencies to identify protocols and resources that are available to overdose victims and families, including information on treatment and recovery resources.

"(c) USE OF FUNDS.—An entity shall use a grant received under this section to—

"(1) make a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose available to be carried and administered by first responders and members of other key community sectors;

"(2) train and provide resources for first responders and members of other key community sectors on carrying and administering a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose; and

"(3) establish processes, protocols, and mechanisms for referral to appropriate treatment, which may include an outreach coordinator or team to connect individuals receiving opioid overdose reversal drugs to followup services.

"(d) TECHNICAL ASSISTANCE GRANTS.—The Secretary shall make a grant for the purpose of providing technical assistance and training on the use of a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, and mechanisms for referral to appropriate treatment for an entity receiving a grant under this section.

"(e) GEOGRAPHIC DISTRIBUTION.—In making grants under this section, the Secretary shall ensure that not less than 20 percent of grant funds are awarded to eligible entities that are not located

in metropolitan statistical areas (as defined by the Office of Management and Budget). The Secretary shall take into account the unique needs of rural communities, including communities with an incidence of individuals with opioid use disorder that is above the national average and communities with a shortage of prevention and treatment services.

"(f) EVALUATION.—The Secretary shall conduct an evaluation of grants made under this section to determine— Determination.

"(1) the number of first responders and members of other key community sectors equipped with a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose;

"(2) the number of opioid and heroin overdoses reversed by first responders and members of other key community sectors receiving training and supplies of a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose, through a grant received under this section;

"(3) the number of responses to requests for services by the entity or subgrantee, to opioid and heroin overdose; and

"(4) the extent to which overdose victims and families receive information about treatment services and available data describing treatment admissions.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $12,000,000 for each of fiscal years 2017 through 2021.".

SEC. 203. PRESCRIPTION DRUG TAKE BACK EXPANSION. 21 USC 822a.

(a) DEFINITION OF COVERED ENTITY.—In this section, the term "covered entity" means—

(1) a State, local, or tribal law enforcement agency;

(2) a manufacturer, distributor, or reverse distributor of prescription medications;

(3) a retail pharmacy;

(4) a registered narcotic treatment program;

(5) a hospital or clinic with an onsite pharmacy;

(6) an eligible long-term care facility; or

(7) any other entity authorized by the Drug Enforcement Administration to dispose of prescription medications.

(b) PROGRAM AUTHORIZED.—The Attorney General, in coordination with the Administrator of the Drug Enforcement Administration, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall coordinate with covered entities in expanding or making available disposal sites for unwanted prescription medications. Coordination.

TITLE III—TREATMENT AND RECOVERY

SEC. 301. EVIDENCE-BASED PRESCRIPTION OPIOID AND HEROIN TREATMENT AND INTERVENTIONS DEMONSTRATION.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following:

"SEC. 514B. EVIDENCE-BASED PRESCRIPTION OPIOID AND HEROIN TREATMENT AND INTERVENTIONS DEMONSTRATION. 42 USC 290bb–10.

"(a) GRANTS TO EXPAND ACCESS.—

Contracts.

"(1) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements to State substance abuse agencies, units of local government, nonprofit organizations, and Indian tribes and tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) that have a high rate, or have had a rapid increase, in the use of heroin or other opioids, in order to permit such entities to expand activities, including an expansion in the availability of evidence-based medication-assisted treatment and other clinically appropriate services, with respect to the treatment of addiction in the specific geographical areas of such entities where there is a high rate or rapid increase in the use of heroin or other opioids, such as in rural areas.

"(2) NATURE OF ACTIVITIES.—Funds awarded under paragraph (1) shall be used for activities that are based on reliable scientific evidence of efficacy in the treatment of problems related to heroin or other opioids.

"(b) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(c) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or agreement a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and an evaluation at the completion of such project as the Secretary determines to be appropriate.

"(d) GEOGRAPHIC DISTRIBUTION.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall ensure that not less than 15 percent of funds are awarded to eligible entities that are not located in metropolitan statistical areas (as defined by the Office of Management and Budget). The Secretary shall take into account the unique needs of rural communities, including communities with an incidence of individuals with opioid use disorder that is above the national average and communities with a shortage of prevention and treatment services.

"(e) ADDITIONAL ACTIVITIES.—In administering grants, contracts, and cooperative agreements under subsection (a), the Secretary shall—

Evaluation.

"(1) evaluate the activities supported under such subsection;

"(2) disseminate information, as appropriate, derived from evaluations as the Secretary considers appropriate;

"(3) provide States, Indian tribes and tribal organizations, and providers with technical assistance in connection with the provision of treatment of problems related to heroin and other opioids; and

"(4) fund only those applications that specifically support recovery services as a critical component of the program involved.

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $25,000,000 for each of fiscal years 2017 through 2021.".

SEC. 302. BUILDING COMMUNITIES OF RECOVERY.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by section 202, is further amended by adding at the end the following:

"SEC. 547. BUILDING COMMUNITIES OF RECOVERY. 42 USC 290ee–2.

"(a) DEFINITION.—In this section, the term 'recovery community organization' means an independent nonprofit organization that—

"(1) mobilizes resources within and outside of the recovery community to increase the prevalence and quality of long-term recovery from substance use disorders; and

"(2) is wholly or principally governed by people in recovery for substance use disorders who reflect the community served.

"(b) GRANTS AUTHORIZED.—The Secretary shall award grants to recovery community organizations to enable such organizations to develop, expand, and enhance recovery services.

"(c) FEDERAL SHARE.—The Federal share of the costs of a program funded by a grant under this section may not exceed 50 percent.

"(d) USE OF FUNDS.—Grants awarded under subsection (b)—

"(1) shall be used to develop, expand, and enhance community and statewide recovery support services; and

"(2) may be used to—

"(A) build connections between recovery networks, between recovery community organizations, and with other recovery support services, including—

"(i) behavioral health providers;

"(ii) primary care providers and physicians;

"(iii) the criminal justice system;

"(iv) employers;

"(v) housing services;

"(vi) child welfare agencies; and

"(vii) other recovery support services that facilitate recovery from substance use disorders;

"(B) reduce the stigma associated with substance use disorders; and

"(C) conduct outreach on issues relating to substance use disorders and recovery, including—

"(i) identifying the signs of addiction;

"(ii) the resources available to individuals struggling with addiction and to families with a family member struggling with, or being treated for, addiction, including programs that mentor and provide support services to children;

"(iii) the resources available to help support individuals in recovery; and

"(iv) related medical outcomes of substance use disorders, the potential of acquiring an infectious disease from intravenous drug use, and neonatal abstinence syndrome among infants exposed to opioids during pregnancy.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2017 through 2021.".

SEC. 303. MEDICATION-ASSISTED TREATMENT FOR RECOVERY FROM ADDICTION.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(A) in subparagraph (B), by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) The practitioner is a qualifying practitioner (as defined in subparagraph (G)).

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to provide directly, by referral, or in such other manner as determined by the Secretary—

"(I) all drugs approved by the Food and Drug Administration for the treatment of opioid use disorder, including for maintenance, detoxification, overdose reversal, and relapse prevention; and

"(II) appropriate counseling and other appropriate ancillary services.

"(iii)(I) The total number of such patients of the practitioner at any one time will not exceed the applicable number. Except as provided in subclause (II), the applicable number is 30.

"(II) The applicable number is 100 if, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients.

"(III) The Secretary may by regulation change such applicable number.

"(IV) The Secretary may exclude from the applicable number patients to whom such drugs or combinations of drugs are directly administered by the qualifying practitioner in the office setting.";

(B) in subparagraph (D)—

(i) in clause (ii), by striking "Upon receiving a notification under subparagraph (B)" and inserting "Upon receiving a determination from the Secretary under clause (iii) finding that a practitioner meets all requirements for a waiver under subparagraph (B)"; and

(ii) in clause (iii)—

(I) by inserting "and shall forward such determination to the Attorney General" before the period at the end of the first sentence; and

(II) by striking "physician" and inserting "practitioner";

(C) in subparagraph (G)—

(i) by amending clause (ii)(I) to read as follows:

"(I) The physician holds a board certification in addiction psychiatry or addiction medicine from the American Board of Medical Specialties.";

(ii) by amending clause (ii)(II) to read as follows:

"(II) The physician holds an addiction certification or board certification from the American Society of Addiction Medicine or the American Board of Addiction Medicine.";

(iii) in clause (ii)(III), by striking "subspecialty";

(iv) by amending clause (ii)(IV) to read as follows:

"(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than 8 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause. Such training shall include—

"(aa) opioid maintenance and detoxification;

"(bb) appropriate clinical use of all drugs approved by the Food and Drug Administration for the treatment of opioid use disorder;

"(cc) initial and periodic patient assessments (including substance use monitoring);

"(dd) individualized treatment planning, overdose reversal, and relapse prevention;

"(ee) counseling and recovery support services;

"(ff) staffing roles and considerations;

"(gg) diversion control; and

"(hh) other best practices, as identified by the Secretary."; and

(v) by adding at the end the following:

"(iii) The term 'qualifying practitioner' means— Definition.

"(I) a qualifying physician, as defined in clause (ii); or

"(II) during the period beginning on the date of enactment of the Comprehensive Addiction and Recovery Act of 2016 and ending on October 1, 2021, a qualifying other practitioner, as defined in clause (iv). Time period.

"(iv) The term 'qualifying other practitioner' means a nurse practitioner or physician assistant who satisfies each of the following: Definition.

"(I) The nurse practitioner or physician assistant is licensed under State law to prescribe schedule III, IV, or V medications for the treatment of pain.

"(II) The nurse practitioner or physician assistant has—

"(aa) completed not fewer than 24 hours of initial training addressing each of the topics listed in clause (ii)(IV) (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Nurses Credentialing Center, the American Psychiatric Association, the American Association of Nurse Practitioners, the American Academy of Physician Assistants, or any other organization that the Secretary determines is appropriate for purposes of this subclause; or

"(bb) has such other training or experience as the Secretary determines will demonstrate the ability of

the nurse practitioner or physician assistant to treat and manage opiate-dependent patients.

"(III) The nurse practitioner or physician assistant is supervised by, or works in collaboration with, a qualifying physician, if the nurse practitioner or physician assistant is required by State law to prescribe medications for the treatment of opioid use disorder in collaboration with or under the supervision of a physician.

The Secretary may, by regulation, revise the requirements for being a qualifying other practitioner under this clause."; and

(D) in subparagraph (H)—

(i) in clause (i), by inserting after subclause (II) the following:

"(III) Such other elements of the requirements under this paragraph as the Secretary determines necessary for purposes of implementing such requirements."; and

(ii) by amending clause (ii) to read as follows:

Deadline. "(ii) Not later than 18 months after the date of enactment of the Opioid Use Disorder Treatment Expansion and Modernization Act, the Secretary shall update the treatment improvement protocol containing best practice guidelines for the treatment of opioid-dependent patients in office-based settings. The Secretary shall update such protocol in consultation with experts in opioid use disorder research and treatment.".

Consultation.

(2) OPIOID DEFINED.—Section 102(18) of the Controlled Substances Act (21 U.S.C. 802(18)) is amended by inserting "or 'opioid'" after "The term 'opiate'".

21 USC 823 note.

(3) REPORTS TO CONGRESS.—

Consultation.

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and not later than 3 years thereafter, the Secretary of Health and Human Services, in consultation with the Drug Enforcement Administration and experts in opioid use disorder research and treatment, shall—

(i) perform a thorough review of the provision of opioid use disorder treatment services in the United States, including services provided in opioid treatment programs and other specialty and nonspecialty settings; and

(ii) submit a report to the Congress on the findings and conclusions of such review.

Assessment.

(B) CONTENTS.—Each report under subparagraph (A) shall include an assessment of—

(i) compliance with the requirements of section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), as amended by this section;

(ii) the measures taken by the Secretary of Health and Human Services to ensure such compliance;

(iii) whether there is further need to increase or decrease the number of patients a practitioner, pursuant to a waiver under section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), is permitted to treat;

(iv) the extent to which, and proportions with which, the full range of Food and Drug Administration-approved treatments for opioid use disorder are used

in routine health care settings and specialty substance use disorder treatment settings;

(v) access to, and use of, counseling and recovery support services, including the percentage of patients receiving such services;

(vi) changes in State or local policies and legislation relating to opioid use disorder treatment;

(vii) the use of prescription drug monitoring programs by practitioners who are permitted to dispense narcotic drugs to individuals pursuant to a waiver described in clause (iii);

(viii) the findings resulting from inspections by the Drug Enforcement Administration of practitioners described in clause (vii); and

(ix) the effectiveness of cross-agency collaboration between Department of Health and Human Services and the Drug Enforcement Administration for expanding effective opioid use disorder treatment.

(b) STATE FLEXIBILITY.—Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended by striking subparagraphs (I) and (J), and inserting the following:

"(I) Notwithstanding section 708, nothing in this paragraph shall be construed to preempt any State law that—

"(i) permits a qualifying practitioner to dispense narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance or detoxification treatment in accordance with this paragraph to a total number of patients that is more than 30 or less than the total number applicable to the qualifying practitioner under subparagraph (B)(iii)(II) if a State enacts a law modifying such total number and the Attorney General is notified by the State of such modification; or

"(ii) requires a qualifying practitioner to comply with additional requirements relating to the dispensing of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, including requirements relating to the practice setting in which the qualifying practitioner practices and education, training, and reporting requirements.".

(c) UPDATE REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services, as appropriate, shall update regulations regarding practitioners described in subsection (a)(3)(B)(vii) (as amended by this section) to include nurse practitioners and physician assistants to ensure the quality of patient care and prevent diversion.

Deadline.
21 USC 823 note.

TITLE IV—ADDRESSING COLLATERAL CONSEQUENCES

SEC. 401. GAO REPORT ON RECOVERY AND COLLATERAL CONSEQUENCES.

(a) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the collateral consequences for individuals with convictions for nonviolent drug-related offenses;

(2) describes the effect of the collateral consequences described in paragraph (1) on individuals in resuming their personal and professional activities, especially, to the extent data are available, the effect on individuals who are participating in or have completed a recovery program for a substance use disorder;

(3) discusses policy bases and justifications for imposing collateral consequences on individuals convicted of nonviolent drug-related offenses identified under paragraph (1); and

(4) provides perspectives on the potential for mitigating the effect of the collateral consequences described in paragraph (1) on individuals who are participating in or have completed a recovery program, while also taking into account the policy interests described in paragraph (3).

(b) DEFINITION.—In this section, the term "collateral consequence"—

(1) means a penalty, disability, or disadvantage imposed upon an individual as a result of a criminal conviction for a drug-related offense—

(A) automatically by operation of law; or

(B) by authorized action of an administrative agency or court on a case-by-case basis; and

(2) does not include a direct consequence imposed as part of the judgment of a court at sentencing, including a term of imprisonment or community supervision, or a fine.

TITLE V—ADDICTION AND TREATMENT SERVICES FOR WOMEN, FAMILIES, AND VETERANS

SEC. 501. IMPROVING TREATMENT FOR PREGNANT AND POSTPARTUM WOMEN.

(a) GENERAL AMENDMENTS TO THE RESIDENTIAL TREATMENT PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "(referred to in this section as the 'Director')" after "Substance Abuse Treatment";

(ii) by striking "grants, cooperative agreement," and inserting "grants, including the grants under subsection (r), cooperative agreements"; and

(iii) by striking "for substance abuse" and inserting "for substance use disorders"; and

(B) in paragraph (1), by inserting "or receive outpatient treatment services from" after "reside in";

(2) in subsection (b)(2), by inserting "and her children" before the period at the end;

(3) in subsection (c)—

(A) in paragraph (1), by striking "to the woman of the services" and inserting "of services for the woman and her children"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "substance abuse" and inserting "substance use disorders"; and

(ii) in subparagraph (B), by striking "such abuse" and inserting "such a disorder";

(4) in subsection (d)—

(A) in paragraph (3)(A), by striking "maternal substance abuse" and inserting "a maternal substance use disorder";

(B) by amending paragraph (4) to read as follows:

"(4) Providing therapeutic, comprehensive child care for children during the periods in which the woman is engaged in therapy or in other necessary health and rehabilitative activities.";

(C) in paragraphs (9), (10), and (11), by striking "women" each place such term appears and inserting "woman";

(D) in paragraph (9), by striking "units" and inserting "unit"; and

(E) in paragraph (11)—

(i) in subparagraph (A), by striking "their children" and inserting "any child of such woman";

(ii) in subparagraph (B), by striking "; and" and inserting a semicolon;

(iii) in subparagraph (C), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(D) family reunification with children in kinship or foster care arrangements, where safe and appropriate.";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "substance abuse" and inserting "substance use disorders"; and

(ii) in subparagraph (B), by striking "substance abuse" and inserting "substance use disorders"; and

(B) in paragraph (2)—

(i) by striking "(A) Subject" and inserting the following:

"(A) IN GENERAL.—Subject";

(ii) in subparagraph (B)—

(I) by striking "(B)(i) In the case" and inserting the following:

"(B) WAIVER OF PARTICIPATION AGREEMENTS.—

"(i) IN GENERAL.—In the case"; and

(II) by striking "(ii) A determination" and inserting the following:

"(ii) DONATIONS.—A determination"; and

(iii) by striking "(C) With respect" and inserting the following:

"(C) NONAPPLICATION OF CERTAIN REQUIREMENTS.—With respect";

(6) in subsection (g)—

(A) by striking "who are engaging in substance abuse" and inserting "who have a substance use disorder"; and

(B) by striking "such abuse" and inserting "such disorder";

(7) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking "to on" and inserting "to or on"; and

(B) in paragraph (3), by striking "Office for" and inserting "Office of";

(8) by amending subsection (m) to read as follows:

"(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to an applicant that agrees to use the award for a program serving an area that is a rural area, an area designated under section 332 by the Secretary as a health professional shortage area, or an area determined by the Director to have a shortage of family-based substance use disorder treatment options."; and

(9) in subsection (q)—

(A) in paragraph (3), by striking "funding agreement under subsection (a)" and inserting "funding agreement"; and

(B) in paragraph (4), by striking "substance abuse" and inserting "a substance use disorder".

(b) REAUTHORIZATION OF PROGRAM.—Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1), as amended by subsection (a), is further amended—

(1) in subsection (p), in the first sentence, by inserting "(other than subsection (r))" after "section"; and

(2) in subsection (r), by striking "such sums" and all that follows through "2003" and inserting "$16,900,000 for each of fiscal years 2017 through 2021".

(c) PILOT PROGRAM GRANTS FOR STATE SUBSTANCE ABUSE AGENCIES.—

(1) IN GENERAL.—Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1), as amended by subsections (a) and (b), is further amended—

(A) by redesignating subsection (r), as amended by subsection (b), as subsection (s); and

(B) by inserting after subsection (q) the following new subsection:

"(r) PILOT PROGRAM FOR STATE SUBSTANCE ABUSE AGENCIES.—

"(1) IN GENERAL.—From amounts made available under subsection (s), the Director of the Center for Substance Abuse Treatment shall carry out a pilot program under which competitive grants are made by the Director to State substance abuse agencies—

"(A) to enhance flexibility in the use of funds designed to support family-based services for pregnant and postpartum women with a primary diagnosis of a substance use disorder, including opioid use disorders;

"(B) to help State substance abuse agencies address identified gaps in services furnished to such women along the continuum of care, including services provided to women in nonresidential-based settings; and

"(C) to promote a coordinated, effective, and efficient State system managed by State substance abuse agencies by encouraging new approaches and models of service delivery.

"(2) REQUIREMENTS.—In carrying out the pilot program under this subsection, the Director shall—

"(A) require State substance abuse agencies to submit to the Director applications, in such form and manner

and containing such information as specified by the Director, to be eligible to receive a grant under the program;

"(B) identify, based on such submitted applications, State substance abuse agencies that are eligible for such grants;

"(C) require services proposed to be furnished through such a grant to support family-based treatment and other services for pregnant and postpartum women with a primary diagnosis of a substance use disorder, including opioid use disorders;

"(D) not require that services furnished through such a grant be provided solely to women that reside in facilities;

"(E) not require that grant recipients under the program make available through use of the grant all the services described in subsection (d); and

"(F) consider not applying the requirements described in paragraphs (1) and (2) of subsection (f) to an applicant, depending on the circumstances of the applicant.

"(3) REQUIRED SERVICES.—

"(A) IN GENERAL.—The Director shall specify a minimum set of services required to be made available to eligible women through a grant awarded under the pilot program under this subsection. Such minimum set of services—

"(i) shall include the services requirements described in subsection (c) and be based on the recommendations submitted under subparagraph (B); and

"(ii) may be selected from among the services described in subsection (d) and include other services as appropriate.

"(B) STAKEHOLDER INPUT.—The Director shall convene and solicit recommendations from stakeholders, including State substance abuse agencies, health care providers, persons in recovery from substance abuse, and other appropriate individuals, for the minimum set of services described in subparagraph (A). Recommendations.

"(4) DURATION.—The pilot program under this subsection shall not exceed 5 years.

"(5) EVALUATION AND REPORT TO CONGRESS.—

"(A) IN GENERAL.—The Director of the Center for Behavioral Health Statistics and Quality shall evaluate the pilot program at the conclusion of the first grant cycle funded by the pilot program.

"(B) REPORT.—The Director of the Center for Behavioral Health Statistics and Quality, in coordination with the Director of the Center for Substance Abuse Treatment shall submit to the relevant committees of jurisdiction of the House of Representatives and the Senate a report on the evaluation under subparagraph (A). The report shall include, at a minimum— Coordination.

"(i) outcomes information from the pilot program, including any resulting reductions in the use of alcohol and other drugs;

"(ii) engagement in treatment services;

"(iii) retention in the appropriate level and duration of services;

"(iv) increased access to the use of medications approved by the Food and Drug Administration for the treatment of substance use disorders in combination with counseling; and

"(v) other appropriate measures.

"(C) RECOMMENDATION.—The report under subparagraph (B) shall include a recommendation by the Director of the Center for Substance Abuse Treatment as to whether the pilot program under this subsection should be extended.

"(6) STATE SUBSTANCE ABUSE AGENCIES DEFINED.—For purposes of this subsection, the term 'State substance abuse agency' means, with respect to a State, the agency in such State that manages the Substance Abuse Prevention and Treatment Block Grant under part B of title XIX.".

(2) FUNDING.—Subsection (s) of section 508 of the Public Health Service Act (42 U.S.C. 290bb–1), as amended by subsection (a) and redesignated by paragraph (1), is further amended by adding at the end the following new sentences: "Of the amounts made available for a year pursuant to the previous sentence to carry out this section, not more than 25 percent of such amounts shall be made available for such year to carry out subsection (r), other than paragraph (5) of such subsection. Notwithstanding the preceding sentence, no funds shall be made available to carry out subsection (r) for a fiscal year unless the amount made available to carry out this section for such fiscal year is more than the amount made available to carry out this section for fiscal year 2016.".

SEC. 502. VETERANS TREATMENT COURTS.

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended—

(1) by redesignating subsection (i) as subsection (j); and

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

"(i) ASSISTING VETERANS.—

"(1) DEFINITIONS.—In this subsection:

"(A) PEER-TO-PEER SERVICES OR PROGRAMS.—The term 'peer-to-peer services or programs' means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

"(B) QUALIFIED VETERAN.—The term 'qualified veteran' means a preliminarily qualified offender who—

"(i) served on active duty in any branch of the Armed Forces, including the National Guard or Reserves; and

"(ii) was discharged or released from such service under conditions other than dishonorable, unless the reason for the dishonorable discharge was attributable to a substance abuse disorder.

"(C) VETERANS TREATMENT COURT PROGRAM.—The term 'veterans treatment court program' means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

"(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

"(ii) a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;

"(iii) alternatives to incarceration; or

"(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, or assistance in applying for and obtaining available benefits.

"(2) VETERANS ASSISTANCE PROGRAM.—

"(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand— Consultation.

"(i) veterans treatment court programs;

"(ii) peer-to-peer services or programs for qualified veterans;

"(iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; or

"(iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

"(B) PRIORITY.—In awarding grants under this subsection, the Attorney General shall give priority to applications that—

"(i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;

"(ii) promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and

"(iii) propose interventions with empirical support to improve outcomes for qualified veterans.".

SEC. 503. INFANT PLAN OF SAFE CARE.

(a) BEST PRACTICES FOR DEVELOPMENT OF PLANS OF SAFE CARE.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

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

"(5) maintain and disseminate information about the requirements of section 106(b)(2)(B)(iii) and best practices relating to the development of plans of safe care as described in such section for infants born and identified as being affected by substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder;".

(b) STATE PLANS.—Section 106(b)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)) is amended—

(1) in clause (ii), by striking "illegal substance abuse" and inserting "substance abuse"; and

(2) in clause (iii)—

(A) by striking "illegal substance abuse" and inserting "substance abuse"; and

(B) by inserting before the semicolon at the end the following: "to ensure the safety and well-being of such infant following release from the care of health care providers, including through—

"(I) addressing the health and substance use disorder treatment needs of the infant and affected family or caregiver; and

"(II) the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family or caregiver".

(c) DATA REPORTS.—

(1) IN GENERAL.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end of the following:

"(17) The number of infants—

"(A) identified under subsection (b)(2)(B)(ii);

"(B) for whom a plan of safe care was developed under subsection (b)(2)(B)(iii); and

"(C) for whom a referral was made for appropriate services, including services for the affected family or caregiver, under subsection (b)(2)(B)(iii).".

Effective date. 42 USC 5106a note.

(2) REDESIGNATION.—Effective on May 29, 2017, section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by redesignating paragraph (17) (as added by paragraph (1)) as paragraph (18).

(d) MONITORING AND OVERSIGHT.—

(1) AMENDMENT.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

42 USC 5108.

"SEC. 114. MONITORING AND OVERSIGHT.

"The Secretary shall conduct monitoring to ensure that each State that receives a grant under section 106 is in compliance with the requirements of section 106(b), which—

"(1) shall—

"(A) be in addition to the review of the State plan upon its submission under section 106(b)(1)(A); and

"(B) include monitoring of State policies and procedures required under clauses (ii) and (iii) of section 106(b)(2)(B); and

"(2) may include—

"(A) a comparison of activities carried out by the State to comply with the requirements of section 106(b) with the State plan most recently approved under section 432 of the Social Security Act;

"(B) a review of information available on the website of the State relating to its compliance with the requirements of section 106(b);

"(C) site visits, as may be necessary to carry out such monitoring; and

"(D) a review of information available in the State's Annual Progress and Services Report most recently submitted under section 1357.16 of title 45, Code of Federal Regulations (or successor regulations).".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113, the following:

"Sec. 114. Monitoring and oversight.".

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to authorize the Secretary of Health and Human Services or any other officer of the Federal Government to add new requirements to section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)), as amended by this section. 42 USC 5106a note.

SEC. 504. GAO REPORT ON NEONATAL ABSTINENCE SYNDROME (NAS).

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate a report on neonatal abstinence syndrome (in this section referred to as "NAS") in the United States.

(b) INFORMATION TO BE INCLUDED IN REPORT.—Such report shall include information on the following:

(1) The prevalence of NAS in the United States, including the proportion of children born in the United States with NAS who are eligible for medical assistance under State Medicaid programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) at birth, and the costs associated with coverage under such programs for treatment of infants with NAS.

(2) The services for which coverage is available under State Medicaid programs for treatment of infants with NAS.

(3) The settings (including inpatient, outpatient, hospital-based, and other settings) for the treatment of infants with NAS and the reimbursement methodologies and costs associated with such treatment in such settings.

(4) The prevalence of utilization of various care settings under State Medicaid programs for treatment of infants with NAS and any Federal barriers to treating such infants under such programs, particularly in non-hospital-based settings.

(5) What is known about best practices for treating infants with NAS.

(c) RECOMMENDATIONS.—Such report also shall include such recommendations as the Comptroller General determines appropriate for improvements that will ensure access to treatment for infants with NAS under State Medicaid programs.

TITLE VI—INCENTIVIZING STATE COMPREHENSIVE INITIATIVES TO ADDRESS PRESCRIPTION OPIOID ABUSE

SEC. 601. STATE DEMONSTRATION GRANTS FOR COMPREHENSIVE OPIOID ABUSE RESPONSE.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by section 302, is further amended by adding at the end the following:

42 USC 290ee–3.

"SEC. 548. STATE DEMONSTRATION GRANTS FOR COMPREHENSIVE OPIOID ABUSE RESPONSE.

"(a) DEFINITIONS.—In this section:

"(1) DISPENSER.—The term 'dispenser' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(2) PRESCRIBER.—The term 'prescriber' means a dispenser who prescribes a controlled substance, or the agent of such a dispenser.

"(3) PRESCRIBER OF A SCHEDULE II, III, OR IV CONTROLLED SUBSTANCE.—The term 'prescriber of a schedule II, III, or IV controlled substance' does not include a prescriber of a schedule II, III, or IV controlled substance that dispenses the substance—

"(A) for use on the premises on which the substance is dispensed;

"(B) in a hospital emergency room, when the substance is in short supply;

"(C) for a certified opioid treatment program; or

"(D) in other situations as the Secretary may reasonably determine.

"(4) SCHEDULE II, III, OR IV CONTROLLED SUBSTANCE.—The term 'schedule II, III, or IV controlled substance' means a controlled substance that is listed on schedule II, schedule III, or schedule IV of section 202(c) of the Controlled Substances Act.

"(b) GRANTS FOR COMPREHENSIVE OPIOID ABUSE RESPONSE.—

"(1) IN GENERAL.—The Secretary shall award grants to States, and combinations of States, to implement an integrated opioid abuse response initiative.

Response plan.

"(2) PURPOSES.—A State receiving a grant under this section shall establish a comprehensive response plan to opioid abuse, which may include—

"(A) education efforts around opioid use, treatment, and addiction recovery, including education of residents, medical students, and physicians and other prescribers of schedule II, III, or IV controlled substances on relevant prescribing guidelines, the prescription drug monitoring program of the State described in subparagraph (B), and overdose prevention methods;

"(B) establishing, maintaining, or improving a comprehensive prescription drug monitoring program to track dispensing of schedule II, III, or IV controlled substances, which may—

"(i) provide for data sharing with other States; and

"(ii) allow all individuals authorized by the State to write prescriptions for schedule II, III, or IV controlled substances to access the prescription drug monitoring program of the State;

"(C) developing, implementing, or expanding prescription drug and opioid addiction treatment programs by—

"(i) expanding the availability of treatment for prescription drug and opioid addiction, including medication-assisted treatment and behavioral health therapy, as appropriate;

"(ii) developing, implementing, or expanding screening for individuals in treatment for prescription drug and opioid addiction for hepatitis C and HIV, and treating or referring those individuals if clinically appropriate; or

"(iii) developing, implementing, or expanding recovery support services and programs at high schools or institutions of higher education;

"(D) developing, implementing, and expanding efforts to prevent overdose death from opioid abuse or addiction to prescription medications and opioids; and

"(E) advancing the education and awareness of the public, providers, patients, consumers, and other appropriate entities regarding the dangers of opioid abuse, safe disposal of prescription medications, and detection of early warning signs of opioid use disorders.

"(3) APPLICATION.—A State seeking a grant under this section shall submit to the Secretary an application in such form, and containing such information, as the Secretary may reasonably require.

"(4) USE OF FUNDS.—A State that receives a grant under this section shall use the grant for the cost, including the cost for technical assistance, training, and administration expenses, of carrying out an integrated opioid abuse response initiative as outlined by the State's comprehensive response plan to opioid abuse established under paragraph (2).

"(5) PRIORITY CONSIDERATIONS.—In awarding grants under this section, the Secretary shall, as appropriate, give priority to a State that—

"(A)(i) provides civil liability protection for first responders, health professionals, and family members who have received appropriate training in administering a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose; and

"(ii) submits to the Secretary a certification by the attorney general of the State that the attorney general has— Certification.

"(I) reviewed any applicable civil liability protection law to determine the applicability of the law with respect to first responders, health care professionals, family members, and other individuals who—

"(aa) have received appropriate training in administering a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act

for emergency treatment of known or suspected opioid overdose; and

"(bb) may administer a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act for emergency treatment of known or suspected opioid overdose; and

"(II) concluded that the law described in subclause (I) provides adequate civil liability protection applicable to such persons;

"(B) has a process for enrollment in services and benefits necessary by criminal justice agencies to initiate or continue treatment in the community, under which an individual who is incarcerated may, while incarcerated, enroll in services and benefits that are necessary for the individual to continue treatment upon release from incarceration;

"(C) ensures the capability of data sharing with other States, where applicable, such as by making data available to a prescription monitoring hub;

Records. "(D) ensures that data recorded in the prescription drug monitoring program database of the State are regularly updated, to the extent possible;

Notification. "(E) ensures that the prescription drug monitoring program of the State notifies prescribers and dispensers of schedule II, III, or IV controlled substances when overuse or misuse of such controlled substances by patients is suspected; and

"(F) has in effect one or more statutes or implements policies that maximize use of prescription drug monitoring programs by individuals authorized by the State to prescribe schedule II, III, or IV controlled substances.

Reports. "(6) EVALUATION.—In conducting an evaluation of the program under this section pursuant to section 701 of the Comprehensive Addiction and Recovery Act of 2016, with respect to a State, the Secretary shall report on State legislation or policies related to maximizing the use of prescription drug monitoring programs and the incidence of opioid use disorders and overdose deaths in such State.

"(7) STATES WITH LOCAL PRESCRIPTION DRUG MONITORING PROGRAMS.—

"(A) IN GENERAL.—In the case of a State that does not have a prescription drug monitoring program, a county or other unit of local government within the State that has a prescription drug monitoring program shall be treated as a State for purposes of this section, including for purposes of eligibility for grants under paragraph (1).

Records. "(B) PLAN FOR INTEROPERABILITY.—In submitting an application to the Secretary under paragraph (3), a county or other unit of local government shall submit a plan outlining the methods such county or unit of local government shall use to ensure the capability of data sharing with other counties and units of local government within the state and with other States, as applicable.

"(c) AUTHORIZATION OF FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2017 through 2021.".

TITLE VII—MISCELLANEOUS

SEC. 701. GRANT ACCOUNTABILITY AND EVALUATIONS.

(a) DEPARTMENT OF JUSTICE GRANT ACCOUNTABILITY.—Part LL of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as added by section 201, is amended by adding at the end the following:

"SEC. 3026. GRANT ACCOUNTABILITY. 42 USC 3797ff–5.

"(a) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term 'applicable committees' means—

"(1) the Committee on the Judiciary of the Senate; and

"(2) the Committee on the Judiciary of the House of Representatives.

"(b) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.— Time periods.

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months after the date on which the final audit report is issued.

"(B) AUDIT.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants awarded by the Attorney General under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year. Effective date.

"(C) MANDATORY EXCLUSION.—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

"(D) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

"(E) REIMBURSEMENT.—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

"(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 may not—

"(i) be party to a contract entered into under section 3021(b); or

"(ii) receive a subaward under section 3021(b).

Contracts.

"(C) DISCLOSURE.—Each nonprofit organization that receives a subaward or is party to a contract entered into under section 3021(b) and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose, in the application for such contract or subaward, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

Public information.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts made available to the Attorney General under this part may be used by the Attorney General, or by any State, unit of local government, or entity awarded a grant, subaward, or contract under this part, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Attorney General, unless the head of the relevant agency, bureau, or program office provides prior written authorization that the funds may be expended to host or support the conference.

Cost estimate.

"(B) WRITTEN AUTHORIZATION.—Written authorization under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit to the applicable committees an annual report on all conference expenditures approved by the Attorney General under this paragraph.

Effective date.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit to the applicable committees an annual certification—

"(A) indicating whether—

Audits.

"(i) all audits issued by the Inspector General of the Department of Justice under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

"(iii) all reimbursements required under paragraph (1)(E) have been made; and

"(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year. List.

"(c) PREVENTING DUPLICATIVE GRANTS.—

"(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with other grants awarded under this part by the Attorney General to determine if duplicate grant awards are awarded for the same purpose. Determination.

"(2) REPORT.—If the Attorney General awards duplicate grants under this part to the same applicant for the same purpose, the Attorney General shall submit to the applicable committees a report that includes—

"(A) a list of all duplicate grants awarded under this part, including the total dollar amount of any duplicate grants awarded; and List.

"(B) the reason the Attorney General awarded the duplicate grants.".

(b) EVALUATION OF PERFORMANCE OF DEPARTMENT OF JUSTICE PROGRAMS.— Deadlines. 42 USC 3797ff–6.

(1) EVALUATION OF JUSTICE DEPARTMENT COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the Attorney General shall complete an evaluation of the effectiveness of the Comprehensive Opioid Abuse Grant Program under part LL of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 201, administered by the Department of Justice based upon the information reported under paragraph (4).

(2) INTERIM EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall complete an interim evaluation assessing the nature and extent of the incidence of opioid abuse and illegal opioid distribution in the United States. Assessment.

(3) METRICS AND OUTCOMES FOR EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall identify outcomes that are to be achieved by activities funded by the Comprehensive Opioid Abuse Grant Program and the metrics by which the achievement of such outcomes shall be determined. Determination.

(4) METRICS DATA COLLECTION.—The Attorney General shall require grantees under the Comprehensive Opioid Abuse Grant Program (and those receiving subawards under section 3021(b) of part LL of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 201) to collect and annually report to the Department of Justice data based upon the metrics identified under paragraph (3). Reports.

(5) PUBLICATION OF DATA AND FINDINGS.—

(A) PUBLICATION OF OUTCOMES AND METRICS.—The Attorney General shall, not later than 30 days after completion of the requirement under paragraph (3), publish the outcomes and metrics identified under that paragraph.

(B) PUBLICATION OF EVALUATION.—In the case of the interim evaluation under paragraph (2), and the final Reports.

evaluation under paragraph (1), the entity conducting the evaluation shall, not later than 90 days after such an evaluation is completed, publish the results of such evaluation and issue a report on such evaluation to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. Such report shall also be published along with the data used to make such evaluation.

Contracts.

(6) INDEPENDENT EVALUATION.—For purposes of paragraphs (1), (2), and (3), the Attorney General shall—

(A) enter into an arrangement with the National Academy of Sciences; or

(B) enter into a contract or cooperative agreement with an entity that is not an agency of the Federal Government, and is qualified to conduct and evaluate research pertaining to opioid use and abuse, and draw conclusions about overall opioid use and abuse on the basis of that research.

42 USC 290aa–15.

(c) DEPARTMENT OF HEALTH AND HUMAN SERVICES GRANT ACCOUNTABILITY.—

(1) DEFINITIONS.—In this subsection:

(A) APPLICABLE COMMITTEES.—The term "applicable committees" means—

(i) the Committee on Health, Education, Labor and Pensions of the Senate; and

(ii) the Committee on Energy and Commerce of the House of Representatives.

(B) COVERED GRANT.—The term "covered grant" means a grant awarded by the Secretary under a program established under this Act (or an amendment made by this Act, other than sections 703 through 707), including any grant administered by the Administrator of the Substance Abuse and Mental Health Services Administration under section 103.

(C) GRANTEE.—The term "grantee" means the recipient of a covered grant.

(D) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(2) ACCOUNTABILITY MEASURES.—Each covered grant shall be subject to the following accountability requirements:

(A) EFFECTIVENESS REPORT.—The Secretary shall require grantees to report on the effectiveness of the activities carried out with amounts made available to carry out the program under which the covered grant is awarded, including the number of persons served by such grant, if applicable, the number of persons seeking services who could not be served by such grant, and such other information as the Secretary may prescribe.

(B) REPORT ON PREVENTION OF FRAUD, WASTE, AND ABUSE.—

Coordination.

(i) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in coordination with the Inspector General of the Department of Health and Human Services, shall submit to the applicable committees a report on the policies and procedures the Department has in place to prevent waste, fraud, and abuse in the administration of covered grants.

(ii) CONTENTS.—The policies and procedures referred to in clause (i) shall include policies and procedures that are designed to—

(I) prevent grantees from utilizing funds awarded through a covered grant for unauthorized expenditures or otherwise unallowable costs; and

(II) ensure grantees will not receive unwarranted duplicate grants for the same purpose.

(C) CONFERENCE EXPENDITURES.—

(i) IN GENERAL.—No amounts made available to the Secretary under this Act (or in a provision of law amended by this Act, other than sections 703 through 707) may be used by the Secretary, or by any individual or entity awarded discretionary funds through a cooperative agreement under a program established under this Act (or in a provision of law amended by this Act), to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Secretary, unless the head of the relevant operating division or program office provides prior written authorization that the funds may be expended to host or support the conference. Such written authorization shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment. Cost estimate.

(ii) REPORT.—The Secretary (or the Secretary's designee) shall submit to the applicable committees an annual report on all conference expenditures approved by the Secretary under this subparagraph.

(d) EVALUATION OF PERFORMANCE OF DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAMS.— Deadlines. 42 USC 290aa–16.

(1) EVALUATIONS.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, except as otherwise provided in this section, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall complete an evaluation of any program administered by the Secretary included in this Act (or an amendment made by this Act, excluding sections 703 through 707), including any grant administered by the Administrator of the Substance Abuse and Mental Health Services Administration under section 103, that provides grants for the primary purpose of providing assistance in addressing problems pertaining to opioid abuse based upon the outcomes and metrics identified under paragraph (2).

(B) PUBLICATION.—With respect to each evaluation completed under subparagraph (A), the Secretary shall, not later than 90 days after the date on which such evaluation is completed, publish the results of such evaluation and issue a report on such evaluation to the appropriate committees. Such report shall also be published along with the data used to make such evaluation.

(2) METRICS AND OUTCOMES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall identify—

(i) outcomes that are to be achieved by activities funded by the programs described in paragraph (1)(A); and

Determination.

(ii) the metrics by which the achievement of such outcomes shall be determined.

(B) PUBLICATION.—The Secretary shall, not later than 30 days after completion of the requirement under subparagraph (A), publish the outcomes and metrics identified under such subparagraph.

Reports.

(3) METRICS DATA COLLECTION.—The Secretary shall require grantees under the programs described in paragraph (1)(A) to collect, and annually report to the Secretary, data based upon the metrics identified under paragraph (2)(A).

Contracts.

(4) INDEPENDENT EVALUATION.—For purposes of paragraph (1), the Secretary shall—

(A) enter into an arrangement with the National Academy of Sciences; or

(B) enter into a contract or cooperative agreement with an entity that—

(i) is not an agency of the Federal Government; and

(ii) is qualified to conduct and evaluate research pertaining to opioid use and abuse and draw conclusions about overall opioid use and abuse on the basis of that research.

(5) EXCEPTION.—If a program described in paragraph (1)(A) is subject to an evaluation similar to the evaluation required under such paragraph pursuant to another provision of Federal law, the Secretary may opt not to conduct an evaluation under such paragraph with respect to such program.

42 USC 290aa–15 note.

(e) ADDITIONAL REPORT.—In the case of a report submitted under subsection (c) to the applicable committees, if such report pertains to a grant under section 103, that report shall also be submitted, in the same manner and at the same time, to the Committee on Oversight and Government Reform of the House of Representatives and to the Committee on the Judiciary of the Senate.

(f) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out this section.

SEC. 702. PARTIAL FILLS OF SCHEDULE II CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following:

"(f) PARTIAL FILLS OF SCHEDULE II CONTROLLED SUBSTANCES.—

"(1) PARTIAL FILLS.—A prescription for a controlled substance in schedule II may be partially filled if—

"(A) it is not prohibited by State law;

"(B) the prescription is written and filled in accordance with this title, regulations prescribed by the Attorney General, and State law;

"(C) the partial fill is requested by the patient or the practitioner that wrote the prescription; and

"(D) the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.

"(2) REMAINING PORTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), remaining portions of a partially filled prescription for a controlled substance in schedule II—

"(i) may be filled; and

"(ii) shall be filled not later than 30 days after the date on which the prescription is written. Deadline.

"(B) EMERGENCY SITUATIONS.—In emergency situations, as described in subsection (a), the remaining portions of a partially filled prescription for a controlled substance in schedule II—

"(i) may be filled; and

"(ii) shall be filled not later than 72 hours after the prescription is issued. Deadline.

"(3) CURRENTLY LAWFUL PARTIAL FILLS.—Notwithstanding paragraph (1) or (2), in any circumstance in which, as of the day before the date of enactment of this subsection, a prescription for a controlled substance in schedule II may be lawfully partially filled, the Attorney General may allow such a prescription to be partially filled.".

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Attorney General to allow a prescription for a controlled substance in schedule III, IV, or V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) to be partially filled. 21 USC 829 note.

SEC. 703. GOOD SAMARITAN ASSESSMENT.

(a) FINDING.—The Congress finds that the executive branch, including the Office of National Drug Control Policy, has a policy focus on preventing and addressing prescription drug misuse and heroin use, and has worked with States and municipalities to enact Good Samaritan laws that would protect caregivers, law enforcement personnel, and first responders who administer opioid overdose reversal drugs or devices.

(b) GAO STUDY ON GOOD SAMARITAN LAWS PERTAINING TO TREATMENT OF OPIOID OVERDOSES.—The Comptroller General of the United States shall submit to the Committee on the Judiciary of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on— Reports.

(1) the extent to which the Director of National Drug Control Policy has reviewed Good Samaritan laws, and any findings from such a review, including findings related to the potential effects of such laws, if available;

(2) efforts by the Director to encourage the enactment of Good Samaritan laws; and

(3) a compilation of Good Samaritan laws in effect in the States, the territories, and the District of Columbia.

(c) DEFINITIONS.—In this section—

(1) the term "Good Samaritan law" means a law of a State or unit of local government that exempts from criminal or civil liability any individual who administers an opioid overdose reversal drug or device, or who contacts emergency services providers in response to an overdose; and

(2) the term "opioid" means any drug, including heroin, having an addiction-forming or addiction-sustaining liability

similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

SEC. 704. PROGRAMS TO PREVENT PRESCRIPTION DRUG ABUSE UNDER MEDICARE PARTS C AND D.

(a) DRUG MANAGEMENT PROGRAM FOR AT-RISK BENEFICIARIES.—

(1) IN GENERAL.—Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–10(c)) is amended by adding at the end the following:

"(5) DRUG MANAGEMENT PROGRAM FOR AT-RISK BENEFICIARIES.—

"(A) AUTHORITY TO ESTABLISH.—A PDP sponsor may establish a drug management program for at-risk beneficiaries under which, subject to subparagraph (B), the PDP sponsor may, in the case of an at-risk beneficiary for prescription drug abuse who is an enrollee in a prescription drug plan of such PDP sponsor, limit such beneficiary's access to coverage for frequently abused drugs under such plan to frequently abused drugs that are prescribed for such beneficiary by one or more prescribers selected under subparagraph (D), and dispensed for such beneficiary by one or more pharmacies selected under such subparagraph.

"(B) REQUIREMENT FOR NOTICES.—

"(i) IN GENERAL.—A PDP sponsor may not limit the access of an at-risk beneficiary for prescription drug abuse to coverage for frequently abused drugs under a prescription drug plan until such sponsor—

"(I) provides to the beneficiary an initial notice described in clause (ii) and a second notice described in clause (iii); and

Verification.

"(II) verifies with the providers of the beneficiary that the beneficiary is an at-risk beneficiary for prescription drug abuse.

"(ii) INITIAL NOTICE.—An initial notice described in this clause is a notice that provides to the beneficiary—

"(I) notice that the PDP sponsor has identified the beneficiary as potentially being an at-risk beneficiary for prescription drug abuse;

"(II) information describing all State and Federal public health resources that are designed to address prescription drug abuse to which the beneficiary has access, including mental health services and other counseling services;

"(III) notice of, and information about, the right of the beneficiary to appeal such identification under subsection (h) and the option of an automatic escalation to external review;

"(IV) a request for the beneficiary to submit to the PDP sponsor preferences for which prescribers and pharmacies the beneficiary would prefer the PDP sponsor to select under subparagraph (D) in the case that the beneficiary is identified as an at-risk beneficiary for prescription drug abuse as described in clause (iii)(I);

"(V) an explanation of the meaning and consequences of the identification of the beneficiary as potentially being an at-risk beneficiary for prescription drug abuse, including an explanation of the drug management program established by the PDP sponsor pursuant to subparagraph (A);

"(VI) clear instructions that explain how the beneficiary can contact the PDP sponsor in order to submit to the PDP sponsor the preferences described in subclause (IV) and any other communications relating to the drug management program for at-risk beneficiaries established by the PDP sponsor; and

"(VII) contact information for other organizations that can provide the beneficiary with assistance regarding such drug management program (similar to the information provided by the Secretary in other standardized notices provided to part D eligible individuals enrolled in prescription drug plans under this part).

"(iii) SECOND NOTICE.—A second notice described in this clause is a notice that provides to the beneficiary notice—

"(I) that the PDP sponsor has identified the beneficiary as an at-risk beneficiary for prescription drug abuse;

"(II) that such beneficiary is subject to the requirements of the drug management program for at-risk beneficiaries established by such PDP sponsor for such plan;

"(III) of the prescriber (or prescribers) and pharmacy (or pharmacies) selected for such individual under subparagraph (D);

"(IV) of, and information about, the beneficiary's right to appeal such identification under subsection (h) and the option of an automatic escalation to external review;

"(V) that the beneficiary can, in the case that the beneficiary has not previously submitted to the PDP sponsor preferences for which prescribers and pharmacies the beneficiary would prefer the PDP sponsor select under subparagraph (D), submit such preferences to the PDP sponsor; and

"(VI) that includes clear instructions that explain how the beneficiary can contact the PDP sponsor.

"(iv) TIMING OF NOTICES.—

"(I) IN GENERAL.—Subject to subclause (II), a second notice described in clause (iii) shall be provided to the beneficiary on a date that is not less than 30 days after an initial notice described in clause (ii) is provided to the beneficiary.

"(II) EXCEPTION.—In the case that the PDP sponsor, in conjunction with the Secretary, determines that concerns identified through rulemaking by the Secretary regarding the health or safety of the beneficiary or regarding significant drug

Determination. Regulations.

diversion activities require the PDP sponsor to provide a second notice described in clause (iii) to the beneficiary on a date that is earlier than the date described in subclause (I), the PDP sponsor may provide such second notice on such earlier date.

"(C) AT-RISK BENEFICIARY FOR PRESCRIPTION DRUG ABUSE.—

Definition.

"(i) IN GENERAL.—For purposes of this paragraph, the term 'at-risk beneficiary for prescription drug abuse' means a part D eligible individual who is not an exempted individual described in clause (ii) and—

Guidelines.
Consultation.

"(I) who is identified as such an at-risk beneficiary through the use of clinical guidelines that indicate misuse or abuse of prescription drugs described in subparagraph (G) and that are developed by the Secretary in consultation with PDP sponsors and other stakeholders, including individuals entitled to benefits under part A or enrolled under part B, advocacy groups representing such individuals, physicians, pharmacists, and other clinicians, retail pharmacies, plan sponsors, entities delegated by plan sponsors, and biopharmaceutical manufacturers; or

"(II) with respect to whom the PDP sponsor of a prescription drug plan, upon enrolling such individual in such plan, received notice from the Secretary that such individual was identified under this paragraph to be an at-risk beneficiary for prescription drug abuse under the prescription drug plan in which such individual was most recently previously enrolled and such identification has not been terminated under subparagraph (F).

"(ii) EXEMPTED INDIVIDUAL DESCRIBED.—An exempted individual described in this clause is an individual who—

"(I) receives hospice care under this title;

"(II) is a resident of a long-term care facility, of a facility described in section 1905(d), or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy; or

"(III) the Secretary elects to treat as an exempted individual for purposes of clause (i).

Guidelines.

"(iii) PROGRAM SIZE.—The Secretary shall establish policies, including the guidelines developed under clause (i)(I) and the exemptions under clause (ii)(III), to ensure that the population of enrollees in a drug management program for at-risk beneficiaries operated by a prescription drug plan can be effectively managed by such plans.

"(iv) CLINICAL CONTACT.—With respect to each at-risk beneficiary for prescription drug abuse enrolled in a prescription drug plan offered by a PDP sponsor, the PDP sponsor shall contact the beneficiary's providers who have prescribed frequently abused drugs

regarding whether prescribed medications are appropriate for such beneficiary's medical conditions.

"(D) SELECTION OF PRESCRIBERS AND PHARMACIES.—

"(i) IN GENERAL.—With respect to each at-risk beneficiary for prescription drug abuse enrolled in a prescription drug plan offered by such sponsor, a PDP sponsor shall, based on the preferences submitted to the PDP sponsor by the beneficiary pursuant to clauses (ii)(IV) and (iii)(V) of subparagraph (B) (except as otherwise provided in this subparagraph) select—

"(I) one, or, if the PDP sponsor reasonably determines it necessary to provide the beneficiary with reasonable access under clause (ii), more than one, individual who is authorized to prescribe frequently abused drugs (referred to in this paragraph as a 'prescriber') who may write prescriptions for such drugs for such beneficiary; and

"(II) one, or, if the PDP sponsor reasonably determines it necessary to provide the beneficiary with reasonable access under clause (ii), more than one, pharmacy that may dispense such drugs to such beneficiary.

For purposes of subclause (II), in the case of a pharmacy that has multiple locations that share real-time electronic data, all such locations of the pharmacy shall collectively be treated as one pharmacy.

"(ii) REASONABLE ACCESS.—In making the selections under this subparagraph—

"(I) a PDP sponsor shall ensure that the beneficiary continues to have reasonable access to frequently abused drugs (as defined in subparagraph (G)), taking into account geographic location, beneficiary preference, impact on costsharing, and reasonable travel time; and

"(II) a PDP sponsor shall ensure such access (including access to prescribers and pharmacies with respect to frequently abused drugs) in the case of individuals with multiple residences, in the case of natural disasters and similar situations, and in the case of the provision of emergency services.

"(iii) BENEFICIARY PREFERENCES.—If an at-risk beneficiary for prescription drug abuse submits preferences for which in-network prescribers and pharmacies the beneficiary would prefer the PDP sponsor select in response to a notice under subparagraph (B), the PDP sponsor shall—

"(I) review such preferences; Review.

"(II) select or change the selection of prescribers and pharmacies for the beneficiary based on such preferences; and

"(III) inform the beneficiary of such selection or change of selection.

"(iv) EXCEPTION REGARDING BENEFICIARY PREFERENCES.—In the case that the PDP sponsor determines that a change to the selection of prescriber or pharmacy under clause (iii)(II) by the PDP sponsor Determination.

is contributing or would contribute to prescription drug abuse or drug diversion by the beneficiary, the PDP sponsor may change the selection of prescriber or pharmacy for the beneficiary without regard to the preferences of the beneficiary described in clause (iii). If the PDP sponsor changes the selection pursuant to the preceding sentence, the PDP sponsor shall provide the beneficiary with—

Time period. Notice.

"(I) at least 30 days written notice of the change of selection; and

"(II) a rationale for the change.

Notification.

"(v) CONFIRMATION.—Before selecting a prescriber or pharmacy under this subparagraph, a PDP sponsor must notify the prescriber and pharmacy that the beneficiary involved has been identified for inclusion in the drug management program for at-risk beneficiaries and that the prescriber and pharmacy has been selected as the beneficiary's designated prescriber and pharmacy.

"(E) TERMINATIONS AND APPEALS.—The identification of an individual as an at-risk beneficiary for prescription drug abuse under this paragraph, a coverage determination made under a drug management program for at-risk beneficiaries, the selection of prescriber or pharmacy under subparagraph (D), and information to be shared under subparagraph (I), with respect to such individual, shall be subject to reconsideration and appeal under subsection (h) and the option of an automatic escalation to external review to the extent provided by the Secretary.

"(F) TERMINATION OF IDENTIFICATION.—

Standards.

"(i) IN GENERAL.—The Secretary shall develop standards for the termination of identification of an individual as an at-risk beneficiary for prescription drug abuse under this paragraph. Under such standards such identification shall terminate as of the earlier of—

"(I) the date the individual demonstrates that the individual is no longer likely, in the absence of the restrictions under this paragraph, to be an at-risk beneficiary for prescription drug abuse described in subparagraph (C)(i); and

"(II) the end of such maximum period of identification as the Secretary may specify.

"(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed as preventing a plan from identifying an individual as an at-risk beneficiary for prescription drug abuse under subparagraph (C)(i) after such termination on the basis of additional information on drug use occurring after the date of notice of such termination.

Definition.

"(G) FREQUENTLY ABUSED DRUG.—For purposes of this subsection, the term 'frequently abused drug' means a drug that is a controlled substance that the Secretary determines to be frequently abused or diverted.

Regulations. Procedures.

"(H) DATA DISCLOSURE.—

"(i) DATA ON DECISION TO IMPOSE LIMITATION.—In the case of an at-risk beneficiary for prescription

drug abuse (or an individual who is a potentially at-risk beneficiary for prescription drug abuse) whose access to coverage for frequently abused drugs under a prescription drug plan has been limited by a PDP sponsor under this paragraph, the Secretary shall establish rules and procedures to require the PDP sponsor to disclose data, including any necessary individually identifiable health information, in a form and manner specified by the Secretary, about the decision to impose such limitations and the limitations imposed by the sponsor under this part.

"(ii) DATA TO REDUCE FRAUD, ABUSE, AND WASTE.—The Secretary shall establish rules and procedures to require PDP sponsors operating a drug management program for at-risk beneficiaries under this paragraph to provide the Secretary with such data as the Secretary determines appropriate for purposes of identifying patterns of prescription drug utilization for plan enrollees that are outside normal patterns and that may indicate fraudulent, medically unnecessary, or unsafe use.

"(I) SHARING OF INFORMATION FOR SUBSEQUENT PLAN ENROLLMENTS.—The Secretary shall establish procedures under which PDP sponsors who offer prescription drug plans shall share information with respect to individuals who are at-risk beneficiaries for prescription drug abuse (or individuals who are potentially at-risk beneficiaries for prescription drug abuse) and enrolled in a prescription drug plan and who subsequently disenroll from such plan and enroll in another prescription drug plan offered by another PDP sponsor. Procedures.

"(J) PRIVACY ISSUES.—Prior to the implementation of the rules and procedures under this paragraph, the Secretary shall clarify privacy requirements, including requirements under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), related to the sharing of data under subparagraphs (H) and (I) by PDP sponsors. Such clarification shall provide that the sharing of such data shall be considered to be protected health information in accordance with the requirements of the regulations promulgated pursuant to such section 264(c). Clarification.

"(K) EDUCATION.—The Secretary shall provide education to enrollees in prescription drug plans of PDP sponsors and providers regarding the drug management program for at-risk beneficiaries described in this paragraph, including education—

"(i) provided by Medicare administrative contractors through the improper payment outreach and education program described in section 1874A(h); and

"(ii) through current education efforts (such as State health insurance assistance programs described in subsection (a)(1)(A) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note)) and materials directed toward such enrollees.

"(L) APPLICATION UNDER MA–PD PLANS.—Pursuant to section 1860D–21(c)(1), the provisions of this paragraph apply under part D to MA organizations offering MA–PD plans to MA eligible individuals in the same manner as such provisions apply under this part to a PDP sponsor offering a prescription drug plan to a part D eligible individual.

Audits.

"(M) CMS COMPLIANCE REVIEW.—The Secretary shall ensure that existing plan sponsor compliance reviews and audit processes include the drug management programs for at-risk beneficiaries under this paragraph, including appeals processes under such programs.".

(2) INFORMATION FOR CONSUMERS.—Section 1860D–4(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–104(a)(1)(B)) is amended by adding at the end the following:

"(v) The drug management program for at-risk beneficiaries under subsection (c)(5).".

(3) DUAL ELIGIBLES.—Section 1860D–1(b)(3)(D) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)(D)) is amended by inserting ", subject to such limits as the Secretary may establish for individuals identified pursuant to section 1860D–4(c)(5)" after "the Secretary".

(b) UTILIZATION MANAGEMENT PROGRAMS.—Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by subsection (a)(1), is further amended—

(1) in paragraph (1), by inserting after subparagraph (D) the following new subparagraph:

"(E) A utilization management tool to prevent drug abuse (as described in paragraph (6)(A)).''; and

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

"(6) UTILIZATION MANAGEMENT TOOL TO PREVENT DRUG ABUSE.—

"(A) IN GENERAL.—A tool described in this paragraph is any of the following:

"(i) A utilization tool designed to prevent the abuse of frequently abused drugs by individuals and to prevent the diversion of such drugs at pharmacies.

"(ii) Retrospective utilization review to identify—

"(I) individuals that receive frequently abused drugs at a frequency or in amounts that are not clinically appropriate; and

"(II) providers of services or suppliers that may facilitate the abuse or diversion of frequently abused drugs by beneficiaries.

Consultation.
Verification.

"(iii) Consultation with the contractor described in subparagraph (B) to verify if an individual enrolling in a prescription drug plan offered by a PDP sponsor has been previously identified by another PDP sponsor as an individual described in clause (ii)(I).

Contracts.

"(B) REPORTING.—A PDP sponsor offering a prescription drug plan (and an MA organization offering an MA–PD plan) in a State shall submit to the Secretary and the Medicare drug integrity contractor with which the Secretary has entered into a contract under section 1893 with respect to such State a report, on a monthly basis, containing information on—

"(i) any provider of services or supplier described in subparagraph (A)(ii)(II) that is identified by such plan sponsor (or organization) during the 30-day period before such report is submitted; and Time period.

"(ii) the name and prescription records of individuals described in paragraph (5)(C).

"(C) CMS COMPLIANCE REVIEW.—The Secretary shall ensure that plan sponsor compliance reviews and program audits biennially include a certification that utilization management tools under this paragraph are in compliance with the requirements for such tools.". Audits. Deadline. Certification.

(c) EXPANDING ACTIVITIES OF MEDICARE DRUG INTEGRITY CONTRACTORS (MEDICS).—

(1) IN GENERAL.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

"(j) EXPANDING ACTIVITIES OF MEDICARE DRUG INTEGRITY CONTRACTORS (MEDICS).—

"(1) ACCESS TO INFORMATION.—Under contracts entered into under this section with Medicare drug integrity contractors (including any successor entity to a Medicare drug integrity contractor), the Secretary shall authorize such contractors to directly accept prescription and necessary medical records from entities such as pharmacies, prescription drug plans, MA–PD plans, and physicians with respect to an individual in order for such contractors to provide information relevant to the determination of whether such individual is an at-risk beneficiary for prescription drug abuse, as defined in section 1860D–4(c)(5)(C). Records. Determination.

"(2) REQUIREMENT FOR ACKNOWLEDGMENT OF REFERRALS.—If a PDP sponsor or MA organization refers information to a contractor described in paragraph (1) in order for such contractor to assist in the determination described in such paragraph, the contractor shall—

"(A) acknowledge to the sponsor or organization receipt of the referral; and

"(B) in the case that any PDP sponsor or MA organization contacts the contractor requesting to know the determination by the contractor of whether or not an individual has been determined to be an individual described in such paragraph, shall inform such sponsor or organization of such determination on a date that is not later than 15 days after the date on which the sponsor or organization contacts the contractor. Determination. Deadline.

"(3) MAKING DATA AVAILABLE TO OTHER ENTITIES.—

"(A) IN GENERAL.—For purposes of carrying out this subsection, subject to subparagraph (B), the Secretary shall authorize MEDICs to respond to requests for information from PDP sponsors and MA organizations, State prescription drug monitoring programs, and other entities delegated by such sponsors or organizations using available programs and systems in the effort to prevent fraud, waste, and abuse.

"(B) HIPAA COMPLIANT INFORMATION ONLY.—Information may only be disclosed by a MEDIC under subparagraph (A) if the disclosure of such information is permitted under the Federal regulations (concerning the privacy of

individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).".

(2) OIG STUDY AND REPORT ON EFFECTIVENESS OF MEDICS.—

(A) STUDY.—The Inspector General of the Department of Health and Human Services shall conduct a study on the effectiveness of Medicare drug integrity contractors with which the Secretary of Health and Human Services has entered into a contract under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) in identifying, combating, and preventing fraud under the Medicare program, including under the authority provided under section 1893(j) of the Social Security Act, added by paragraph (1).

(B) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the study conducted under subparagraph (A). Such report shall include such recommendations for improvements in the effectiveness of such contractors as the Inspector General determines appropriate.

Recommendations.

(d) TREATMENT OF CERTAIN COMPLAINTS FOR PURPOSES OF QUALITY OR PERFORMANCE ASSESSMENT.—Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

"(d) TREATMENT OF CERTAIN COMPLAINTS FOR PURPOSES OF QUALITY OR PERFORMANCE ASSESSMENT.—In conducting a quality or performance assessment of a PDP sponsor, the Secretary shall develop or utilize existing screening methods for reviewing and considering complaints that are received from enrollees in a prescription drug plan offered by such PDP sponsor and that are complaints regarding the lack of access by the individual to prescription drugs due to a drug management program for at-risk beneficiaries.".

(e) SENSE OF CONGRESS REGARDING USE OF TECHNOLOGY TOOLS TO COMBAT FRAUD.—It is the sense of Congress that MA organizations and PDP sponsors should consider using e-prescribing and other health information technology tools to support combating fraud under MA–PD plans and prescription drug plans under parts C and D of the Medicare program.

(f) REPORTS.—

(1) REPORT BY SECRETARY ON APPEALS PROCESS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of Congress a report on ways to improve upon the appeals process for Medicare beneficiaries with respect to prescription drug coverage under part D of title XVIII of the Social Security Act. Such report shall include an analysis comparing appeals processes under parts C and D of such title XVIII.

Analysis.

(B) FEEDBACK.—In development of the report described in subparagraph (A), the Secretary of Health and Human Services shall solicit feedback on the current appeals process from stakeholders, such as beneficiaries, consumer advocates, plan sponsors, pharmacy benefit managers,

pharmacists, providers, independent review entity evaluators, and pharmaceutical manufacturers.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation of the amendments made by this section, including the effectiveness of the at-risk beneficiaries for prescription drug abuse drug management programs authorized by section 1860D–4(c)(5) of the Social Security Act (42 U.S.C. 1395w–10(c)(5)), as added by subsection (a)(1). Such study shall include an analysis of— Analysis.

(i) the impediments, if any, that impair the ability of individuals described in subparagraph (C) of such section 1860D–4(c)(5) to access clinically appropriate levels of prescription drugs;

(ii) the effectiveness of the reasonable access protections under subparagraph (D)(ii) of such section 1860D–4(c)(5), including the impact on beneficiary access and health;

(iii) the types of—

(I) individuals who, in the implementation of such section, are determined to be individuals described in such subparagraph (C); and

(II) prescribers and pharmacies that are selected under subparagraph (D) of such section; and

(iv) other areas determined appropriate by the Comptroller General.

(B) REPORT.—Not later than July 1, 2019, the Comptroller General of the United States shall submit to the appropriate committees of jurisdiction of Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate. Recommendations.

(g) EFFECTIVE DATE; RULEMAKING.— 42 USC 1395w–101 note.

(1) IN GENERAL.—The amendments made by this section shall apply to prescription drug plans (and MA–PD plans) for plan years beginning on or after January 1, 2019. Applicability.

(2) STAKEHOLDER MEETINGS PRIOR TO EFFECTIVE DATE.—

(A) IN GENERAL.—Not later than January 1, 2017, the Secretary of Health and Human Services shall convene stakeholders, including individuals entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, advocacy groups representing such individuals, physicians, pharmacists, and other clinicians, retail pharmacies, plan sponsors, entities delegated by plan sponsors, and biopharmaceutical manufacturers for input regarding the topics described in subparagraph (B). The input described in the preceding sentence shall be provided to the Secretary in sufficient time in order for the Secretary to take such input into account in promulgating the regulations pursuant to paragraph (3). Deadline.

(B) TOPICS DESCRIBED.—The topics described in this subparagraph are the topics of—

(i) the anticipated impact of drug management programs for at-risk beneficiaries under paragraph (5) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) on cost-sharing and ensuring accessibility to prescription drugs for enrollees in prescription drug plans of PDP sponsors, and enrollees in MA–PD plans, who are at-risk beneficiaries for prescription drug abuse (as defined in subparagraph (C) of such paragraph);

(ii) the use of an expedited appeals process under which such an enrollee may appeal an identification of such enrollee as an at-risk beneficiary for prescription drug abuse under such paragraph (similar to the processes established under the Medicare Advantage program under part C of title XVIII of the Social Security Act that allow an automatic escalation to external review of claims submitted under such part);

(iii) the types of enrollees that should be treated as exempted individuals, as described in subparagraph (C)(ii) of such paragraph;

Determination.

(iv) the manner in which terms and definitions in such paragraph should be applied, such as the use of clinical appropriateness in determining whether an enrollee is an at-risk beneficiary for prescription drug abuse as defined in subparagraph (C) of such paragraph;

(v) the information to be included in the notices described in subparagraph (B) of such paragraph and the standardization of such notices;

(vi) with respect to a PDP sponsor (or Medicare Advantage organization) that establishes a drug management program for at-risk beneficiaries under such paragraph, the responsibilities of such PDP sponsor (or organization) with respect to the implementation of such program;

(vii) notices for plan enrollees at the point of sale that would explain why an at-risk beneficiary has been prohibited from receiving a prescription at a location outside of the designated pharmacy;

(viii) evidence-based prescribing guidelines for opiates; and

(ix) the sharing of claims data under parts A and B of title XVIII of the Social Security Act with PDP sponsors.

Deadline. Notice.

(3) RULEMAKING.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall, taking into account the input gathered pursuant to paragraph (2)(A) and after providing notice and an opportunity to comment, promulgate regulations to carry out the provisions of, and amendments made by this section.

(h) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking "during and after fiscal year 2020, $0" and inserting "during and after fiscal year 2021, $140,000,000".

SEC. 705. EXCLUDING ABUSE-DETERRENT FORMULATIONS OF PRESCRIPTION DRUGS FROM THE MEDICAID ADDITIONAL REBATE REQUIREMENT FOR NEW FORMULATIONS OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—The last sentence of section 1927(c)(2)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(C)) is amended by inserting before the period at the end the following: ", but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of whether such abuse-deterrent formulation is an extended release formulation". Determination.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs that are paid for by a State in calendar quarters beginning on or after the date of the enactment of this Act. Applicability. 42 USC 1396r–8 note.

SEC. 706. LIMITING DISCLOSURE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE.

(a) IN GENERAL.—Title XI of the Social Security Act is amended by inserting after section 1128J (42 U.S.C. 1320a–7k) the following new section:

"SEC. 1128K. DISCLOSURE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE. 42 USC 1320a–7n.

"(a) REFERENCE TO PREDICTIVE MODELING TECHNOLOGIES REQUIREMENTS.—For provisions relating to the use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse with respect to the Medicare program under title XVIII, the Medicaid program under title XIX, and the Children's Health Insurance Program under title XXI, see section 4241 of the Small Business Jobs Act of 2010 (42 U.S.C. 1320a–7m).

"(b) LIMITING DISCLOSURE OF PREDICTIVE MODELING TECHNOLOGIES.—In implementing such provisions under such section 4241 with respect to covered algorithms (as defined in subsection (c)), the following shall apply: Applicability.

"(1) NONAPPLICATION OF FOIA.—The covered algorithms used or developed for purposes of such section 4241 (including by the Secretary or a State (or an entity operating under a contract with a State)) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code. Contracts.

"(2) LIMITATION WITH RESPECT TO USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

"(A) IN GENERAL.—A State agency may not use or disclose covered algorithms used or developed for purposes of such section 4241 except for purposes of administering the State plan (or a waiver of the plan) under the Medicaid program under title XIX or the State child health plan (or a waiver of the plan) under the Children's Health Insurance Program under title XXI, including by enabling an entity operating under a contract with a State to assist the State to identify or prevent waste, fraud, and abuse with respect to such programs. Contracts.

"(B) INFORMATION SECURITY.—A State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of covered

algorithms used or developed for purposes of such section 4241 and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures described in subparagraph (A).

"(C) PROCEDURAL REQUIREMENTS.—State agencies to which information is disclosed pursuant to such section 4241 shall adhere to uniform procedures established by the Secretary.

"(c) COVERED ALGORITHM DEFINED.—In this section, the term 'covered algorithm'—

"(1) means a predictive modeling or other analytics technology, as used for purposes of section 4241(a) of the Small Business Jobs Act of 2010 (42 U.S.C. 1320a–7m(a)) to identify and prevent waste, fraud, and abuse with respect to the Medicare program under title XVIII, the Medicaid program under title XIX, and the Children's Health Insurance Program under title XXI; and

"(2) includes the mathematical expressions utilized in the application of such technology and the means by which such technology is developed.".

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (80), by striking "and" at the end;

(B) in paragraph (81), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (81) the following new paragraph:

"(82) provide that the State agency responsible for administering the State plan under this title provides assurances to the Secretary that the State agency is in compliance with subparagraphs (A), (B), and (C) of section 1128K(b)(2).".

(2) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2102(a)(7) of the Social Security Act (42 U.S.C. 1397bb(a)(7)) is amended—

(A) in subparagraph (A), by striking ", and" at the end and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) to ensure that the State agency involved is in compliance with subparagraphs (A), (B), and (C) of section 1128K(b)(2).".

SEC. 707. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for fiscal year 2021 and thereafter, $5,000,000.".

SEC. 708. SENSE OF THE CONGRESS REGARDING TREATMENT OF SUBSTANCE ABUSE EPIDEMICS.

It is the sense of the Congress that decades of experience and research have demonstrated that a fiscally responsible approach to addressing the opioid abuse epidemic and other substance abuse

epidemics requires treating such epidemics as a public health emergency emphasizing prevention, treatment, and recovery.

TITLE VIII—KINGPIN DESIGNATION IMPROVEMENT

SEC. 801. PROTECTION OF CLASSIFIED INFORMATION IN FEDERAL COURT CHALLENGES RELATING TO DESIGNATIONS UNDER THE NARCOTICS KINGPIN DESIGNATION ACT.

Section 804 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1903) is amended by adding at the end the following:

"(i) PROTECTION OF CLASSIFIED INFORMATION IN FEDERAL COURT CHALLENGES RELATING TO DESIGNATIONS.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.". Review. Determination.

TITLE IX—DEPARTMENT OF VETERANS AFFAIRS

Jason Simcakoski Memorial and Promise Act. 38 USC 1701 note.

SEC. 901. SHORT TITLE.

This title may be cited as the "Jason Simcakoski Memorial and Promise Act".

SEC. 902. DEFINITIONS.

In this title:

(1) The term "controlled substance" has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "State" means each of the several States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term "complementary and integrative health" has the meaning given that term, or any successor term, by the National Institutes of Health.

(4) The term "opioid receptor antagonist" means a drug or device approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for emergency treatment of known or suspected opioid overdose.

Subtitle A—Opioid Therapy and Pain Management

SEC. 911. IMPROVEMENT OF OPIOID SAFETY MEASURES BY DEPARTMENT OF VETERANS AFFAIRS. 38 USC 1701 note.

(a) EXPANSION OF OPIOID SAFETY INITIATIVE.—

(1) INCLUSION OF ALL MEDICAL FACILITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall expand the Opioid Safety Deadline.

Initiative of the Department of Veterans Affairs to include all medical facilities of the Department.

(2) GUIDANCE.—The Secretary shall establish guidance that each health care provider of the Department of Veterans Affairs, before initiating opioid therapy to treat a patient as part of the comprehensive assessment conducted by the health care provider, use the Opioid Therapy Risk Report tool of the Department of Veterans Affairs (or any subsequent tool), which shall include information from the prescription drug monitoring program of each participating State as applicable, that includes the most recent information to date relating to the patient that accessed such program to assess the risk for adverse outcomes of opioid therapy for the patient, including the concurrent use of controlled substances such as benzodiazepines, as part of the comprehensive assessment conducted by the health care provider.

(3) ENHANCED STANDARDS.—The Secretary shall establish enhanced standards with respect to the use of routine and random urine drug tests for all patients before and during opioid therapy to help prevent substance abuse, dependence, and diversion, including—

(A) that such tests occur not less frequently than once each year or as otherwise determined according to treatment protocols; and

(B) that health care providers appropriately order, interpret and respond to the results from such tests to tailor pain therapy, safeguards, and risk management strategies to each patient.

(b) PAIN MANAGEMENT EDUCATION AND TRAINING.—

(1) IN GENERAL.—In carrying out the Opioid Safety Initiative of the Department, the Secretary shall require all employees of the Department responsible for prescribing opioids to receive education and training described in paragraph (2).

(2) EDUCATION AND TRAINING.—Education and training described in this paragraph is education and training on pain management and safe opioid prescribing practices for purposes of safely and effectively managing patients with chronic pain, including education and training on the following:

(A) The implementation of and full compliance with the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, including any update to such guideline.

(B) The use of evidence-based pain management therapies and complementary and integrative health services, including cognitive-behavioral therapy, non-opioid alternatives, and non-drug methods and procedures to managing pain and related health conditions including, to the extent practicable, medical devices approved or cleared by the Food and Drug Administration for the treatment of patients with chronic pain and related health conditions.

(C) Screening and identification of patients with substance use disorder, including drug-seeking behavior, before prescribing opioids, assessment of risk potential for patients developing an addiction, and referral of patients to appropriate addiction treatment professionals if addiction is identified or strongly suspected.

(D) Communication with patients on the potential harm associated with the use of opioids and other controlled substances, including the need to safely store and dispose of supplies relating to the use of opioids and other controlled substances.

(E) Such other education and training as the Secretary considers appropriate to ensure that veterans receive safe and high-quality pain management care from the Department.

(3) USE OF EXISTING PROGRAM.—In providing education and training described in paragraph (2), the Secretary shall use the Interdisciplinary Chronic Pain Management Training Team Program of the Department (or successor program).

(c) PAIN MANAGEMENT TEAMS.—

(1) IN GENERAL.—In carrying out the Opioid Safety Initiative of the Department, the director of each medical facility of the Department shall identify and designate a pain management team of health care professionals, which may include board certified pain medicine specialists, responsible for coordinating and overseeing pain management therapy at such facility for patients experiencing acute and chronic pain that is non-cancer related.

(2) ESTABLISHMENT OF PROTOCOLS.—

(A) IN GENERAL.—In consultation with the Directors of each Veterans Integrated Service Network, the Secretary shall establish standard protocols for the designation of pain management teams at each medical facility within the Department. Consultation.

(B) CONSULTATION ON PRESCRIPTION OF OPIOIDS.—Each protocol established under subparagraph (A) shall ensure that any health care provider without expertise in prescribing analgesics or who has not completed the education and training under subsection (b), including a mental health care provider, does not prescribe opioids to a patient unless that health care provider—

(i) consults with a health care provider with pain management expertise or who is on the pain management team of the medical facility; and

(ii) refers the patient to the pain management team for any subsequent prescriptions and related therapy.

(3) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of enactment of this Act, the director of each medical facility of the Department shall submit to the Under Secretary for Health and the director of the Veterans Integrated Service Network in which the medical facility is located a report identifying the health care professionals that have been designated as members of the pain management team at the medical facility pursuant to paragraph (1).

(B) ELEMENTS.—Each report submitted under subparagraph (A) with respect to a medical facility of the Department shall include—

(i) a certification as to whether all members of the pain management team at the medical facility have Certification.

completed the education and training required under subsection (b);

Plan.

(ii) a plan for the management and referral of patients to such pain management team if health care providers without expertise in prescribing analgesics prescribe opioid medications to treat acute and chronic pain that is non-cancer related; and

Certification.

(iii) a certification as to whether the medical facility—

(I) fully complies with the stepped-care model, or successor models, of pain management and other pain management policies of the Department; or

(II) does not fully comply with such stepped-care model, or successor models, of pain management and other pain management policies but is carrying out a corrective plan of action to ensure such full compliance.

(d) TRACKING AND MONITORING OF OPIOID USE.—

(1) PRESCRIPTION DRUG MONITORING PROGRAMS OF STATES.—In carrying out the Opioid Safety Initiative and the Opioid Therapy Risk Report tool of the Department, the Secretary shall—

(A) ensure access by health care providers of the Department to information on controlled substances, including opioids and benzodiazepines, prescribed to veterans who receive care outside the Department through the prescription drug monitoring program of each State with such a program, including by seeking to enter into memoranda of understanding with States to allow shared access of such information between States and the Department;

(B) include such information in the Opioid Therapy Risk Report tool; and

(C) require health care providers of the Department to submit to the prescription drug monitoring program of each State with such a program information on prescriptions of controlled substances received by veterans in that State under the laws administered by the Secretary.

(2) REPORT ON TRACKING OF DATA ON OPIOID USE.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility and advisability of improving the Opioid Therapy Risk Report tool of the Department to allow for more advanced real-time tracking of and access to data on—

(A) the key clinical indicators with respect to the totality of opioid use by veterans;

(B) concurrent prescribing by health care providers of the Department of opioids in different health care settings, including data on concurrent prescribing of opioids to treat mental health disorders other than opioid use disorder; and

(C) mail-order prescriptions of opioids prescribed to veterans under the laws administered by the Secretary.

(e) AVAILABILITY OF OPIOID RECEPTOR ANTAGONISTS.—

(1) INCREASED AVAILABILITY AND USE.—

(A) IN GENERAL.—The Secretary shall maximize the availability of opioid receptor antagonists, including naloxone, to veterans.

(B) AVAILABILITY, TRAINING, AND DISTRIBUTING.—In carrying out subparagraph (A), not later than 90 days after the date of the enactment of this Act, the Secretary shall— Deadline.

(i) equip each pharmacy of the Department with opioid receptor antagonists to be dispensed to outpatients as needed; and

(ii) expand the Overdose Education and Naloxone Distribution program of the Department to ensure that all veterans in receipt of health care under laws administered by the Secretary who are at risk of opioid overdose may access such opioid receptor antagonists and training on the proper administration of such opioid receptor antagonists.

(C) VETERANS WHO ARE AT RISK.—For purposes of subparagraph (B), veterans who are at risk of opioid overdose include—

(i) veterans receiving long-term opioid therapy;

(ii) veterans receiving opioid therapy who have a history of substance use disorder or prior instances of overdose; and

(iii) veterans who are at risk as determined by a health care provider who is treating the veteran.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on carrying out paragraph (1), including an assessment of any remaining steps to be carried out by the Secretary to carry out such paragraph. Assessment.

(f) INCLUSION OF CERTAIN INFORMATION AND CAPABILITIES IN OPIOID THERAPY RISK REPORT TOOL OF THE DEPARTMENT.—

(1) INFORMATION.—The Secretary shall include in the Opioid Therapy Risk Report tool of the Department—

(A) information on the most recent time the tool was accessed by a health care provider of the Department with respect to each veteran; and

(B) information on the results of the most recent urine drug test for each veteran.

(2) CAPABILITIES.—The Secretary shall include in the Opioid Therapy Risk Report tool the ability of the health care providers of the Department to determine whether a health care provider of the Department prescribed opioids to a veteran without checking the information in the tool with respect to the veteran. Determination.

(g) NOTIFICATIONS OF RISK IN COMPUTERIZED HEALTH RECORD.—The Secretary shall modify the computerized patient record system of the Department to ensure that any health care provider that accesses the record of a veteran, regardless of the reason the veteran seeks care from the health care provider, will be immediately notified whether the veteran—

(1) is receiving opioid therapy and has a history of substance use disorder or prior instances of overdose;

(2) has a history of opioid abuse; or

(3) is at risk of developing an opioid use disorder, as determined by a health care provider who is treating the veteran.

38 USC 1701 note.

SEC. 912. STRENGTHENING OF JOINT WORKING GROUP ON PAIN MANAGEMENT OF THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

Deadline.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall ensure that the Pain Management Working Group of the Health Executive Committee of the Department of Veterans Affairs–Department of Defense Joint Executive Committee (Pain Management Working Group) established under section 320 of title 38, United States Code, includes a focus on the following:

(1) The opioid prescribing practices of health care providers of each Department.

(2) The ability of each Department to manage acute and chronic pain among individuals receiving health care from the Department, including training health care providers with respect to pain management.

(3) The use by each Department of complementary and integrative health in treating such individuals.

(4) The concurrent use and practice by health care providers of each Department of opioids and prescription drugs to treat mental health disorders, including benzodiazepines.

(5) The use of care transition plans by health care providers of each Department to address case management issues for patients receiving opioid therapy who transition between inpatient and outpatient care.

(6) The coordination in coverage of and consistent access to medications prescribed for patients transitioning from receiving health care from the Department of Defense to receiving health care from the Department of Veterans Affairs.

(7) The ability of each Department to properly screen, identify, refer, and treat patients with substance use disorders who are seeking treatment for acute and chronic pain management conditions.

(b) COORDINATION AND CONSULTATION.—The Secretary of Veterans Affairs and the Secretary of Defense shall ensure that the working group described in subsection (a)—

(1) coordinates the activities of the working group with other relevant working groups established under section 320 of title 38, United States Code;

(2) consults with other relevant Federal agencies, including the Centers for Disease Control and Prevention, with respect to the activities of the working group; and

(3) consults with the Department of Veterans Affairs and the Department of Defense with respect to the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, or any successor guideline, and reviews and provides comments before any update to the guideline is released.

(c) CLINICAL PRACTICE GUIDELINES.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall issue an update to the

VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain.

(2) MATTERS INCLUDED.—In conducting the update under paragraph (1), the Pain Management Working Group, in coordination with the Clinical Practice Guideline VA/DoD Management of Opioid Therapy for Chronic Pain Working Group, shall work to ensure that the Clinical Practical Guideline includes the following:

(A) Enhanced guidance with respect to—

(i) the co-administration of an opioid and other drugs, including benzodiazepines, that may result in life-limiting drug interactions;

(ii) the treatment of patients with current acute psychiatric instability or substance use disorder or patients at risk of suicide; and

(iii) the use of opioid therapy to treat mental health disorders other than opioid use disorder.

(B) Enhanced guidance with respect to the treatment of patients with behaviors or comorbidities, such as post-traumatic stress disorder or other psychiatric disorders, or a history of substance abuse or addiction, that requires a consultation or co-management of opioid therapy with one or more specialists in pain management, mental health, or addictions.

Assessments.

(C) Enhanced guidance with respect to health care providers—

(i) conducting an effective assessment for patients beginning or continuing opioid therapy, including understanding and setting realistic goals with respect to achieving and maintaining an expected level of pain relief, improved function, or a clinically appropriate combination of both; and

(ii) effectively assessing whether opioid therapy is achieving or maintaining the established treatment goals of the patient or whether the patient and health care provider should discuss adjusting, augmenting, or discontinuing the opioid therapy.

(D) Guidelines to inform the methodologies used by health care providers of the Department of Veterans Affairs and the Department of Defense to safely taper opioid therapy when adjusting or discontinuing the use of opioid therapy, including—

(i) prescription of the lowest effective dose based on patient need;

(ii) use of opioids only for a limited time; and

(iii) augmentation of opioid therapy with other pain management therapies and modalities.

(E) Guidelines with respect to appropriate case management for patients receiving opioid therapy who transition between inpatient and outpatient health care settings, which may include the use of care transition plans.

(F) Guidelines with respect to appropriate case management for patients receiving opioid therapy who transition from receiving care during active duty to post-military health care networks.

(G) Guidelines with respect to providing options, before initiating opioid therapy, for pain management therapies

without the use of opioids and options to augment opioid therapy with other clinical and complementary and integrative health services to minimize opioid dependence.

(H) Guidelines with respect to the provision of evidence-based non-opioid treatments within the Department of Veterans Affairs and the Department of Defense, including medical devices and other therapies approved or cleared by the Food and Drug Administration for the treatment of chronic pain as an alternative to or to augment opioid therapy.

(I) Guidelines developed by the Centers for Disease Control and Prevention for safely prescribing opioids for the treatment of chronic, non-cancer related pain in outpatient settings.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary of Veterans Affairs and the Secretary of Defense from considering all relevant evidence, as appropriate, in updating the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, as required under paragraph (1), or from ensuring that the final clinical practice guideline updated under such paragraph remains applicable to the patient populations of the Department of Veterans Affairs and the Department of Defense.

38 USC 1701 note.

SEC. 913. REVIEW, INVESTIGATION, AND REPORT ON USE OF OPIOIDS IN TREATMENT BY DEPARTMENT OF VETERANS AFFAIRS.

(a) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Opioid Safety Initiative of the Department of Veterans Affairs and the opioid prescribing practices of health care providers of the Department.

Assessments.

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

(A) An assessment of the implementation and monitoring by the Veterans Health Administration of the Opioid Safety Initiative of the Department, including examining, as appropriate, the following:

(i) How the Department monitors the key clinical outcomes of such safety initiative (for example, the percentage of unique veterans visiting each medical center of the Department that are prescribed an opioid or an opioid and benzodiazepine concurrently) and how the Department uses that information—

(I) to improve prescribing practices; and

(II) to identify high prescribing or otherwise inappropriate prescribing practices by health care providers.

(ii) How the Department monitors the use of the Opioid Therapy Risk Report tool of the Department (as developed through such safety initiative) and compliance with such tool by medical facilities and health care providers of the Department, including

any findings by the Department of prescription rates or prescription practices by medical facilities or health care providers that are inappropriate.

(iii) The implementation of academic detailing programs within the Veterans Integrated Service Networks of the Department and how such programs are being used to improve opioid prescribing practices.

(iv) Recommendations on such improvements to the Opioid Safety Initiative of the Department as the Comptroller General considers appropriate. Recommendations.

(B) Information made available under the Opioid Therapy Risk Report tool with respect to—

(i) deaths resulting from sentinel events involving veterans prescribed opioids by a health care provider;

(ii) overall prescription rates and, if applicable, indications used by health care providers for prescribing chronic opioid therapy to treat non-cancer, non-palliative, and non-hospice care patients;

(iii) the prescription rates and indications used by health care providers for prescribing benzodiazepines and opioids concomitantly;

(iv) the practice by health care providers of prescribing opioids to treat patients without any pain, including to treat patients with mental health disorders other than opioid use disorder; and

(v) the effectiveness of opioid therapy for patients receiving such therapy, including the effectiveness of long-term opioid therapy.

(C) An evaluation of processes of the Department in place to oversee opioid use among veterans, including procedures to identify and remedy potential over-prescribing of opioids by health care providers of the Department. Evaluation. Procedures.

(D) An assessment of the implementation by the Secretary of Veterans Affairs of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, including any figures or approaches used by the Department to assess compliance with such guidelines by medical centers of the Department and identify any medical centers of the Department operating action plans to improve compliance with such guidelines.

(E) An assessment of the data that the Department has developed to review the opioid prescribing practices of health care providers of the Department, as required by this subtitle, including a review of how the Department identifies the practices of individual health care providers that warrant further review based on prescribing levels, health conditions for which the health care provider is prescribing opioids or opioids and benzodiazepines concurrently, or other practices of the health care provider. Review.

(b) SEMI-ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—Not later than 180 days after the date of the submittal of the report required under subsection (a), and not less frequently than annually thereafter until the Comptroller General of the United States determines that all recommended actions are closed, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Determination.

Representatives a progress report detailing the actions by the Secretary to address any outstanding findings and recommendations by the Comptroller General of the United States under subsection (a) with respect to the Veterans Health Administration.

(c) ANNUAL REPORT ON OPIOID THERAPY AND PRESCRIPTION RATES.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually for the following five years, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on opioid therapy and prescription rates for the one-year period preceding the date of the submission of the report. Each such report shall include each of the following:

(1) The number of patients and the percentage of the patient population of the Department who were prescribed benzodiazepines and opioids concurrently by a health care provider of the Department.

(2) The number of patients and the percentage of the patient population of the Department without any pain who were prescribed opioids by a health care provider of the Department, including those who were prescribed benzodiazepines and opioids concurrently.

(3) The number of non-cancer, non-palliative, and non-hospice care patients and the percentage of such patients who were treated with opioids by a health care provider of the Department on an inpatient-basis and who also received prescription opioids by mail from the Department while being treated on an inpatient-basis.

(4) The number of non-cancer, non-palliative, and non-hospice care patients and the percentage of such patients who were prescribed opioids concurrently by a health care provider of the Department and a health care provider that is not a health care provider of the Department.

(5) With respect to each medical facility of the Department, the collected and reviewed information on opioids prescribed by health care providers at the facility to treat non-cancer, non-palliative, and non-hospice care patients, including—

(A) the prescription rate at which each health care provider at the facility prescribed benzodiazepines and opioids concurrently to such patients and the aggregate of such prescription rate for all health care providers at the facility;

(B) the prescription rate at which each health care provider at the facility prescribed benzodiazepines or opioids to such patients to treat conditions for which benzodiazepines or opioids are not approved treatment and the aggregate of such prescription rate for all health care providers at the facility;

(C) the prescription rate at which each health care provider at the facility prescribed or dispensed mail-order prescriptions of opioids to such patients while such patients were being treated with opioids on an inpatient-basis and the aggregate of such prescription rate for all health care providers at the facility; and

(D) the prescription rate at which each health care provider at the facility prescribed opioids to such patients who were also concurrently prescribed opioids by a health

care provider that is not a health care provider of the Department and the aggregate of such prescription rates for all health care providers at the facility.

(6) With respect to each medical facility of the Department, the number of times a pharmacist at the facility overrode a critical drug interaction warning with respect to an interaction between opioids and another medication before dispensing such medication to a veteran.

(d) INVESTIGATION OF PRESCRIPTION RATES.—If the Secretary determines that a prescription rate with respect to a health care provider or medical facility of the Department conflicts with or is otherwise inconsistent with the standards of appropriate and safe care, the Secretary shall— Determination.

(1) immediately notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives of such determination, including information relating to such determination, prescription rate, and health care provider or medical facility, as the case may be; and Notification.

(2) through the Office of the Medical Inspector of the Veterans Health Administration, conduct a full investigation of the health care provider or medical facility, as the case may be.

(e) PRESCRIPTION RATE DEFINED.—In this section, the term "prescription rate" means, with respect to a health care provider or medical facility of the Department, each of the following:

(1) The number of patients treated with opioids by the health care provider or at the medical facility, as the case may be, divided by the total number of pharmacy users of that health care provider or medical facility.

(2) The average number of morphine equivalents per day prescribed by the health care provider or at the medical facility, as the case may be, to patients being treated with opioids.

(3) Of the patients being treated with opioids by the health care provider or at the medical facility, as the case may be, the average number of prescriptions of opioids per patient.

SEC. 914. MANDATORY DISCLOSURE OF CERTAIN VETERAN INFORMATION TO STATE CONTROLLED SUBSTANCE MONITORING PROGRAMS. 38 USC 1701 note.

Section 5701(l) of title 38, United States Code, is amended by striking "may" and inserting "shall".

SEC. 915. ELIMINATION OF COPAYMENT REQUIREMENT FOR VETERANS RECEIVING OPIOID ANTAGONISTS OR EDUCATION ON USE OF OPIOID ANTAGONISTS. 38 USC 1701 note.

(a) COPAYMENT FOR OPIOID ANTAGONISTS.—Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.".

(b) COPAYMENT FOR EDUCATION ON USE OF OPIOID ANTAGONISTS.—Section 1710(g)(3) of such title is amended—

(1) by striking "with respect to home health services" and inserting "with respect to the following:"

"(A) Home health services"; and

(2) by adding at the end the following subparagraph:

"(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.".

Subtitle B—Patient Advocacy

38 USC 1701 note.

SEC. 921. COMMUNITY MEETINGS ON IMPROVING CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

Deadline.

(a) COMMUNITY MEETINGS.—

(1) MEDICAL CENTERS.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter, the Secretary shall ensure that each medical facility of the Department of Veterans Affairs hosts a community meeting open to the public on improving health care furnished by the Secretary.

(2) COMMUNITY-BASED OUTPATIENT CLINICS.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary shall ensure that each community-based outpatient clinic of the Department hosts a community meeting open to the public on improving health care furnished by the Secretary.

(b) ATTENDANCE BY DIRECTOR OF VETERANS INTEGRATED SERVICE NETWORK OR DESIGNEE.—

(1) IN GENERAL.—Each community meeting hosted by a medical facility or community-based outpatient clinic under subsection (a) shall be attended by the Director of the Veterans Integrated Service Network in which the medical facility or community-based outpatient clinic, as the case may be, is located. Subject to paragraph (2), the Director may delegate such attendance only to an employee who works in the Office of the Director.

(2) ATTENDANCE BY DIRECTOR.—Each Director of a Veterans Integrated Service Network shall personally attend not less than one community meeting under subsection (a) hosted by each medical facility located in the Veterans Integrated Service Network each year.

Deadline.

(c) NOTICE.—The Secretary shall notify the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and each Member of Congress (as defined in section 902) who represents the area in which the medical facility is located of a community meeting under subsection (a) by not later than 10 days before such community meeting occurs.

Deadline. 38 USC 1701 note.

SEC. 922. IMPROVEMENT OF AWARENESS OF PATIENT ADVOCACY PROGRAM AND PATIENT BILL OF RIGHTS OF DEPARTMENT OF VETERANS AFFAIRS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in as many prominent locations as the Secretary determines appropriate to be seen by the largest percentage of patients and family members of patients at each medical facility of the Department of Veterans Affairs—

(1) display the purposes of the Patient Advocacy Program of the Department and the contact information for the patient advocate at such medical facility; and

(2) display the rights and responsibilities of—

(A) patients and family members of patients at such medical facility; and

(B) with respect to community living centers and other residential facilities of the Department, residents and family members of residents at such medical facility.

SEC. 923. COMPTROLLER GENERAL REPORT ON PATIENT ADVOCACY PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

38 USC 1701 note.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Patient Advocacy Program of the Department of Veterans Affairs (in this section referred to as the "Program").

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

(1) A description of the Program, including—

(A) the purpose of the Program;

(B) the activities carried out under the Program; and

(C) the sufficiency of the Program in achieving the purpose of the Program.

(2) An assessment of the sufficiency of staffing of employees of the Department responsible for carrying out the Program.

(3) An assessment of the sufficiency of the training of such employees.

(4) An assessment of—

(A) the awareness of the Program among veterans and family members of veterans; and

(B) the use of the Program by veterans and family members of veterans.

(5) Such recommendations and proposals for improving or modifying the Program as the Comptroller General considers appropriate. Recommendations.

(6) Such other information with respect to the Program as the Comptroller General considers appropriate.

SEC. 924. ESTABLISHMENT OF OFFICE OF PATIENT ADVOCACY OF THE DEPARTMENT OF VETERANS AFFAIRS.

38 USC 1701 note.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7309A. Office of Patient Advocacy

38 USC 7309A.

"(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as the 'Office of Patient Advocacy' (in this section referred to as the 'Office').

"(b) HEAD.—(1) The Director of the Office of Patient Advocacy shall be the head of the Office.

"(2) The Director of the Office of Patient Advocacy shall be appointed by the Under Secretary for Health from among individuals qualified to perform the duties of the position and shall report directly to the Under Secretary for Health. Appointment.

"(c) FUNCTION.—(1) The function of the Office is to carry out the Patient Advocacy Program of the Department.

"(2) In carrying out the Patient Advocacy Program of the Department, the Director shall ensure that patient advocates of the Department—

"(A) advocate on behalf of veterans with respect to health care received and sought by veterans under the laws administered by the Secretary;

"(B) carry out the responsibilities specified in subsection (d); and

"(C) receive training in patient advocacy.

"(d) PATIENT ADVOCACY RESPONSIBILITIES.—The responsibilities of each patient advocate at a medical facility of the Department are the following:

"(1) To resolve complaints by veterans with respect to health care furnished under the laws administered by the Secretary that cannot be resolved at the point of service or at a higher level easily accessible to the veteran.

"(2) To present at various meetings and to various committees the issues experienced by veterans in receiving such health care at such medical facility.

"(3) To express to veterans their rights and responsibilities as patients in receiving such health care.

"(4) To manage the Patient Advocate Tracking System of the Department at such medical facility.

"(5) To compile data at such medical facility of complaints made by veterans with respect to the receipt of such health care at such medical facility and the satisfaction of veterans with such health care at such medical facility to determine whether there are trends in such data.

"(6) To ensure that a process is in place for the distribution of the data compiled under paragraph (5) to appropriate leaders, committees, services, and staff of the Department.

"(7) To identify, not less frequently than quarterly, opportunities for improvements in the furnishing of such health care to veterans at such medical facility based on complaints by veterans.

"(8) To ensure that any significant complaint by a veteran with respect to such health care is brought to the attention of appropriate staff of the Department to trigger an assessment of whether there needs to be a further analysis of the problem at the facility-wide level.

"(9) To support any patient advocacy programs carried out by the Department.

"(10) To ensure that all appeals and final decisions with respect to the receipt of such health care are entered into the Patient Advocate Tracking System of the Department.

"(11) To understand all laws, directives, and other rules with respect to the rights and responsibilities of veterans in receiving such health care, including the appeals processes available to veterans.

"(12) To ensure that veterans receiving mental health care, or the surrogate decision-makers for such veterans, are aware of the rights of veterans to seek representation from systems established under section 103 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10803) to protect and advocate the rights of individuals with mental illness and to investigate incidents of abuse and neglect of such individuals.

"(13) To fulfill requirements established by the Secretary with respect to the inspection of controlled substances.

"(14) To document potentially threatening behavior and report such behavior to appropriate authorities.

"(e) TRAINING.—In providing training to patient advocates under subsection (c)(2)(C), the Director shall ensure that such training is consistent throughout the Department.

"(f) CONTROLLED SUBSTANCE DEFINED.—In this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7309 the following new item: 38 USC prec. 7301.

"7309A. Office of Patient Advocacy.".

(c) DATE FULLY OPERATIONAL.—The Secretary of Veterans Affairs shall ensure that the Office of Patient Advocacy established under section 7309A of title 38, United States Code, as added by subsection (a), is fully operational not later than the date that is one year after the date of the enactment of this Act. 38 USC 7309A note.

Subtitle C—Complementary and Integrative Health

SEC. 931. EXPANSION OF RESEARCH AND EDUCATION ON AND DELIVERY OF COMPLEMENTARY AND INTEGRATIVE HEALTH TO VETERANS. 38 USC 1701 note.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Creating Options for Veterans' Expedited Recovery" or the "COVER Commission" (in this section referred to as the "Commission"). The Commission shall examine the evidence-based therapy treatment model used by the Secretary of Veterans Affairs for treating mental health conditions of veterans and the potential benefits of incorporating complementary and integrative health treatments available in non-Department facilities (as defined in section 1701 of title 38, United States Code). Examination.

(b) DUTIES.—The Commission shall perform the following duties:

(1) Examine the efficacy of the evidence-based therapy model used by the Secretary for treating mental health illnesses of veterans and identify areas to improve wellness-based outcomes.

(2) Conduct a patient-centered survey within each of the Veterans Integrated Service Networks to examine—

(A) the experience of veterans with the Department of Veterans Affairs when seeking medical assistance for mental health issues through the health care system of the Department;

(B) the experience of veterans with non-Department facilities and health professionals for treating mental health issues;

(C) the preference of veterans regarding available treatment for mental health issues and which methods the veterans believe to be most effective;

(D) the experience, if any, of veterans with respect to the complementary and integrative health treatment therapies described in paragraph (3);

(E) the prevalence of prescribing prescription medication among veterans seeking treatment through the health care system of the Department as remedies for addressing mental health issues; and

(F) the outreach efforts of the Secretary regarding the availability of benefits and treatments for veterans for addressing mental health issues, including by identifying ways to reduce barriers to gaps in such benefits and treatments.

(3) Examine available research on complementary and integrative health treatment therapies for mental health issues and identify what benefits could be made with the inclusion of such treatments for veterans, including with respect to—

(A) music therapy;

(B) equine therapy;

(C) training and caring for service dogs;

(D) yoga therapy;

(E) acupuncture therapy;

(F) meditation therapy;

(G) outdoor sports therapy;

(H) hyperbaric oxygen therapy;

(I) accelerated resolution therapy;

(J) art therapy;

(K) magnetic resonance therapy; and

(L) other therapies the Commission determines appropriate.

(4) Study the sufficiency of the resources of the Department to ensure the delivery of quality health care for mental health issues among veterans seeking treatment within the Department.

(5) Study the current treatments and resources available within the Department and assess—

(A) the effectiveness of such treatments and resources in decreasing the number of suicides per day by veterans;

(B) the number of veterans who have been diagnosed with mental health issues;

(C) the percentage of veterans using the resources of the Department who have been diagnosed with mental health issues;

(D) the percentage of veterans who have completed counseling sessions offered by the Department; and

(E) the efforts of the Department to expand complementary and integrative health treatments viable to the recovery of veterans with mental health issues as determined by the Secretary to improve the effectiveness of treatments offered by the Department.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 10 members, appointed as follows:

(A) Two members appointed by the Speaker of the House of Representatives, at least one of whom shall be a veteran.

(B) Two members appointed by the minority leader of the House of Representatives, at least one of whom shall be a veteran.

(C) Two members appointed by the majority leader of the Senate, at least one of whom shall be a veteran.

(D) Two members appointed by the minority leader of the Senate, at least one of whom shall be a veteran.

(E) Two members appointed by the President, at least one of whom shall be a veteran. President.

(2) QUALIFICATIONS.—Members of the Commission shall be individuals who—

(A) are of recognized standing and distinction within the medical community with a background in treating mental health;

(B) have experience working with the military and veteran population; and

(C) do not have a financial interest in any of the complementary and integrative health treatments reviewed by the Commission.

(3) CHAIRMAN.—The President shall designate a member of the Commission to be the Chairman. President.

(4) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) APPOINTMENT DEADLINE.—The appointment of members of the Commission in this section shall be made not later than 90 days after the date of the enactment of this Act.

(d) POWERS OF COMMISSION.—

(1) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after a majority of members are appointed to the Commission. Deadline.

(B) MEETING.—The Commission shall regularly meet at the call of the Chairman. Such meetings may be carried out through the use of telephonic or other appropriate telecommunication technology if the Commission determines that such technology will allow the members to communicate simultaneously. Determination.

(2) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive evidence as the Commission considers advisable to carry out the responsibilities of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out the duties of the Commission.

(4) INFORMATION FROM NONGOVERNMENTAL ORGANIZATIONS.—In carrying out its duties, the Commission may seek guidance through consultation with foundations, veteran service organizations, nonprofit groups, faith-based organizations, private and public institutions of higher education, and other organizations as the Commission determines appropriate.

(5) COMMISSION RECORDS.—The Commission shall keep an accurate and complete record of the actions and meetings of the Commission. Such record shall be made available for public Public information.

inspection and the Comptroller General of the United States may audit and examine such record.

(6) PERSONNEL RECORDS.—The Commission shall keep an accurate and complete record of the actions and meetings of the Commission. Such record shall be made available for public inspection and the Comptroller General of the United States may audit and examine such records.

Public information.

(7) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—Each member shall serve without pay but shall receive travel expenses to perform the duties of the Commission, including per diem in lieu of substances, at rates authorized under subchapter I of chapter 57 of title 5, United States Code.

(8) STAFF.—The Chairman, in accordance with rules agreed upon the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, without regard to the provision of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(9) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission are employees under section 2105 of title 5, United States Code, for purpose of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(B) MEMBERS OF THE COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(10) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this Act.

(11) EXPERT AND CONSULTANT SERVICE.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(12) POSTAL SERVICE.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(13) PHYSICAL FACILITIES AND EQUIPMENT.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing accounting, and payroll services.

(e) REPORT.—

(1) INTERIM REPORTS.—

Time period.

(A) IN GENERAL.—Not later than 60 days after the date on which the Commission first meets, and each 30-day period thereafter ending on the date on which the

Commission submits the final report under paragraph (2), the Commission shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate and the President a report detailing the level of cooperation the Secretary of Veterans Affairs (and the heads of other departments or agencies of the Federal Government) has provided to the Commission.

(B) OTHER REPORTS.—In carrying out its duties, at times that the Commission determines appropriate, the Commission shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate and any other appropriate entities an interim report with respect to the findings identified by the Commission.

(2) FINAL REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Senate, the President, and the Secretary of Veterans Affairs a final report on the findings of the Commission. Such report shall include the following:

(A) Recommendations to implement in a feasible, timely, and cost-efficient manner the solutions and remedies identified within the findings of the Commission pursuant to subsection (b). Recommendations.

(B) An analysis of the evidence-based therapy model used by the Secretary of Veterans Affairs for treating veterans with mental health care issues, and an examination of the prevalence and efficacy of prescription drugs as a means for treatment. Analysis.

(C) The findings of the patient-centered survey conducted within each of the Veterans Integrated Service Networks pursuant to subsection (b)(2).

(D) An examination of complementary and integrative health treatments described in subsection (b)(3) and the potential benefits of incorporating such treatments in the therapy models used by the Secretary for treating veterans with mental health issues. Examination.

(3) PLAN.—Not later than 90 days after the date on which the Commission submits the final report under paragraph (2), the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the following:

(A) An action plan for implementing the recommendations established by the Commission on such solutions and remedies for improving wellness-based outcomes for veterans with mental health care issues.

(B) A feasible timeframe on when the complementary and integrative health treatments described in subsection (b)(3) can be implemented Department-wide. Timeframe.

(C) With respect to each recommendation established by the Commission, including any complementary and integrative health treatment, that the Secretary determines is not appropriate or feasible to implement, a justification for such determination and an alternative solution to improve the efficacy of the therapy models used by the Secretary for treating veterans with mental health issues.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 30 days after the Commission submits the final report under subsection (e)(2).

38 USC 1701 note.

SEC. 932. EXPANSION OF RESEARCH AND EDUCATION ON AND DELIVERY OF COMPLEMENTARY AND INTEGRATIVE HEALTH TO VETERANS.

Deadline.

(a) DEVELOPMENT OF PLAN TO EXPAND RESEARCH, EDUCATION, AND DELIVERY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop a plan to expand materially and substantially the scope of the effectiveness of research and education on, and delivery and integration of, complementary and integrative health services into the health care services provided to veterans.

(b) ELEMENTS.—The plan required by subsection (a) shall provide for the following:

(1) Research on the following:

(A) The effectiveness of various complementary and integrative health services, including the effectiveness of such services integrated with clinical services.

(B) Approaches to integrating complementary and integrative health services into other health care services provided by the Department of Veterans Affairs.

(2) Education and training for health care professionals of the Department on the following:

(A) Complementary and integrative health services selected by the Secretary for purposes of the plan.

(B) Appropriate uses of such services.

(C) Integration of such services into the delivery of health care to veterans.

(3) Research, education, and clinical activities on complementary and integrative health at centers of innovation at medical centers of the Department.

(4) Identification or development of metrics and outcome measures to evaluate the effectiveness of the provision and integration of complementary and integrative health services into the delivery of health care to veterans.

(5) Integration and delivery of complementary and integrative health services with other health care services provided by the Department.

(c) CONSULTATION.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall consult with the following:

(A) The Director of the National Center for Complementary and Integrative Health of the National Institutes of Health.

(B) The Commissioner of Food and Drugs.

(C) Institutions of higher education, private research institutes, and individual researchers with extensive experience in complementary and integrative health and the integration of complementary and integrative health practices into the delivery of health care.

(D) Nationally recognized providers of complementary and integrative health.

(E) Such other officials, entities, and individuals with expertise on complementary and integrative health as the Secretary considers appropriate.

(2) SCOPE OF CONSULTATION.—The Secretary shall undertake consultation under paragraph (1) in carrying out subsection (a) with respect to the following:

(A) To develop the plan.

(B) To identify specific complementary and integrative health practices that, on the basis of research findings or promising clinical interventions, are appropriate to include as services to veterans.

(C) To identify barriers to the effective provision and integration of complementary and integrative health services into the delivery of health care to veterans, and to identify mechanisms for overcoming such barriers.

SEC. 933. PILOT PROGRAM ON INTEGRATION OF COMPLEMENTARY AND INTEGRATIVE HEALTH AND RELATED ISSUES FOR VETERANS AND FAMILY MEMBERS OF VETERANS.

38 USC 1701 note.

(a) PILOT PROGRAM.—

Assessments. Deadline.

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of Veterans Affairs receives the final report under section 931(e)(2), the Secretary shall commence a pilot program to assess the feasibility and advisability of using complementary and integrative health and wellness-based programs (as defined by the Secretary) to complement the provision of pain management and related health care services, including mental health care services, to veterans.

(2) MATTERS ADDRESSED.—In carrying out the pilot program, the Secretary shall assess the following:

(A) Means of improving coordination between Federal, State, local, and community providers of health care in the provision of pain management and related health care services to veterans.

(B) Means of enhancing outreach, and coordination of outreach, by and among providers of health care referred to in subparagraph (A) on the pain management and related health care services available to veterans.

(C) Means of using complementary and integrative health and wellness-based programs of providers of health care referred to in subparagraph (A) as complements to the provision by the Department of Veterans Affairs of pain management and related health care services to veterans.

(D) Whether complementary and integrative health and wellness-based programs described in subparagraph (C)—

(i) are effective in enhancing the quality of life and well-being of veterans;

(ii) are effective in increasing the adherence of veterans to the primary pain management and related health care services provided such veterans by the Department;

(iii) have an effect on the sense of well-being of veterans who receive primary pain management and related health care services from the Department; and

(iv) are effective in encouraging veterans receiving health care from the Department to adopt a more healthy lifestyle.

(b) DURATION.—The Secretary shall carry out the pilot program under subsection (a)(1) for a period of three years.

(c) LOCATIONS.—

(1) FACILITIES.—The Secretary shall carry out the pilot program under subsection (a)(1) at facilities of the Department providing pain management and related health care services, including mental health care services, to veterans. In selecting such facilities to carry out the pilot program, the Secretary shall select not fewer than 15 geographically diverse medical centers of the Department, of which not fewer than two shall be polytrauma rehabilitation centers of the Department.

(2) MEDICAL CENTERS WITH PRESCRIPTION RATES OF OPIOIDS THAT CONFLICT WITH CARE STANDARDS.—In selecting the medical centers under paragraph (1), the Secretary shall give priority to medical centers of the Department at which there is a prescription rate of opioids that conflicts with or is otherwise inconsistent with the standards of appropriate and safe care.

(d) PROVISION OF SERVICES.—Under the pilot program under subsection (a)(1), the Secretary shall provide covered services to covered veterans by integrating complementary and integrative health services with other services provided by the Department at the medical centers selected under subsection (c).

(e) COVERED VETERANS.—For purposes of the pilot program under subsection (a)(1), a covered veteran is any veteran who—

(1) has a mental health condition diagnosed by a clinician of the Department;

(2) experiences chronic pain;

(3) has a chronic condition being treated by a clinician of the Department; or

(4) is not described in paragraph (1), (2), or (3) and requests to participate in the pilot program or is referred by a clinician of the Department who is treating the veteran.

(f) COVERED SERVICES.—

(1) IN GENERAL.—For purposes of the pilot program, covered services are services consisting of complementary and integrative health services as selected by the Secretary.

(2) ADMINISTRATION OF SERVICES.—Covered services shall be administered under the pilot program as follows:

(A) Covered services shall be administered by professionals or other instructors with appropriate training and expertise in complementary and integrative health services who are employees of the Department or with whom the Department enters into an agreement to provide such services.

(B) Covered services shall be included as part of the Patient Aligned Care Teams initiative of the Office of Patient Care Services, Primary Care Program Office, in coordination with the Office of Patient Centered Care and Cultural Transformation.

(C) Covered services shall be made available to—

(i) covered veterans who have received conventional treatments from the Department for the conditions for which the covered veteran seeks complementary and integrative health services under the pilot program; and

(ii) covered veterans who have not received conventional treatments from the Department for such conditions.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 30 months after the date on which the Secretary commences the pilot program under subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

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

(A) The findings and conclusions of the Secretary with respect to the pilot program under subsection (a)(1), including with respect to—

(i) the use and efficacy of the complementary and integrative health services established under the pilot program;

(ii) the outreach conducted by the Secretary to inform veterans and community organizations about the pilot program; and

(iii) an assessment of the benefit of the pilot program to covered veterans in mental health diagnoses, pain management, and treatment of chronic illness. Assessment.

(B) Identification of any unresolved barriers that impede the ability of the Secretary to incorporate complementary and integrative health services with other health care services provided by the Department.

(C) Such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate. Recommendations.

Subtitle D—Fitness of Health Care Providers

SEC. 941. ADDITIONAL REQUIREMENTS FOR HIRING OF HEALTH CARE PROVIDERS BY DEPARTMENT OF VETERANS AFFAIRS. 38 USC 1701 note.

As part of the hiring process for each health care provider considered for a position at the Department of Veterans Affairs after the date of the enactment of the Act, the Secretary of Veterans Affairs shall require from the medical board of each State in which the health care provider has or had a medical license—

(1) information on any violation of the requirements of the medical license of the health care provider during the 20-year period preceding the consideration of the health care provider by the Department; and Time period.

(2) information on whether the health care provider has entered into any settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider.

SEC. 942. PROVISION OF INFORMATION ON HEALTH CARE PROVIDERS OF DEPARTMENT OF VETERANS AFFAIRS TO STATE MEDICAL BOARDS. 38 USC 1701 note.

Notwithstanding section 552a of title 5, United States Code, with respect to each health care provider of the Department of Veterans Affairs who has violated a requirement of the medical

license of the health care provider, the Secretary of Veterans Affairs shall provide to the medical board of each State in which the health care provider is licensed detailed information with respect to such violation, regardless of whether such board has formally requested such information.

38 USC 1701 note.

SEC. 943. REPORT ON COMPLIANCE BY DEPARTMENT OF VETERANS AFFAIRS WITH REVIEWS OF HEALTH CARE PROVIDERS LEAVING THE DEPARTMENT OR TRANSFERRING TO OTHER FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance by the Department of Veterans Affairs with the policy of the Department—

Review.

(1) to conduct a review of each health care provider of the Department who transfers to another medical facility of the Department, resigns, retires, or is terminated to determine whether there are any concerns, complaints, or allegations of violations relating to the medical practice of the health care provider; and

(2) to take appropriate action with respect to any such concern, complaint, or allegation.

Subtitle E—Other Matters

38 USC 1701 note.

SEC. 951. MODIFICATION TO LIMITATION ON AWARDS AND BONUSES.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended to read as follows:

"SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

"(a) LIMITATION.—The Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title or title 38, United States Code, does not exceed the following amounts:

"(1) With respect to each of fiscal years 2017 through 2018, $230,000,000.

"(2) With respect to each of fiscal years 2019 through 2021, $225,000,000.

"(3) With respect to each of fiscal years 2022 through 2024, $360,000,000.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that the limitation under subsection (a) should not disproportionately impact lower-wage employees and that the Department of Veterans

Affairs is encouraged to use bonuses to incentivize high-performing employees in areas in which retention is challenging.".

Approved July 22, 2016.

LEGISLATIVE HISTORY—S. 524 (H.R. 1725) (H.R. 1818) (H.R. 3680) (H.R. 3691) (H.R. 4063) (H.R. 4586) (H.R. 4599) (H.R. 4641) (H.R. 4843) (H.R. 4892) (H.R. 4969) (H.R. 4976) (H.R. 4978) (H.R. 4981) (H.R. 4982) (H.R. 4985) (H.R. 5046) (H.R. 5048) (H.R. 5052):

HOUSE REPORTS: Nos. 114–669 (Comm. of Conference), 114–245 (Comm. on Energy and Commerce) accompanying H.R. 1725, 114–552 (Comm. on Energy and Commerce) accompanying H.R. 1818, 114–553 (Comm. on Energy and Commerce) accompanying H.R. 3680, 114–554 (Comm. on Energy and Commerce) accompanying H.R. 3691, 114–546, Pt. 1 (Comm. on Veterans' Affairs) accompanying H.R. 4063, 114–555 (Comm. on Energy and Commerce) accompanying H.R. 4586, 114–556 (Comm. on Energy and Commerce) accompanying H.R. 4599, 114–536 (Comm. on Energy and Commerce) accompanying H.R. 4641, 114–548 (Comm. on Education and the Workforce) accompanying H.R. 4843, 114–558 (Comm. on Energy and Commerce) accompanying H.R. 4969, 114–557 (Comm. on Energy and Commerce) accompanying H.R. 4976, 114–559 (Comm. on Energy and Commerce) accompanying H.R. 4978, 114–561, Pt. 1 (Comm. on Energy and Commerce) accompanying H.R. 4981, 114–560 (Comm. on Energy and Commerce) accompanying H.R. 4982, 114–547, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 4985, 114–539 (Comm. on the Judiciary) accompanying H.R. 5046, 114–540 (Comm. on the Judiciary) accompanying H.R. 5048, and 114–541, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 5052.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Mar. 2, 3, 7–10, considered and passed Senate.
May 13, considered and passed House, amended.
July 8, House agreed to conference report.
July 11–13, Senate considered and agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
July 22, Presidential statement.

Public Law 114–199
114th Congress

An Act

July 22, 2016
[S. 2840]

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds for active shooter training, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Our Lives by Initiating COPS Expansion Act of 2016.
42 USC 3711 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Lives by Initiating COPS Expansion Act of 2016" or the "POLICE Act of 2016".

SEC. 2. ADDITIONAL AUTHORIZED USE OF COPS FUNDS.

Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (16), by striking "and" at the end;

(2) by redesignating paragraph (17) as paragraph (18);

(3) by inserting after paragraph (16) the following:

"(17) to participate in nationally recognized active shooter training programs that offer scenario-based, integrated response courses designed to counter active shooter threats or acts of terrorism against individuals or facilities; and"; and

(4) in paragraph (18), as redesignated, by striking "(16)" and inserting "(17)".

Approved July 22, 2016.

LEGISLATIVE HISTORY—S. 2840:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 18, considered and passed Senate.
July 12, considered and passed House.

Public Law 114–200
114th Congress

An Act

To designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the "Jeanne and Jules Manford Post Office Building".

July 29, 2016
[H.R. 2607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JEANNE AND JULES MANFORD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, shall be known and designated as the "Jeanne and Jules Manford Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jeanne and Jules Manford Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 2607:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–201
114th Congress

An Act

July 29, 2016
[H.R. 3700]

To provide housing opportunities in the United States through modernization of various housing programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Housing Opportunity Through Modernization Act of 2016.
42 USC 1437 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing Opportunity Through Modernization Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—SECTION 8 RENTAL ASSISTANCE AND PUBLIC HOUSING

SEC. 101. INSPECTION OF DWELLING UNITS.

(a) IN GENERAL.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) INITIAL INSPECTION.— Determination.

"(i) IN GENERAL.—For each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency (or other entity pursuant to paragraph (11)) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subparagraph (B), except as provided in clause (ii) or (iii) of this subparagraph.

"(ii) CORRECTION OF NON-LIFE-THREATENING CONDITIONS.—In the case of any dwelling unit that is determined, pursuant to an inspection under clause (i), not to meet the housing quality standards under subparagraph (B), assistance payments may be made for the unit notwithstanding subparagraph (C) if failure to meet such standards is a result only of non-life-threatening conditions, as such conditions are established by the Secretary. A public housing agency making assistance payments pursuant to this clause for a dwelling unit shall, 30 days after the beginning of the period for which such payments are made, withhold any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time. The public housing agency shall recommence assistance payments when such deficiency has been corrected, and may use any payments withheld to make assistance payments relating to the period during which payments were withheld. Time period.

"(iii) USE OF ALTERNATIVE INSPECTION METHOD FOR INTERIM PERIOD.—In the case of any property that within the previous 24 months has met the requirements of an inspection that qualifies as an alternative inspection method pursuant to subparagraph (E), a public housing agency may authorize occupancy before the inspection under clause (i) has been completed, and may make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under clause (i) to meet the housing quality standards under

subparagraph (B). This clause may not be construed to exempt any dwelling unit from compliance with the requirements of subparagraph (D).";

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) ENFORCEMENT OF HOUSING QUALITY STANDARDS.—

Contracts.

"(i) DETERMINATION OF NONCOMPLIANCE.—A dwelling unit that is covered by a housing assistance payments contract under this subsection shall be considered, for purposes of subparagraphs (D) and (F), to be in noncompliance with the housing quality standards under subparagraph (B) if—

"(I) the public housing agency or an inspector authorized by the State or unit of local government determines upon inspection of the unit that the unit fails to comply with such standards;

"(II) the agency or inspector notifies the owner of the unit in writing of such failure to comply; and

Time periods.

"(III) the failure to comply is not corrected—

"(aa) in the case of any such failure that is a result of life-threatening conditions, within 24 hours after such notice has been provided; and

"(bb) in the case of any such failure that is a result of non-life-threatening conditions, within 30 days after such notice has been provided or such other reasonable longer period as the public housing agency may establish.

"(ii) WITHHOLDING OF ASSISTANCE AMOUNTS DURING CORRECTION.—The public housing agency may withhold assistance amounts under this subsection with respect to a dwelling unit for which a notice pursuant to clause (i)(II), of failure to comply with housing quality standards under subparagraph (B) as determined pursuant to an inspection conducted under subparagraph (D) or (F), has been provided. If the unit is brought into compliance with such housing quality standards during the periods referred to in clause (i)(III), the public housing agency shall recommence assistance payments and may use any amounts withheld during the correction period to make assistance payments relating to the period during which payments were withheld.

"(iii) ABATEMENT OF ASSISTANCE AMOUNTS.—The public housing agency shall abate all of the assistance amounts under this subsection with respect to a dwelling unit that is determined, pursuant to clause (i) of this subparagraph, to be in noncompliance with housing quality standards under subparagraph (B). Upon completion of repairs by the public housing agency or the owner sufficient so that the dwelling unit complies with such housing quality standards, the agency shall recommence payments under the

housing assistance payments contract to the owner of the dwelling unit.

"(iv) NOTIFICATION.—If a public housing agency providing assistance under this subsection abates rental assistance payments pursuant to clause (iii) with respect to a dwelling unit, the agency shall, upon commencement of such abatement—

"(I) notify the tenant and the owner of the dwelling unit that—

"(aa) such abatement has commenced; and

"(bb) if the dwelling unit is not brought into compliance with housing quality standards within 60 days after the effective date of the determination of noncompliance under clause (i) or such reasonable longer period as the agency may establish, the tenant will have to move; and Time period.

"(II) issue the tenant the necessary forms to allow the tenant to move to another dwelling unit and transfer the rental assistance to that unit.

"(v) PROTECTION OF TENANTS.—An owner of a dwelling unit may not terminate the tenancy of any tenant because of the withholding or abatement of assistance pursuant to this subparagraph. During the period that assistance is abated pursuant to this subparagraph, the tenant may terminate the tenancy by notifying the owner.

"(vi) TERMINATION OF LEASE OR ASSISTANCE PAYMENTS CONTRACT.—If assistance amounts under this section for a dwelling unit are abated pursuant to clause (iii) and the owner does not correct the noncompliance within 60 days after the effective date of the determination of noncompliance under clause (i), or such other reasonable longer period as the public housing agency may establish, the agency shall terminate the housing assistance payments contract for the dwelling unit. Time period.

"(vii) RELOCATION.—

"(I) LEASE OF NEW UNIT.—The agency shall provide the family residing in such a dwelling unit a period of 90 days or such longer period as the public housing agency determines is reasonably necessary to lease a new unit, beginning upon termination of the contract, to lease a new residence with tenant-based rental assistance under this section. Time period.

"(II) AVAILABILITY OF PUBLIC HOUSING UNITS.—If the family is unable to lease such a new residence during such period, the public housing agency shall, at the option of the family, provide such family a preference for occupancy in a dwelling unit of public housing that is owned or operated by the agency that first becomes available for occupancy after the expiration of such period.

"(III) ASSISTANCE IN FINDING UNIT.—The public housing agency may provide assistance to the family in finding a new residence, including

use of up to two months of any assistance amounts withheld or abated pursuant to clause (ii) or (iii), respectively, for costs directly associated with relocation of the family to a new residence, which shall include security deposits as necessary and may include reimbursements for reasonable moving expenses incurred by the household, as established by the Secretary. The agency may require that a family receiving assistance for a security deposit shall remit, to the extent of such assistance, the amount of any security deposit refunds made by the owner of the dwelling unit for which the lease was terminated.

Determination.

"(viii) TENANT-CAUSED DAMAGES.—If a public housing agency determines that any damage to a dwelling unit that results in a failure of the dwelling unit to comply with housing quality standards under subparagraph (B), other than any damage resulting from ordinary use, was caused by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, the agency may waive the applicability of this subparagraph, except that this clause shall not exonerate a tenant from any liability otherwise existing under applicable law for damages to the premises caused by such tenant.

Contracts.

"(ix) APPLICABILITY.—This subparagraph shall apply to any dwelling unit for which a housing assistance payments contract is entered into or renewed after the date of the effectiveness of the regulations implementing this subparagraph.".

Notice. Regulations. 42 USC 1437f note.

(b) EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue notice or regulations to implement subsection (a) of this section and such subsection shall take effect upon such issuance.

SEC. 102. INCOME REVIEWS.

(a) INCOME REVIEWS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(1) in subsection (a)—

(A) in the second sentence of paragraph (1), by striking "at least annually" and inserting "pursuant to paragraph (6)"; and

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

"(6) REVIEWS OF FAMILY INCOME.—

"(A) FREQUENCY.—Reviews of family income for purposes of this section shall be made—

"(i) in the case of all families, upon the initial provision of housing assistance for the family;

"(ii) annually thereafter, except as provided in paragraph (1) with respect to fixed-income families;

"(iii) upon the request of the family, at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in a decrease of 10 percent (or such lower amount as the Secretary may, by notice, establish,

or permit the public housing agency or owner to establish) or more in annual adjusted income; and

"(iv) at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in an increase of 10 percent or more in annual adjusted income, or such other amount as the Secretary may by notice establish, except that any increase in the earned income of a family shall not be considered for purposes of this clause (except that earned income may be considered if the increase corresponds to previous decreases under clause (iii)), except that a public housing agency or owner may elect not to conduct such review in the last three months of a certification period. Time period.

"(B) IN GENERAL.—Reviews of family income for purposes of this section shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544).

"(7) CALCULATION OF INCOME.—

"(A) USE OF CURRENT YEAR INCOME.—In determining family income for initial occupancy or provision of housing assistance pursuant to clause (i) of paragraph (6)(A) or pursuant to reviews pursuant to clause (iii) or (iv) of such paragraph, a public housing agency or owner shall use the income of the family as estimated by the agency or owner for the upcoming year.

"(B) USE OF PRIOR YEAR INCOME.—In determining family income for annual reviews pursuant to paragraph (6)(A)(ii), a public housing agency or owner shall, except as otherwise provided in this paragraph and paragraph (1), use the income of the family as determined by the agency or owner for the preceding year, taking into consideration any redetermination of income during such prior year pursuant to clause (iii) or (iv) of paragraph (6)(A).

"(C) OTHER INCOME.—In determining the income for any family based on the prior year's income, with respect to prior year calculations of income not subject to subparagraph (B), a public housing agency or owner may make other adjustments as it considers appropriate to reflect current income.

"(D) SAFE HARBOR.—A public housing agency or owner may, to the extent such information is available to the public housing agency or owner, determine the family's income prior to the application of any deductions based on timely income determinations made for purposes of other means-tested Federal public assistance programs (including the program for block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act, a program for Medicaid assistance under a State plan approved under title XIX of the Social Security Act, and the supplemental nutrition assistance program (as such term is defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012))). The Secretary shall, in consultation with other appropriate Federal agencies, develop electronic procedures to enable public housing agencies and owners to have access to such benefit determinations made by other means-tested Federal programs Consultation. Procedures.

that the Secretary determines to have comparable reliability. Exchanges of such information shall be subject to the same limitations and tenant protections provided under section 904 of the Stewart B. McKinney Homeless Assistance Act Amendments of 1988 (42 U.S.C. 3544) with respect to information obtained under the requirements of section 303(i) of the Social Security Act (42 U.S.C. 503(i)).

"(E) ELECTRONIC INCOME VERIFICATION.—The Secretary shall develop a mechanism for disclosing information to a public housing agency for the purpose of verifying the employment and income of individuals and families in accordance with section 453(j)(7)(E) of the Social Security Act (42 U.S.C. 653(j)(7)(E)), and shall ensure public housing agencies have access to information contained in the 'Do Not Pay' system established by section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (Public Law 112–248; 126 Stat. 2392).

"(F) PHA AND OWNER COMPLIANCE.—A public housing agency or owner may not be considered to fail to comply with this paragraph or paragraph (6) due solely to any de minimis errors made by the agency or owner in calculating family incomes.";

(2) by striking subsections (d) and (e); and

(3) by redesignating subsection (f) as subsection (d).

Deadline. Time period. Effective date.

(b) CERTIFICATION REGARDING HARDSHIP EXCEPTION TO MINIMUM MONTHLY RENT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a certification that the hardship and tenant protection provisions in clause (i) of section 3(a)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(3)(B)(i)) are being enforced at such time and that the Secretary will continue to provide due consideration to the hardship circumstances of persons assisted under relevant programs of this Act.

(c) INCOME; ADJUSTED INCOME.—Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

Definition. Criteria. Consultation.

"(4) INCOME.—The term 'income' means, with respect to a family, income received from all sources by each member of the household who is 18 years of age or older or is the head of household or spouse of the head of the household, plus unearned income by or on behalf of each dependent who is less than 18 years of age, as determined in accordance with criteria prescribed by the Secretary, in consultation with the Secretary of Agriculture, subject to the following requirements:

"(A) INCLUDED AMOUNTS.—Such term includes recurring gifts and receipts, actual income from assets, and profit or loss from a business.

"(B) EXCLUDED AMOUNTS.—Such term does not include—

"(i) any imputed return on assets, except to the extent that net family assets exceed $50,000, except that such amount (as it may have been previously adjusted) shall be adjusted for inflation annually by

the Secretary in accordance with an inflationary index selected by the Secretary;

"(ii) any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7));

"(iii) deferred disability benefits from the Department of Veterans Affairs that are received in a lump sum amount or in prospective monthly amounts;

"(iv) any expenses related to aid and attendance under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance; and

"(v) exclusions from income as established by the Secretary by regulation or notice, or any amount required by Federal law to be excluded from consideration as income.

"(C) EARNED INCOME OF STUDENTS.—Such term does not include—

"(i) earned income, up to an amount as the Secretary may by regulation establish, of any dependent earned during any period that such dependent is attending school or vocational training on a full-time basis; or

"(ii) any grant-in-aid or scholarship amounts related to such attendance used—

"(I) for the cost of tuition or books; or

"(II) in such amounts as the Secretary may allow, for the cost of room and board.

"(D) EDUCATIONAL SAVINGS ACCOUNTS.—Income shall be determined without regard to any amounts in or from, or any benefits from, any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code. Determination.

"(E) RECORDKEEPING.—The Secretary may not require a public housing agency or owner to maintain records of any amounts excluded from income pursuant to this subparagraph.

"(5) ADJUSTED INCOME.—The term 'adjusted income' means, with respect to a family, the amount (as determined by the public housing agency or owner) of the income of the members of the family residing in a dwelling unit or the persons on a lease, after any deductions from income as follows: Definition.

"(A) ELDERLY AND DISABLED FAMILIES.—$525 in the case of any family that is an elderly family or a disabled family.

"(B) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

"(C) CHILD CARE.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

"(D) HEALTH AND MEDICAL EXPENSES.—The amount, if any, by which 10 percent of annual family income is exceeded by the sum of—

"(i) in the case of any elderly or disabled family, any unreimbursed health and medical care expenses; and

"(ii) any unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, if determined necessary by the public housing agency or owner to enable any member of such family to be employed.

Regulation.

The Secretary shall, by regulation, provide hardship exemptions to the requirements of this subparagraph and subparagraph (C) for impacted families who demonstrate an inability to pay calculated rents because of financial hardship. Such regulations shall include a requirement to notify tenants regarding any changes to the determination of adjusted income pursuant to such subparagraphs based on the determination of the family's claim of financial hardship exemptions required by the preceding sentence. Such regulations shall be promulgated in consultation with tenant organizations, industry participants, and the Secretary of Health and Human Services, with an adequate comment period provided for interested parties.

Notification.

Consultation.
Comment period.

Procedures.

"(E) PERMISSIVE DEDUCTIONS.—Such additional deductions as a public housing agency may, at its discretion, establish, except that the Secretary shall establish procedures to ensure that such deductions do not materially increase Federal expenditures.

Determination.
Applicability.
Regulation.

The Secretary shall annually calculate the amounts of the deductions under subparagraphs (A) and (B), as such amounts may have been previously calculated, by applying an inflationary factor as the Secretary shall, by regulation, establish, except that the actual deduction determined for each year shall be established by rounding such amount to the next lowest multiple of $25.".

(d) HOUSING CHOICE VOUCHER PROGRAM.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended—

(1) in paragraph (1)(D), by inserting before the period at the end the following: ", except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent where necessary as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may use a payment standard that is greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability, but only with the approval of the Secretary. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding two sentences as a reasonable accommodation for a person with a disability, the Secretary may not establish additional requirements regarding the amount of adjusted income paid by such person for rent"; and

(2) in paragraph (5)—

(A) in the paragraph heading, by striking "ANNUAL REVIEW" and inserting "REVIEWS";

(B) in subparagraph (A)—

(i) by striking "the provisions of" and inserting "paragraphs (1), (6), and (7) of section 3(a) and to"; and

(ii) by striking "and shall be conducted" and all that follows through the end of the subparagraph and inserting a period; and

(C) in subparagraph (B), by striking the second sentence.

(e) ENHANCED VOUCHER PROGRAM.—Section 8(t)(1)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(D)) is amended by striking "income" each place such term appears and inserting "annual adjusted income".

(f) PROJECT-BASED HOUSING.—Paragraph (3) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(3)) is amended by striking the last sentence.

(g) IMPACT ON PUBLIC HOUSING REVENUES.—

42 USC 1437a note.

(1) ADJUSTMENTS TO OPERATING FORMULA.—If the Secretary of Housing and Urban Development determines that the application of subsections (a) through (e) of this section results in a material and disproportionate reduction in the rental income of certain public housing agencies during the first year in which such subsections are implemented, the Secretary may make appropriate adjustments in the formula income for such year of those agencies experiencing such a reduction.

Determination.

(2) HUD REPORTS ON REVENUE AND COST IMPACT.—In each of the first two years after the first year in which subsections (a) through (e) are implemented, the Secretary of Housing and Urban Development shall submit a report to Congress identifying and calculating the impact of changes made by such subsections and section 104 of this Act on the revenues and costs of operating public housing units, the voucher program for rental assistance under section 8 of the United States Housing Act of 1937, and the program under such section 8 for project-based rental assistance. If such report identifies a material reduction in the net income of public housing agencies nationwide or a material increase in the costs of funding the voucher program or the project-based assistance program, the Secretary shall include in such report recommendations for legislative changes to reduce or eliminate such a reduction.

Time periods.

Recommendations.

(h) EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue notice or regulations to implement this section and this section shall take effect after such issuance, except that this section may only take effect upon the commencement of a calendar year.

Notice. Regulations. 42 USC 1437a note.

(i) STUDY ON IMPACT ON ELDERLY AND DISABLED FAMILIES OF DECREASED DEDUCTIONS IN INCOME.—

(1) STUDY.—The Secretary of Housing and Urban Development shall conduct a study to determine the impacts, on rents paid by elderly and disabled individuals and families assisted under the section 8 rental assistance and public housing programs under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), of any decreases in the amounts of any deductions from income (for purposes of section 3(b) of such Act (42 U.S.C. 1437a(b))), as compared to such deductions under such section 3(b) as in effect before the effectiveness of this section, resulting from the amendments made by this section.

Determination.

Time period.

(2) REPORT.—The Secretary shall submit to the Congress a report setting forth the results of the study conducted pursuant to paragraph (1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Notwithstanding subsection (h) of this section, this subsection shall take effect on the date of the enactment of this Act.

SEC. 103. LIMITATION ON PUBLIC HOUSING TENANCY FOR OVER-INCOME FAMILIES.

Subsection (a) of section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)) is amended by adding at the end the following new paragraph:

"(5) LIMITATIONS ON TENANCY FOR OVER-INCOME FAMILIES.—

"(A) LIMITATIONS.—Except as provided in subparagraph (D), in the case of any family residing in a dwelling unit of public housing whose income for the most recent two consecutive years, as determined pursuant to income reviews conducted pursuant to section 3(a)(6), has exceeded the applicable income limitation under subparagraph (C), the public housing agency shall—

"(i) notwithstanding any other provision of this Act, charge such family as monthly rent for the unit occupied by such family an amount equal to the greater of—

"(I) the applicable fair market rental established under section 8(c) for a dwelling unit in the same market area of the same size; or

Regulations.

"(II) the amount of the monthly subsidy provided under this Act for the dwelling unit, which shall include any amounts from the Operating Fund and Capital Fund under section 9 used for the unit, as determined by the agency in accordance with regulations that the Secretary shall issue to carry out this subclause; or

Deadline.

"(ii) terminate the tenancy of such family in public housing not later than 6 months after the income determination described in subparagraph (A).

"(B) NOTICE.—In the case of any family residing in a dwelling unit of public housing whose income for a year has exceeded the applicable income limitation under subparagraph (C), upon the conclusion of such year the public housing agency shall provide written notice to such family of the requirements under subparagraph (A).

Determination.

"(C) INCOME LIMITATION.—The income limitation under this subparagraph shall be 120 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income limitations higher or lower than 120 percent of such median income on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs, or unusually high or low family incomes, vacancy rates, or rental costs.

"(D) EXCEPTION.—Subparagraph (A) shall not apply to a family occupying a dwelling unit in public housing pursuant to paragraph (5) of section 3(a) (42 U.S.C. 1437a(a)(5)).

"(E) REPORTS ON OVER-INCOME FAMILIES AND WAITING LISTS.—The Secretary shall require that each public housing agency shall—

"(i) submit a report annually, in a format required by the Secretary, that specifies—

"(I) the number of families residing, as of the end of the year for which the report is submitted, in public housing administered by the agency who had incomes exceeding the applicable income limitation under subparagraph (C); and

"(II) the number of families, as of the end of such year, on the waiting lists for admission to public housing projects of the agency; and

"(ii) make the information reported pursuant to clause (i) publicly available.". Public information.

SEC. 104. LIMITATION ON ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.—

"(1) LIMITATION ON ASSETS.—Subject to paragraph (3) and notwithstanding any other provision of this Act, a dwelling unit assisted under this Act may not be rented and assistance under this Act may not be provided, either initially or at each recertification of family income, to any family—

"(A) whose net family assets exceed $100,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate; or

"(B) who has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, real property that is suitable for occupancy by the family as a residence, except that the prohibition under this subparagraph shall not apply to—

"(i) any property for which the family is receiving assistance under subsection (y) or (o)(12) of section 8 of this Act;

"(ii) any person that is a victim of domestic violence; or

"(iii) any family that is offering such property for sale.

"(2) NET FAMILY ASSETS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'net family assets' means, for all members of the household, the net cash value of all assets after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment. Such term does not include interests in Indian trust land, equity in property for which the family is receiving assistance under subsection (y) or (o)(12) of section 8, equity accounts in homeownership programs Definition.

of the Department of Housing and Urban Development, or Family Self Sufficiency accounts.

"(B) EXCLUSIONS.—Such term does not include—

"(i) the value of personal property, except for items of personal property of significant value, as the Secretary may establish or the public housing agency may determine;

"(ii) the value of any retirement account;

"(iii) real property for which the family does not have the effective legal authority necessary to sell such property;

"(iv) any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a member of the family and arising out of law, that resulted in a member of the family being disabled;

"(v) the value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and

"(vi) such other exclusions as the Secretary may establish.

"(C) TRUST FUNDS.—In cases in which a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund shall not be considered an asset of a family if the fund continues to be held in trust. Any income distributed from the trust fund shall be considered income for purposes of section 3(b) and any calculations of annual family income, except in the case of medical expenses for a minor.

"(3) SELF-CERTIFICATION.—

"(A) NET FAMILY ASSETS.—A public housing agency or owner may determine the net assets of a family, for purposes of this section, based on a certification by the family that the net assets of such family do not exceed $50,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate.

Determination.

"(B) NO CURRENT REAL PROPERTY OWNERSHIP.—A public housing agency or owner may determine compliance with paragraph (1)(B) based on a certification by the family that such family does not have any current ownership interest in any real property at the time the agency or owner reviews the family's income.

"(C) STANDARDIZED FORMS.—The Secretary may develop standardized forms for the certifications referred to in subparagraphs (A) and (B).

"(4) COMPLIANCE FOR PUBLIC HOUSING DWELLING UNITS.—When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the limitation under paragraph (1).

"(5) ENFORCEMENT.—When recertifying the income of a family residing in a dwelling unit assisted under this Act,

a public housing agency or owner may choose not to enforce the limitation under paragraph (1) or may establish exceptions to such limitation based on eligibility criteria, but only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency or under a policy adopted by the owner. Eligibility criteria for establishing exceptions may provide for separate treatment based on family type and may be based on different factors, such as age, disability, income, the ability of the family to find suitable alternative housing, and whether supportive services are being provided.

"(6) AUTHORITY TO DELAY EVICTIONS.—In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the limitation under paragraph (1), the public housing agency or project owner may delay eviction or termination of the family based on such noncompliance for a period of not more than 6 months. Time period.

"(7) VERIFYING INCOME.—

"(A) Beginning in fiscal year 2018, the Secretary shall require public housing agencies to require each applicant for, or recipient of, benefits under this Act to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the public housing agency to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the public housing agency determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits. Effective date. Records. Determination.

"(B) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subparagraph (A) of this paragraph shall remain effective until the earliest of—

"(i) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this Act;

"(ii) the cessation of the recipient's eligibility for benefits under this Act; or

"(iii) the express revocation by the applicant or recipient (or such other person referred to in subparagraph (A)) of the authorization, in a written notification to the Secretary. Notification.

"(C)(i) An authorization obtained by the public housing agency pursuant to this paragraph shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(ii) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the public housing agency pursuant to an authorization provided under this clause.

"(iii) A request by the public housing agency pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

Notification.

"(iv) The public housing agency shall inform any person who provides authorization pursuant to this paragraph of the duration and scope of the authorization.

"(D) If an applicant for, or recipient of, benefits under this Act (or any such other person referred to in subparagraph (A)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the public housing agency to obtain from any financial institution any financial record, the public housing agency may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.".

SEC. 105. UNITS OWNED BY PUBLIC HOUSING AGENCIES.

Paragraph (11) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(11)) is amended—

(1) by striking "(11) LEASING OF UNITS OWNED BY PHA.—If" and inserting the following:

"(11) LEASING OF UNITS OWNED BY PHA.—

"(A) INSPECTIONS AND RENT DETERMINATIONS.—If"; and

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

Definition.

"(B) UNITS OWNED BY PHA.—For purposes of this subsection, the term 'owned by a public housing agency' means, with respect to a dwelling unit, that the dwelling unit is in a project that is owned by such agency, by an entity wholly controlled by such agency, or by a limited liability company or limited partnership in which such agency (or an entity wholly controlled by such agency) holds a controlling interest in the managing member or general partner. A dwelling unit shall not be deemed to be owned by a public housing agency for purposes of this subsection because the agency holds a fee interest as ground lessor in the property on which the unit is situated, holds a security interest under a mortgage or deed of trust on the unit, or holds a non-controlling interest in an entity which owns the unit or in the managing member or general partner of an entity which owns the unit.".

SEC. 106. PHA PROJECT-BASED ASSISTANCE.

(a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(1) by striking "structure" each place such term appears and inserting "project";

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

"(B) PERCENTAGE LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), a public housing agency may use for project-based assistance under this paragraph not more than 20 percent of the authorized units for the agency.

"(ii) EXCEPTION.—A public housing agency may use up to an additional 10 percent of the authorized units for the agency for project-based assistance under this paragraph, to provide units that house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), that house families with veterans, that provide supportive housing to persons with disabilities or elderly persons, or that are located in areas where vouchers under this subsection are difficult to use, as specified in subparagraph (D)(ii)(II). Any units of project-based assistance that are attached to units previously subject to federally required rent restrictions or receiving another type of long-term housing subsidy provided by the Secretary shall not count toward the percentage limitation under clause (i) of this subparagraph. The Secretary may, by regulation, establish additional categories for the exception under this clause.";

Regulations.

(3) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) INCOME-MIXING REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), not more than the greater of 25 dwelling units or 25 percent of the dwelling units in any project may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph. For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

Definition.

"(ii) EXCEPTIONS.—

"(I) CERTAIN FAMILIES.—The limitation under clause (i) shall not apply to dwelling units assisted under a contract that are exclusively made available to elderly families or to households eligible for supportive services that are made available to the assisted residents of the project, according to standards for such services the Secretary may establish.

"(II) CERTAIN AREAS.—With respect to areas in which tenant-based vouchers for assistance under this subsection are difficult to use, as determined by the Secretary, and with respect to census tracts with a poverty rate of 20 percent or less, clause (i) shall be applied by substituting '40 percent' for '25 percent', and the Secretary may, by regulation, establish additional conditions.

Determination.
Applicability.
Regulations.

"(III) CERTAIN CONTRACTS.—The limitation under clause (i) shall not apply with respect to contracts or renewal of contracts under which a greater percentage of the dwelling units in a project were assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph on the date of the enactment of the Housing Opportunity Through Modernization Act of 2016.

"(IV) CERTAIN PROPERTIES.—Any units of project-based assistance under this paragraph that are attached to units previously subject to federally required rent restrictions or receiving other project-based assistance provided by the Secretary shall not count toward the percentage limitation imposed by this subparagraph (D).

"(iii) ADDITIONAL MONITORING AND OVERSIGHT REQUIREMENTS.—The Secretary may establish additional requirements for monitoring and oversight of projects in which more than 40 percent of the dwelling units are assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.";

(4) by striking subparagraph (F) and inserting the following new subparagraph:

"(F) CONTRACT TERM.—

"(i) TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a project may have a term of up to 20 years, subject to—

"(I) the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriation Acts and in the agency's annual contributions contract with the Secretary, provided that in the event of insufficient appropriated funds, payments due under contracts under this paragraph shall take priority if other cost-saving measures that do not require the termination of an existing contract are available to the agency; and

"(II) compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make biennial inspections of each assisted unit in the development.

"(ii) ADDITION OF ELIGIBLE UNITS.—Subject to the limitations of subparagraphs (B) and (D), the agency and the owner may add eligible units within the same project to a housing assistance payments contract at any time during the term thereof without being subject to any additional competitive selection procedures.

"(iii) HOUSING UNDER CONSTRUCTION OR RECENTLY CONSTRUCTED.—An agency may enter into a housing assistance payments contract with an owner for any unit that does not qualify as existing housing and is under construction or recently has been constructed whether or not the agency has executed an agreement to enter into a contract with the owner, provided that the owner demonstrates compliance with applicable requirements prior to execution of the housing assistance payments contract. This clause shall not subject a housing assistance payments contract for existing housing under this paragraph to such requirements or otherwise limit the extent to which a unit may be assisted as existing housing.

"(iv) ADDITIONAL CONDITIONS.—The contract may specify additional conditions, including with respect

to continuation, termination, or expiration, and shall specify that upon termination or expiration of the contract without extension, each assisted family may elect to use its assistance under this subsection to remain in the same project if its unit complies with the inspection requirements under paragraph (8), the rent for the unit is reasonable as required by paragraph (10)(A), and the family pays its required share of the rent and the amount, if any, by which the unit rent (including the amount allowed for tenant-based utilities) exceeds the applicable payment standard.";

(5) in subparagraph (G), by striking "15 years" and inserting "20 years";

(6) by striking subparagraph (I) and inserting the following new subparagraph:

"(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph entered into after the date of the enactment of the Housing Opportunity Through Modernization Act of 2016 shall provide for annual rent adjustments upon the request of the owner, except that— Contracts.

"(i) by agreement of the parties, a contract may allow a public housing agency to adjust the rent for covered units using an operating cost adjustment factor established by the Secretary pursuant to section 524(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (which shall not result in a negative adjustment), in which case the contract may require an additional adjustment, if requested, up to the reasonable rent periodically during the term of the contract, and shall require such an adjustment, if requested, upon extension pursuant to subparagraph (G);

"(ii) the adjusted rent shall not exceed the maximum rent permitted under subparagraph (H);

"(iii) the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the units; and

"(iv) the provisions of subsection (c)(2)(C) shall not apply.";

(7) in subparagraph (J)—

(A) in the first sentence—

(i) by striking "shall" and inserting "may"; and

(ii) by inserting before the period the following: "or may permit owners to select applicants from site-based waiting lists as specified in this subparagraph";

(B) by striking the third sentence and inserting the following: "The agency or owner may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A and that give preference to families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units."; and

Procedures.

(C) by striking the fifth and sixth sentences and inserting the following: "A public housing agency may establish and utilize procedures for owner-maintained site-based waiting lists, under which applicants may apply at, or otherwise designate to the public housing agency, the project or projects in which they seek to reside, except that all eligible applicants on the waiting list of an agency for assistance under this subsection shall be permitted to place their names on such separate list, subject to policies and procedures established by the Secretary. All such procedures shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and other applicable civil rights laws. The owner or manager of a project assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list, or a family on a site-based waiting list that complies with the requirements of this subparagraph. A public housing agency shall disclose to each applicant all other options in the selection of a project in which to reside that are provided by the public housing agency and are available to the applicant.";

Disclosure.

(8) in subparagraph (M)(ii), by inserting before the period at the end the following: "relating to funding other than housing assistance payments"; and

(9) by adding at the end the following new subparagraphs:

Notification. Public information.

"(N) STRUCTURE OWNED BY AGENCY.—A public housing agency engaged in an initiative to improve, develop, or replace a public housing property or site may attach assistance to an existing, newly constructed, or rehabilitated structure in which the agency has an ownership interest or which the agency has control of without following a competitive process, provided that the agency has notified the public of its intent through its public housing agency plan and subject to the limitations and requirements of this paragraph.

"(O) SPECIAL PURPOSE VOUCHERS.—A public housing agency that administers vouchers authorized under subsection (o)(19) or (x) of this section may provide such assistance in accordance with the limitations and requirements of this paragraph, without additional requirements for approval by the Secretary.".

Notice. Regulations. 42 USC 1437f note.

(b) EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue notice or regulations to implement subsection (a) of this section and such subsection shall take effect upon such issuance.

SEC. 107. ESTABLISHMENT OF FAIR MARKET RENT.

(a) IN GENERAL.—Paragraph (1) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by striking the fourth, seventh, eighth, and ninth sentences; and

(3) by adding at the end the following:

Web posting.

"(B) Fair market rentals for an area shall be published not less than annually by the Secretary on the site of the Department

on the World Wide Web and in any other manner specified by the Secretary. Notice that such fair market rentals are being published shall be published in the Federal Register, and such fair market rentals shall become effective no earlier than 30 days after the date of such publication. The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rentals in a jurisdiction before such rentals become effective. The Secretary shall cause to be published for comment in the Federal Register notices of proposed material changes in the methodology for estimating fair market rentals and notices specifying the final decisions regarding such proposed substantial methodological changes and responses to public comments.".

Notice.
Federal Register, publication.
Effective date.
Time period.

(b) PAYMENT STANDARD.—Subparagraph (B) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting before the period at the end the following: ", except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced. The Secretary shall allow public housing agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the Secretary".

Criteria.
Procedures.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act.

42 USC 1437f note.

SEC. 108. COLLECTION OF UTILITY DATA.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(20) COLLECTION OF UTILITY DATA.—

"(A) PUBLICATION.—The Secretary shall, to the extent that data can be collected cost effectively, regularly publish such data regarding utility consumption and costs in local areas as the Secretary determines will be useful for the establishment of allowances for tenant-paid utilities for families assisted under this subsection.

Determination.

"(B) USE OF DATA.—The Secretary shall provide such data in a manner that—

"(i) avoids unnecessary administrative burdens for public housing agencies and owners; and

"(ii) protects families in various unit sizes and building types, and using various utilities, from high rent and utility cost burdens relative to income.".

SEC. 109. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

(a) CAPITAL FUND REPLACEMENT RESERVES.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) in subsection (j), by adding at the end the following new paragraph:

"(7) TREATMENT OF REPLACEMENT RESERVE.—The requirements of this subsection shall not apply to funds held in replacement reserves established pursuant to subsection (n)."; and

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

"(n) ESTABLISHMENT OF REPLACEMENT RESERVES.—

"(1) IN GENERAL.—Public housing agencies shall be permitted to establish a replacement reserve to fund any of the capital activities listed in subsection (d)(1).

"(2) SOURCE AND AMOUNT OF FUNDS FOR REPLACEMENT RESERVE.—At any time, a public housing agency may deposit funds from such agency's Capital Fund into a replacement reserve, subject to the following:

"(A) At the discretion of the Secretary, public housing agencies may transfer and hold in a replacement reserve funds originating from additional sources.

"(B) No minimum transfer of funds to a replacement reserve shall be required.

Determination.

"(C) At any time, a public housing agency may not hold in a replacement reserve more than the amount the public housing authority has determined necessary to satisfy the anticipated capital needs of properties in its portfolio assisted under this section, as outlined in its Capital Fund 5-Year Action Plan, or a comparable plan, as determined by the Secretary.

Regulations.

"(D) The Secretary may establish, by regulation, a maximum replacement reserve level or levels that are below amounts determined under subparagraph (C), which may be based upon the size of the portfolio assisted under this section or other factors.

"(3) TRANSFER OF OPERATING FUNDS.—In first establishing a replacement reserve, the Secretary may allow public housing agencies to transfer more than 20 percent of its operating funds into its replacement reserve.

"(4) EXPENDITURE.—Funds in a replacement reserve may be used for purposes authorized by subsection (d)(1) and contained in its Capital Fund 5-Year Action Plan.

"(5) MANAGEMENT AND REPORT.—The Secretary shall establish appropriate accounting and reporting requirements to ensure that public housing agencies are spending funds on eligible projects and that funds in the replacement reserve are connected to capital needs.".

(b) FLEXIBILITY OF OPERATING FUND AMOUNTS.—Paragraph (1) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1)) is amended—

(1) by striking "(1)" and all that follows through "—Of" and inserting the following:

"(1) FLEXIBILITY IN USE OF FUNDS.—

"(A) FLEXIBILITY FOR CAPITAL FUND AMOUNTS.—Of"; and

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

"(B) FLEXIBILITY FOR OPERATING FUND AMOUNTS.—Of any amounts appropriated for fiscal year 2016 or any fiscal year thereafter that are allocated for fiscal year 2016 or any fiscal year thereafter from the Operating Fund for any public housing agency, the agency may use not more than 20 percent for activities that are eligible under subsection (d) for assistance with amounts from the Capital Fund, but only if the public housing plan under section 5A for the agency provides for such use.".

SEC. 110. FAMILY UNIFICATION PROGRAM FOR CHILDREN AGING OUT OF FOSTER CARE.

Section 8(x) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "18 months" and inserting "36 months";

(B) by striking "21 years of age" and inserting "24 years of age"; and

(C) by inserting after "have left foster care" the following: ", or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act, and is homeless or is at risk of becoming homeless";

(2) by redesignating paragraph (4) as paragraph (5); and

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

"(4) COORDINATION BETWEEN PUBLIC HOUSING AGENCIES AND PUBLIC CHILD WELFARE AGENCIES.—The Secretary shall, not later than the expiration of the 180-day period beginning on the date of the enactment of the Housing Opportunity Through Modernization Act of 2016 and after consultation with other appropriate Federal agencies, issue guidance to improve coordination between public housing agencies and public child welfare agencies in carrying out the program under this subsection, which shall provide guidance on— Deadline. Time period. Effective date. Consultation. Guidance.

"(A) identifying eligible recipients for assistance under this subsection;

"(B) coordinating with other local youth and family providers in the community and participating in the Continuum of Care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

"(C) implementing housing strategies to assist eligible families and youth;

"(D) aligning system goals to improve outcomes for families and youth and reducing lapses in housing for families and youth; and

"(E) identifying resources that are available to eligible families and youth to provide supportive services available through parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq.; 670 et seq.) or that the head of household of a family or youth may be entitled to receive under section 477 of the Social Security Act (42 U.S.C. 677).".

SEC. 111. PUBLIC HOUSING HEATING GUIDELINES.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(o) PUBLIC HOUSING HEATING GUIDELINES.—The Secretary shall publish model guidelines for minimum heating requirements for public housing dwelling units operated by public housing agencies receiving assistance under this section.". Publication.

SEC. 112. USE OF VOUCHERS FOR MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through "of" in the second sentence and inserting "and rents"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "the rent" and all that follows and inserting the following: "rent shall mean the sum of the monthly payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.";

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: "If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount."; and

(ii) by redesignating such clause as clause (ii).

Notice.
42 USC 1437f note.

(b) EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue notice to implement the amendments made by subsection (a) and such amendments shall take effect upon such issuance.

SEC. 113. PREFERENCE FOR UNITED STATES CITIZENS OR NATIONALS.

Section 214(a)(7) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)(7)) is amended by striking "such alien" and all that follows through the period at the end and inserting "any citizen or national of the United States shall be entitled to a preference or priority in receiving financial assistance before any such alien who is otherwise eligible for assistance.".

SEC. 114. EXCEPTION TO PUBLIC HOUSING AGENCY RESIDENT BOARD MEMBER REQUIREMENT.

Subsection (b) of section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) by redesignating paragraph (3) as paragraph (4); and

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

"(3) EXCEPTION FOR CERTAIN JURISDICTIONS.—

"(A) EXCEPTION.—A covered agency (as such term is defined in subparagraph (C) of this paragraph) shall not be required to include on the board of directors or a similar governing board of such agency a member described in paragraph (1).

Establishment.

"(B) ADVISORY BOARD REQUIREMENT.—Each covered agency that administers Federal housing assistance under section 8 (42 U.S.C. 1437f) that chooses not to include

a member described in paragraph (1) on the board of directors or a similar governing board of the agency shall establish an advisory board of not less than 6 residents of public housing or recipients of assistance under section 8 (42 U.S.C. 1437f) to provide advice and comment to the agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

"(C) COVERED AGENCY OR ENTITY.—For purposes of this paragraph, the term 'covered agency' means a public housing agency or such other entity that administers Federal housing assistance for— Definition.

"(I) the Housing Authority of the county of Los Angeles, California; or

"(ii) any of the States of Alaska, Iowa, and Mississippi.".

TITLE II—RURAL HOUSING

SEC. 201. DELEGATION OF GUARANTEED RURAL HOUSING LOAN APPROVAL.

Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(18) DELEGATION OF APPROVAL.—The Secretary may delegate, in part or in full, the Secretary's authority to approve and execute binding Rural Housing Service loan guarantees pursuant to this subsection to certain preferred lenders, in accordance with standards established by the Secretary.". Standards.

SEC. 202. GUARANTEED UNDERWRITING USER FEE.

Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended by adding at the end the following new subsection:

"(i) GUARANTEED UNDERWRITING USER FEE.—

"(1) AUTHORITY; MAXIMUM AMOUNT.—The Secretary may assess and collect a fee for a lender to access the automated underwriting systems of the Department in connection with such lender's participation in the single family loan program under this section and only in an amount necessary to cover the costs of information technology enhancements, improvements, maintenance, and development for automated underwriting systems used in connection with the single family loan program under this section, except that such fee shall not exceed $50 per loan.

"(2) CREDITING; AVAILABILITY.—Any amounts collected from such fees shall be credited to the Rural Development Expense Account as offsetting collections and shall remain available until expended, in the amounts provided in appropriation Acts, solely for expenses described in paragraph (1).".

TITLE III—FHA MORTGAGE INSURANCE FOR CONDOMINIUMS

SEC. 301. MODIFICATION OF FHA REQUIREMENTS FOR MORTGAGE INSURANCE FOR CONDOMINIUMS.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following new subsection:

"(y) REQUIREMENTS FOR MORTGAGES FOR CONDOMINIUMS.—

"(1) PROJECT RECERTIFICATION REQUIREMENTS.—Notwithstanding any other law, regulation, or guideline of the Secretary, including chapter 2.4 of the Condominium Project Approval and Processing Guide of the FHA, the Secretary shall streamline the project certification requirements that are applicable to the insurance under this section for mortgages for condominium projects so that recertifications are substantially less burdensome than certifications. The Secretary shall consider lengthening the time between certifications for approved properties, and allowing updating of information rather than resubmission.

Determination.

"(2) COMMERCIAL SPACE REQUIREMENTS.—Notwithstanding any other law, regulation, or guideline of the Secretary, including chapter 2.1.3 of the Condominium Project Approval and Processing Guide of the FHA, in providing for exceptions to the requirement for the insurance of a mortgage on a condominium property under this section regarding the percentage of the floor space of a condominium property that may be used for nonresidential or commercial purposes, the Secretary shall provide that—

"(A) any request for such an exception and the determination of the disposition of such request may be made, at the option of the requester, under the direct endorsement lender review and approval process or under the HUD review and approval process through the applicable field office of the Department; and

"(B) in determining whether to allow such an exception for a condominium property, factors relating to the economy for the locality in which such project is located or specific to project, including the total number of family units in the project, shall be considered.

Deadline.
Time period.
Effective date.
Regulations.
Standards.
Penalties.
Applicability.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this paragraph, the Secretary shall issue regulations to implement this paragraph, which shall include any standards, training requirements, and remedies and penalties that the Secretary considers appropriate.

"(3) TRANSFER FEES.—Notwithstanding any other law, regulation, or guideline of the Secretary, including chapter 1.8.8 of the Condominium Project Approval and Processing Guide of the FHA and section 203.41 of the Secretary's regulations (24 CFR 203.41), existing standards of the Federal Housing Finance Agency relating to encumbrances under private transfer fee covenants shall apply to the insurance of mortgages by the Secretary under this section to the same extent and in the same manner that such standards apply to the purchasing, investing in, and otherwise dealing in mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. If the provisions of part

Federal Register, publication.
Notice.
Deadline.

1228 of the Director of the Federal Housing Finance Agency's regulations (12 CFR part 1228) are amended or otherwise changed after the date of the enactment of this paragraph, the Secretary of Housing and Urban Development shall adopt any such amendments or changes for purposes of this paragraph, unless the Secretary causes to be published in the Federal Register a notice explaining why the Secretary will disregard such amendments or changes within 90 days after the effective date of such amendments or changes.

"(4) OWNER-OCCUPANCY REQUIREMENT.—

"(A) ESTABLISHMENT OF PERCENTAGE REQUIREMENT.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this paragraph, the Secretary shall, by rule, notice, or mortgagee letter, issue guidance regarding the percentage of units that must be occupied by the owners as a principal residence or a secondary residence (as such terms are defined by the Secretary), or must have been sold to owners who intend to meet such occupancy requirements, including justifications for the percentage requirements, in order for a condominium project to be acceptable to the Secretary for insurance under this section of a mortgage within such condominium property.

Deadline.
Time period.
Effective date.
Regulations.
Notice.
Guidance.

"(B) FAILURE TO ACT.—If the Secretary fails to issue the guidance required under subparagraph (A) before the expiration of the 90-day period specified in such clause, the following provisions shall apply:

Applicability.

"(i) 35 PERCENT REQUIREMENT.—In order for a condominium project to be acceptable to the Secretary for insurance under this section, at least 35 percent of all family units (including units not covered by FHA-insured mortgages) must be occupied by the owners as a principal residence or a secondary residence (as such terms are defined by the Secretary), or must have been sold to owners who intend to meet such occupancy requirement.

"(ii) OTHER CONSIDERATIONS.—The Secretary may increase the percentage applicable pursuant to clause (i) to a condominium project on a project-by-project or regional basis, and in determining such percentage for a project shall consider factors relating to the economy for the locality in which such project is located or specific to project, including the total number of family units in the project.".

TITLE IV—HOUSING REFORMS FOR THE HOMELESS AND FOR VETERANS

SEC. 401. DEFINITION OF GEOGRAPHIC AREA FOR CONTINUUM OF CARE PROGRAM.

(a) DEFINITION.—Subtitle C of the McKinney-Vento Homeless Assistance Act is amended—

(1) by redesignating sections 432 and 433 (42 U.S.C. 11387, 11388) as sections 433 and 434, respectively; and

(2) by inserting after section 431 (42 U.S.C. 11386e) the following new section:

42 USC 11386f.

"SEC. 432. GEOGRAPHIC AREAS.

Notice.

"(a) REQUIREMENT TO DEFINE.—For purposes of this subtitle, the term 'geographic area' shall have such meaning as the Secretary shall by notice provide.

Deadline. Time period. Effective date.

"(b) ISSUANCE OF NOTICE.—Not later than the expiration of the 90-day period beginning on the date of the enactment of the Housing Opportunity Through Modernization Act of 2016, the Secretary shall issue a notice setting forth the definition required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the items relating to sections 432 and 433 and inserting the following new items:

"Sec. 432. Geographic areas.
"Sec. 433. Regulations.
"Sec. 434. Reports to Congress.".

SEC. 402. INCLUSION OF PUBLIC HOUSING AGENCIES AND LOCAL REDEVELOPMENT AUTHORITIES IN EMERGENCY SOLUTIONS GRANTS.

Section 414(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(c)) is amended—

(1) in the subsection heading, by inserting ", PUBLIC HOUSING AGENCIES, AND LOCAL REDEVELOPMENT AUTHORITIES" after "ORGANIZATIONS"; and

(2) in the first sentence, by inserting before the period at the end the following: ", to public housing agencies (as defined under section 3(b)(6) of the United States Housing Act of 1937), or to local redevelopment authorities (as defined under State law)".

SEC. 403. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER OF POSITION TO OFFICE OF THE SECRETARY.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

"(h) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

"(1) POSITION.—There shall be in the Office of the Secretary a Special Assistant for Veterans Affairs, who shall report directly to the Secretary.

"(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

"(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

"(A) ensuring veterans have fair access to housing and homeless assistance under each program of the Department providing either such assistance;

"(B) coordinating all programs and activities of the Department relating to veterans;

"(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

"(D) serving as a liaison for the Department, and establishing and maintaining relationships with the United States Interagency Council on Homelessness and officials of State, local, regional, and nongovernmental organizations concerned with veterans;

"(E) providing information and advice regarding—

"(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

"(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

"(F) coordinating with the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs in carrying out section 404 of the Housing Opportunity Through Modernization Act of 2016;

"(G) collaborating with the Department of Veterans Affairs on making joint recommendations to the Congress, the Secretary of Housing and Urban Development, and the Secretary of Veterans Affairs on how to better coordinate and improve services to veterans under both Department of Housing and Urban Development and Department of Veteran Affairs veterans housing programs, including ways to improve the Independent Living Program of the Department of Veteran Affairs; and

"(H) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.".

(b) TRANSFER OF POSITION IN OFFICE OF DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS.—On the date that the initial Special Assistant for Veterans Affairs is appointed pursuant to section 4(h)(2) of the Department of Housing and Urban Development Act, as added by subsection (a) of this section, the position of Special Assistant for Veterans Programs in the Office of the Deputy Assistant Secretary for Special Needs of the Department of Housing and Urban Development shall be terminated.

42 USC 3533 note. Termination.

SEC. 404. ANNUAL SUPPLEMENTAL REPORT ON VETERANS HOMELESSNESS.

42 USC 11313 note.

(a) IN GENERAL.—The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs, in coordination with the United States Interagency Council on Homelessness, shall submit annually to the Committees of the Congress specified in subsection (b), together with the annual reports required by such Secretaries under section 203(c)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11313(c)(1)), a supplemental report that includes the following information with respect to the preceding year:

Coordination.

(1) The same information, for such preceding year, that was included with respect to 2010 in the report by the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs entitled "Veterans Homelessness: A Supplemental Report to the 2010 Annual Homeless Assessment Report to Congress".

(2) Information regarding the activities of the Department of Housing and Urban Development relating to veterans during such preceding year, as follows:

(A) The number of veterans provided assistance under the housing choice voucher program for Veterans Affairs supported housing under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), the socioeconomic characteristics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

Summary.

(B) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) and under comprehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(C) A description of the activities of the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development.

(D) A description of the efforts of the Department of Housing and Urban Development and the other members of the United States Interagency Council on Homelessness to coordinate the delivery of housing and services to veterans.

(E) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(F) Any other information that the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs consider relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans.

(b) COMMITTEES.—The Committees of the Congress specified in this subsection are as follows:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans' Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans' Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

SEC. 405. REOPENING OF PUBLIC COMMENT PERIOD FOR CONTINUUM OF CARE PROGRAM REGULATIONS.

Deadline.
Time period.
Effective date.

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall re-open the period for public comment regarding the Secretary's interim rule entitled "Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program", published in the Federal Register on July 31, 2012 (77 Fed. Reg. 45422; Docket No. FR–5476–I–01). Upon reopening, such comment period shall remain open for a period of not fewer than 60 days.

TITLE V—MISCELLANEOUS

SEC. 501. INCLUSION OF DISASTER HOUSING ASSISTANCE PROGRAM IN CERTAIN FRAUD AND ABUSE PREVENTION MEASURES.

42 USC 3544 note.

The Disaster Housing Assistance Program administered by the Department of Housing and Urban Development shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) for the purpose of income verifications.

SEC. 502. ENERGY EFFICIENCY REQUIREMENTS UNDER SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM.

Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting after subsection (f) the following new subsection:

"(g) ENERGY EFFICIENCY REQUIREMENTS.—The Secretary may not require any dwelling developed using amounts from a grant made under this section to meet any energy efficiency standards other than the standards applicable at such time pursuant to section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) to housing specified in subsection (a) of such section.".

SEC. 503. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) DATA EXCHANGE STANDARDIZATION.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 37. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

42 USC 1437z–9.

"(a) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern, under this Act—

Consultation.

"(1) necessary categories of information that State agencies operating related programs are required under applicable law to electronically exchange with another State agency; and

"(2) Federal reporting and data exchange required under applicable law.

"(b) REQUIREMENTS.—The data exchange standards required by subsection (a) shall, to the maximum extent practicable—

"(1) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

"(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

"(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

"(4) be consistent with and implement applicable accounting principles;

"(5) be implemented in a manner that is cost- effective and improves program efficiency and effectiveness; and

"(6) be capable of being continually upgraded as necessary.

"(c) RULES OF CONSTRUCTION.—Nothing in this section requires a change to existing data exchange standards for Federal reporting found to be effective and efficient.".

42 USC 1437z–9 note. Deadline. Regulations.

(b) APPLICABILITY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue a proposed rule to carry out the amendments made by subsection (a).

(2) REQUIREMENTS.—The rule shall—

(A) identify federally required data exchanges;

(B) include specification and timing of exchanges to be standardized;

(C) address the factors used in determining whether and when to standardize data exchanges;

(D) specify State implementation options; and

(E) describe future milestones.

TITLE VI—REPORTS

42 USC 3536a note.

SEC. 601. REPORT ON INTERAGENCY FAMILY ECONOMIC EMPOWERMENT STRATEGIES.

Consultation.

The Secretary of Housing and Urban Development, in consultation with the Secretary of Labor, shall submit a report to the Congress annually that describes—

(1) any interagency strategies of such Departments that are designed to improve family economic empowerment by linking housing assistance with essential supportive services, such as employment counseling and training, financial education and growth, childcare, transportation, meals, youth recreational activities, and other supportive services; and

(2) any actions taken in the preceding year to carry out such strategies and the extent of progress achieved by such actions.

TITLE VII—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

SEC. 701. FORMULA AND TERMS FOR ALLOCATIONS TO PREVENT HOMELESSNESS FOR INDIVIDUALS LIVING WITH HIV OR AIDS.

(a) IN GENERAL.—Subsection (c) of section 854 of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) is amended by—

(1) redesignating paragraph (3) as paragraph (5); and

(2) striking paragraphs (1) and (2) and inserting the following:

"(1) ALLOCATION OF RESOURCES.—

"(A) ALLOCATION FORMULA.—The Secretary shall allocate 90 percent of the amount approved in appropriations Acts under section 863 among States and metropolitan statistical areas as follows:

"(I) 75 percent of such amounts among—

"(I) cities that are the most populous unit of general local government in a metropolitan statistical area with a population greater than 500,000, as determined on the basis of the most recent

census, and with more than 2,000 individuals living with HIV or AIDS, using the data specified in subparagraph (B); and

"(II) States with more than 2,000 individuals living with HIV or AIDS outside of metropolitan statistical areas.

"(ii) 25 percent of such amounts among States and metropolitan statistical areas based on the method described in subparagraph (C).

"(B) SOURCE OF DATA.—For purposes of allocating amounts under this paragraph for any fiscal year, the number of individuals living with HIV or AIDS shall be the number of such individuals as confirmed by the Director of the Centers for Disease Control and Prevention, as of December 31 of the most recent calendar year for which such data is available.

"(C) ALLOCATION UNDER SUBPARAGRAPH (A)(ii).—For purposes of allocating amounts under subparagraph (A)(ii), the Secretary shall develop a method that accounts for—

"(I) differences in housing costs among States and metropolitan statistical areas based on the fair market rental established pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) or another methodology established by the Secretary through regulation; and

"(ii) differences in poverty rates among States and metropolitan statistical areas based on area poverty indexes or another methodology established by the Secretary through regulation.

"(2) MAINTAINING GRANTS.—

"(A) CONTINUED ELIGIBILITY OF FISCAL YEAR 2016 GRANTEES.—A grantee that received an allocation in fiscal year 2016 shall continue to be eligible for allocations under paragraph (1) in subsequent fiscal years, subject to—

"(I) the amounts available from appropriations Acts under section 863;

"(ii) approval by the Secretary of the most recent comprehensive housing affordability strategy for the grantee approved under section 105; and

"(iii) the requirements of subparagraph (C).

"(B) ADJUSTMENTS.—Allocations to grantees described in subparagraph (A) shall be adjusted annually based on the administrative provisions included in fiscal year 2016 appropriations Acts.

"(C) REDETERMINATION OF CONTINUED ELIGIBILITY.— Time period.
The Secretary shall redetermine the continued eligibility of a grantee that received an allocation in fiscal year 2016 at least once during the 10-year period following fiscal year 2016.

"(D) ADJUSTMENT TO GRANTS.—For each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Secretary shall ensure that a grantee that received an allocation in the prior fiscal year does not receive an allocation that is 5 percent less than or 10 percent greater than the amount allocated to such grantee in the preceding fiscal year.

"(3) ALTERNATIVE GRANTEES.— Contracts.

"(A) REQUIREMENTS.—The Secretary may award funds reserved for a grantee eligible under paragraph (1) to an alternative grantee if—

Contracts.

"(I) the grantee submits to the Secretary a written agreement between the grantee and the alternative grantee that describes how the alternative grantee will take actions consistent with the applicable comprehensive housing affordability strategy approved under section 105 of this Act;

"(ii) the Secretary approves the written agreement described in clause (I) and agrees to award funds to the alternative grantee; and

"(iii) the written agreement does not exceed a term of 10 years.

"(B) RENEWAL.—An agreement approved pursuant to subparagraph (A) may be renewed by the parties with the approval of the Secretary.

"(C) DEFINITION.—In this paragraph, the term 'alternative grantee' means a public housing agency (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), a unified funding agency (as defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360)), a State, a unit of general local government, or an instrumentality of State or local government.

Determination.

"(4) REALLOCATIONS.—If a State or metropolitan statistical area declines an allocation under paragraph (1)(A), or the Secretary determines, in accordance with criteria specified in regulation, that a State or metropolitan statistical area that is eligible for an allocation under paragraph (1)(A) is unable to properly administer such allocation, the Secretary shall reallocate any funds reserved for such State or metropolitan statistical area as follows:

"(A) For funds reserved for a State—

"(I) to eligible metropolitan statistical areas within the State on a pro rata basis; or

"(ii) if there is no eligible metropolitan statistical areas within a State, to metropolitan cities and urban counties within the State that are eligible for grant under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), on a pro rata basis.

"(B) For funds reserved for a metropolitan statistical area, to the State in which the metropolitan statistical area is located.

"(C) If the Secretary is unable to make a reallocation under subparagraph (A) or (B), the Secretary shall make such funds available on a pro rata basis under the formula in paragraph (1)(A).".

(b) AMENDMENT TO DEFINITIONS.—Section 853 of the AIDS Housing Opportunity Act (42 U.S.C. 12902) is amended—

(1) in paragraph (1), by inserting "or 'AIDS'" before "means"; and

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

"(15) The term 'HIV' means infection with the human immunodeficiency virus.

"(16) The term 'individuals living with HIV or AIDS' means, with respect to the counting of cases in a geographic area during a period of time, the sum of—

"(A) the number of living non-AIDS cases of HIV in the area; and

"(B) the number of living cases of AIDS in the area.".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 3700:

HOUSE REPORTS: No. 114–397 (Comm. on Financial Services).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 2, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–202
114th Congress

An Act

July 29, 2016
[H.R. 3931]

To designate the facility of the United States Postal Service located at 620 Central Avenue Suite 1A in Hot Springs National Park, Arkansas, as the "Chief Petty Officer Adam Brown United States Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF PETTY OFFICER ADAM BROWN UNITED STATES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 620 Central Avenue Suite 1A in Hot Springs National Park, Arkansas, shall be known and designated as the "Chief Petty Officer Adam Brown United States Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chief Petty Officer Adam Brown United States Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 3931:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–203
114th Congress

An Act

To designate the facility of the United States Postal Service located at 4122 Madison Street, Elfers, Florida, as the "Private First Class Felton Roger Fussell Memorial Post Office".

July 29, 2016
[H.R. 3953]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE FIRST CLASS FELTON ROGER FUSSELL MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4122 Madison Street, Elfers, Florida, shall be known and designated as the "Private First Class Felton Roger Fussell Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private First Class Felton Roger Fussell Memorial Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 3953:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–204
114th Congress

An Act

July 29, 2016
[H.R. 4010]

To designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, as the "Ed Pastor Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ED PASTOR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, shall be known and designated as the "Ed Pastor Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ed Pastor Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4010:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–205
114th Congress

An Act

To designate the facility of the United States Postal Service located at 110 East Powerhouse Road in Collegeville, Minnesota, as the "Eugene J. McCarthy Post Office".

July 29, 2016
[H.R. 4425]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EUGENE J. MCCARTHY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 East Powerhouse Road in Collegeville, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4425:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–206
114th Congress

An Act

July 29, 2016
[H.R. 4747]

To designate the facility of the United States Postal Service located at 6691 Church Street in Riverdale, Georgia, as the "Major Gregory E. Barney Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR GREGORY E. BARNEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6691 Church Street in Riverdale, Georgia, shall be known and designated as the "Major Gregory E. Barney Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Gregory E. Barney Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4747:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–207
114th Congress

An Act

To designate the facility of the United States Postal Service located at 61 South Baldwin Avenue in Sierra Madre, California, as the "Louis Van Iersel Post Office".

July 29, 2016
[H.R. 4761]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOUIS VAN IERSEL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 61 South Baldwin Avenue in Sierra Madre, California, shall be known and designated as the "Louis Van Iersel Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Louis Van Iersel Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4761:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–208
114th Congress

An Act

July 29, 2016
[H.R. 4777]

To designate the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the "Amelia Boynton Robinson Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMELIA BOYNTON ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama, shall be known and designated as the "Amelia Boynton Robinson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Amelia Boynton Robinson Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4777:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–209
114th Congress

An Act

To designate the facility of the United States Postal Service located at 3130 Grants Lake Boulevard in Sugar Land, Texas, as the "LCpl Garrett W. Gamble, USMC Post Office Building".

July 29, 2016
[H.R. 4877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LCPL GARRETT W. GAMBLE, USMC POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3130 Grants Lake Boulevard in Sugar Land, Texas, shall be known and designated as the "LCpl Garrett W. Gamble, USMC Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "LCpl Garrett W. Gamble, USMC Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4877:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–210
114th Congress

An Act

July 29, 2016
[H.R. 4904]

To require the Director of the Office of Management and Budget to issue a directive on the management of software licenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016.
40 USC 11302 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016" or the "MEGABYTE Act of 2016".

SEC. 2. OMB DIRECTIVE ON MANAGEMENT OF SOFTWARE LICENSES.

(a) DEFINITION.—In this section—

(1) the term "Director" means the Director of the Office of Management and Budget; and

(2) the term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(b) OMB DIRECTIVE.—The Director shall issue a directive to require the Chief Information Officer of each executive agency to develop a comprehensive software licensing policy, which shall—

(1) identify clear roles, responsibilities, and central oversight authority within the executive agency for managing enterprise software license agreements and commercial software licenses; and

(2) require the Chief Information Officer of each executive agency to—

Inventory.

(A) establish a comprehensive inventory, including 80 percent of software license spending and enterprise licenses in the executive agency, by identifying and collecting information about software license agreements using automated discovery and inventory tools;

(B) regularly track and maintain software licenses to assist the executive agency in implementing decisions throughout the software license management life cycle;

Analysis.

(C) analyze software usage and other data to make cost-effective decisions;

(D) provide training relevant to software license management;

(E) establish goals and objectives of the software license management program of the executive agency; and

(F) consider the software license management life cycle phases, including the requisition, reception, deployment and maintenance, retirement, and disposal phases, to implement effective decisionmaking and incorporate existing standards, processes, and metrics.

(c) REPORT ON SOFTWARE LICENSE MANAGEMENT.—

(1) IN GENERAL.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each of the following 5 fiscal years, the Chief Information Officer of each executive agency shall submit to the Director a report on the financial savings or avoidance of spending that resulted from improved software license management. Effective date.

(2) AVAILABILITY.—The Director shall make each report submitted under paragraph (1) publically available. Public information.

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4904 (S. 2340):

HOUSE REPORTS: No. 114–587 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–289 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2340.
CONGRESSIONAL RECORD, Vol. 162 (2016):
June 7, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–211
114th Congress

An Act

July 29, 2016
[H.R. 4925]

To designate the facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, as the "Michael Garver Oxley Memorial Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICHAEL GARVER OXLEY MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, shall be known and designated as the "Michael Garver Oxley Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Michael Garver Oxley Memorial Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4925:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–212
114th Congress

An Act

To designate the facility of the United States Postal Service located at 5720 South 142nd Street in Omaha, Nebraska, as the "Petty Officer 1st Class Caleb A. Nelson Post Office Building".

July 29, 2016
[H.R. 4975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PETTY OFFICER 1ST CLASS CALEB A. NELSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5720 South 142nd Street in Omaha, Nebraska, shall be known and designated as the "Petty Officer 1st Class Caleb A. Nelson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Petty Officer 1st Class Caleb A. Nelson Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4975:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–213
114th Congress

An Act

July 29, 2016
[H.R. 4987]

To designate the facility of the United States Postal Service located at 3957 2nd Avenue in Laurel Hill, Florida, as the "Sergeant First Class William 'Kelly' Lacey Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS WILLIAM "KELLY" LACEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3957 2nd Avenue in Laurel Hill, Florida, shall be known and designated as the "Sergeant First Class William 'Kelly' Lacey Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Sergeant First Class William 'Kelly' Lacey Post Office".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 4987:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–214
114th Congress

An Act

To designate the facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, as the "Mary E. McCoy Post Office Building".

July 29, 2016
[H.R. 5028]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARY E. MCCOY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, shall be known and designated as the "Mary E. McCoy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mary E. McCoy Post Office Building".

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 5028:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–215
114th Congress

An Act

July 29, 2016
[H.R. 5722]

To establish the John F. Kennedy Centennial Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

John F. Kennedy Centennial Commission Act. 36 USC prec. 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Centennial Commission Act".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "John F. Kennedy Centennial Commission" (in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) plan, develop, and carry out such activities as the Commission considers fitting and proper to honor John F. Kennedy on the occasion of the 100th anniversary of his birth;

(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to honor John F. Kennedy on the occasion of the 100th anniversary of his birth;

(3) develop activities that may be carried out by the Federal Government that are fitting and proper to honor John F. Kennedy on the occasion of the 100th anniversary of his birth; and

(4) submit to the President and Congress reports pursuant to section 7.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) The Secretary of the Interior.

President.

(2) Four members appointed by the President after considering the recommendations of the Board of Trustees of the John F. Kennedy Library Foundation.

(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(5) Two Members of the Senate appointed by the majority leader of the Senate.

(6) One Member of the Senate appointed by the minority leader of the Senate.

(b) EX OFFICIO MEMBER.—The Archivist of the United States shall serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(e) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(f) RATES OF PAY.—Members shall not receive compensation for the performance of their duties on behalf of the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or his or her regular place of business, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

(i) CHAIRPERSON.—The chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR AND STAFF.—The Commission shall appoint an executive director and such other additional employees as are necessary to enable the Commission to perform its duties. Appointments.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and employees of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the employees of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure such temporary and intermittent services as are necessary to enable the Commission to perform its duties.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating its work.

(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available nationwide to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to carry out its duties under this Act.

(f) CONTRACT AUTHORITY.—The Commission may enter into contracts with and compensate government and private agencies or persons to enable the Commission to discharge its duties under this Act.

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—The Commission shall submit to the President and the Congress annual reports on the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(b) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports as the Commission considers appropriate.

Summary. Recommendations.

(c) FINAL REPORT.—Not later than August 31, 2017, the Commission shall submit a final report to the President and the Congress containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings, conclusions, and final recommendations of the Commission.

SEC. 8. TERMINATION.

The Commission may terminate on such date as the Commission may determine after it submits its final report pursuant to section 7(c), but not later than September 30, 2017.

Public information.

SEC. 9. ANNUAL AUDIT.

The Inspector General of the Department of the Interior may perform an audit of the Commission, shall make the results of any audit performed available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 10. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.

No Federal funds may be obligated to carry out this Act.

Approved July 29, 2016.

LEGISLATIVE HISTORY—H.R. 5722:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 13, considered and passed House.
July 14, considered and passed Senate.

Public Law 114–216
114th Congress

An Act

July 29, 2016
[S. 764]

To reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—National Bioengineered Food Disclosure Standard

7 USC 1639.

"SEC. 291. DEFINITIONS.

"In this subtitle:

"(1) BIOENGINEERING.—The term 'bioengineering', and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

"(A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and

"(B) for which the modification could not otherwise be obtained through conventional breeding or found in nature.

"(2) FOOD.—The term 'food' means a food (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is intended for human consumption.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

7 USC 1639a.

"SEC. 292. APPLICABILITY.

"(a) IN GENERAL.—This subtitle shall apply to any claim in a disclosure that a food bears that indicates that the food is a bioengineered food.

"(b) APPLICATION OF DEFINITION.—The definition of the term 'bioengineering' under section 291 shall not affect any other definition, program, rule, or regulation of the Federal Government.

"(c) APPLICATION TO FOODS.—This subtitle shall apply only to a food subject to—

"(1) the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(2) the labeling requirements under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products

Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) only if—

"(A) the most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(B)(i) the most predominant ingredient of the food is broth, stock, water, or a similar solution; and

"(ii) the second-most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

"SEC. 293. ESTABLISHMENT OF NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD. 7 USC 1639b.

"(a) ESTABLISHMENT OF MANDATORY STANDARD.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall— Deadline.

"(1) establish a national mandatory bioengineered food disclosure standard with respect to any bioengineered food and any food that may be bioengineered; and

"(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard. Requirements. Procedures.

"(b) REGULATIONS.—

"(1) IN GENERAL.—A food may bear a disclosure that the food is bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this subtitle.

"(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

"(A) prohibit a food derived from an animal to be considered a bioengineered food solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance;

"(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be a bioengineered food; Determination.

"(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food is considered a bioengineered food;

"(D) in accordance with subsection (d), require that the form of a food disclosure under this section be a text, symbol, or electronic or digital link, but excluding Internet website Uniform Resource Locators not embedded in the link, with the disclosure option to be selected by the food manufacturer;

"(E) provide alternative reasonable disclosure options for food contained in small or very small packages;

"(F) in the case of small food manufacturers, provide—

"(i) an implementation date that is not earlier than 1 year after the implementation date for regulations promulgated in accordance with this section; and Implementation date. Time period.

"(ii) on-package disclosure options, in addition to those available under subparagraph (D), to be selected by the small food manufacturer, that consist of—

"(I) a telephone number accompanied by appropriate language to indicate that the phone

number provides access to additional information; and

Website.

"(II) an Internet website maintained by the small food manufacturer in a manner consistent with subsection (d), as appropriate; and

"(G) exclude—

"(i) food served in a restaurant or similar retail food establishment; and

"(ii) very small food manufacturers.

"(3) SAFETY.—For the purpose of regulations promulgated and food disclosures made pursuant to paragraph (2), a bioengineered food that has successfully completed the pre-market Federal regulatory review process shall not be treated as safer than, or not as safe as, a non-bioengineered counterpart of the food solely because the food is bioengineered or produced or developed with the use of bioengineering.

"(c) STUDY OF ELECTRONIC OR DIGITAL LINK DISCLOSURE.—

Deadline.

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall conduct a study to identify potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods.

"(2) PUBLIC COMMENTS.—In conducting the study under paragraph (1), the Secretary shall solicit and consider comments from the public.

"(3) FACTORS.—The study conducted under paragraph (1) shall consider whether consumer access to the bioengineering disclosure through electronic or digital disclosure methods under this subtitle would be affected by the following factors:

"(A) The availability of wireless Internet or cellular networks.

"(B) The availability of landline telephones in stores.

"(C) Challenges facing small retailers and rural retailers.

"(D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.

"(E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information.

Determination. Consultation.

"(4) ADDITIONAL DISCLOSURE OPTIONS.—If the Secretary determines in the study conducted under paragraph (1) that consumers, while shopping, would not have sufficient access to the bioengineering disclosure through electronic or digital disclosure methods, the Secretary, after consultation with food retailers and manufacturers, shall provide additional and comparable options to access the bioengineering disclosure.

"(d) DISCLOSURE.—In promulgating regulations under this section, the Secretary shall ensure that—

"(1) on-package language accompanies—

"(A) the electronic or digital link disclosure, indicating that the electronic or digital link will provide access to an Internet website or other landing page by stating only 'Scan here for more food information', or equivalent language that only reflects technological changes; or

"(B) any telephone number disclosure, indicating that the telephone number will provide access to additional information by stating only 'Call for more food information.';

"(2) the electronic or digital link will provide access to the bioengineering disclosure located, in a consistent and conspicuous manner, on the first product information page that appears for the product on a mobile device, Internet website, or other landing page, which shall exclude marketing and promotional information;

"(3)(A) the electronic or digital link disclosure may not collect, analyze, or sell any personally identifiable information about consumers or the devices of consumers; but

"(B) if information described in subparagraph (A) must be collected to carry out the purposes of this subtitle, that information shall be deleted immediately and not used for any other purpose;

"(4) the electronic or digital link disclosure also includes a telephone number that provides access to the bioengineering disclosure; and

"(5) the electronic or digital link disclosure is of sufficient size to be easily and effectively scanned or read by a digital device.

"(e) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement relating to the labeling or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the national bioengineered food disclosure standard under this section that is not identical to the mandatory disclosure requirement under that standard.

"(f) CONSISTENCY WITH CERTAIN LAWS.—The Secretary shall consider establishing consistency between—

"(1) the national bioengineered food disclosure standard established under this section; and

"(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act.

"(g) ENFORCEMENT.—

"(1) PROHIBITED ACT.—It shall be a prohibited act for a person to knowingly fail to make a disclosure as required under this section.

"(2) RECORDKEEPING.—Each person subject to the mandatory disclosure requirement under this section shall maintain, and make available to the Secretary, on request, such records as the Secretary determines to be customary or reasonable in the food industry, by regulation, to establish compliance with this section.

"(3) EXAMINATION AND AUDIT.—

"(A) IN GENERAL.—The Secretary may conduct an examination, audit, or similar activity with respect to any records required under paragraph (2).

"(B) NOTICE AND HEARING.—A person subject to an examination, audit, or similar activity under subparagraph (A) shall be provided notice and opportunity for a hearing on the results of any examination, audit, or similar activity.

"(C) AUDIT RESULTS.—After the notice and opportunity for a hearing under subparagraph (B), the Secretary shall make public the summary of any examination, audit, or similar activity under subparagraph (A).

"(4) RECALL AUTHORITY.—The Secretary shall have no authority to recall any food subject to this subtitle on the basis of whether the food bears a disclosure that the food is bioengineered.

7 USC 1639c.

"SEC. 294. SAVINGS PROVISIONS.

Applicability.

"(a) TRADE.—This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

"(b) OTHER AUTHORITIES.—Nothing in this subtitle—

"(1) affects the authority of the Secretary of Health and Human Services or creates any rights or obligations for any person under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(2) affects the authority of the Secretary of the Treasury or creates any rights or obligations for any person under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

"(c) OTHER.—A food may not be considered to be 'not bioengineered', 'non-GMO', or any other similar claim describing the absence of bioengineering in the food solely because the food is not required to bear a disclosure that the food is bioengineered under this subtitle.

"Subtitle F—Labeling of Certain Food

7 USC 1639i.

"SEC. 295. FEDERAL PREEMPTION.

"(a) DEFINITION OF FOOD.—In this subtitle, the term 'food' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.

7 USC 1639j.

"SEC. 296. EXCLUSION FROM FEDERAL PREEMPTION.

"Nothing in this subtitle, subtitle E, or any regulation, rule, or requirement promulgated in accordance with this subtitle or subtitle E shall be construed to preempt any remedy created by a State or Federal statutory or common law right.".

Claims.
7 USC 6524.

SEC. 2. ORGANICALLY PRODUCED FOOD.

In the case of a food certified under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), the certification shall be considered sufficient to make a claim regarding the absence of bioengineering in the

food, such as "not bioengineered", "non-GMO", or another similar claim.

Approved July 29, 2016.

LEGISLATIVE HISTORY—S. 764:

SENATE REPORTS: No. 114–90 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 161 (2015): July 28, considered and passed Senate.
Sept. 18, considered and passed House, amended, pursuant to H. Res. 421.

Vol. 162 (2016): Mar. 14–16, June 29, July 6, 7, Senate considered and concurred in House amendment with an amendment.
July 14, House concurred in Senate amendment.

Public Law 114–217
114th Congress

An Act

July 29, 2016
[S. 2893]

To reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2016.
2 USC 1791 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2016".

SEC. 2. SOUND RECORDING PRESERVATION PROGRAMS.

(a) NATIONAL RECORDING PRESERVATION BOARD.—Section 133 of the National Recording Preservation Act of 2000 (2 U.S.C. 1743) is amended by striking "through fiscal year 2016" and inserting "through fiscal year 2026".

(b) NATIONAL RECORDING PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—Section 152411(a) of title 36, United States Code, is amended by striking "through fiscal year 2016 an amount not to exceed" and inserting "through fiscal year 2026 an amount not to exceed the lesser of $1,000,000 or".

(2) NUMBER OF MEMBERS OF BOARD OF DIRECTORS.—Section 152403(b)(2) of title 36, United States Code, is amended—

(A) in subparagraph (A), by striking "nine directors" and inserting "12 directors"; and

(B) in subparagraph (C), by striking "six directors" each place it appears and inserting "8 directors".

SEC. 3. FILM PRESERVATION PROGRAMS.

(a) NATIONAL FILM PRESERVATION BOARD.—Section 112 of the National Film Preservation Act of 1996 (2 U.S.C. 179v) is amended by striking "through fiscal year 2016" and inserting "through fiscal year 2026".

(b) NATIONAL FILM PRESERVATION FOUNDATION.—Section 151711(a)(1)(C) of title 36, United States Code, is amended by striking "through 2016" and inserting "through 2026".

Approved July 29, 2016.

LEGISLATIVE HISTORY—S. 2893:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 13, considered and passed Senate.
July 14, considered and passed House.

Public Law 114–218
114th Congress

An Act

July 29, 2016
[S. 3055]

To amend title 38, United States Code, to provide a dental insurance plan to veterans and survivors and dependents of veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Dental Insurance Reauthorization Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Dental Insurance Reauthorization Act of 2016".

SEC. 2. DENTAL INSURANCE PLAN FOR VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

(a) DENTAL INSURANCE PLAN.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following new section:

38 USC 1712C.

"§ 1712C. Dental insurance plan for veterans and survivors and dependents of veterans

"(a) IN GENERAL.—The Secretary shall establish and administer a dental insurance plan for veterans and survivors and dependents of veterans described in subsection (b).

"(b) COVERED VETERANS AND SURVIVORS AND DEPENDENTS.—The veterans and survivors and dependents of veterans described in this subsection are as follows:

"(1) Any veteran who is enrolled in the system of annual patient enrollment under section 1705 of this title.

"(2) Any survivor or dependent of a veteran who is eligible for medical care under section 1781 of this title.

Contracts.

"(c) ADMINISTRATION.—The Secretary shall contract with a dental insurer to administer the dental insurance plan under this section.

"(d) BENEFITS.—The dental insurance plan under this section shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

"(e) ENROLLMENT.—(1) Enrollment in the dental insurance plan under this section shall be voluntary.

"(2) Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

"(f) PREMIUMS.—(1) Premiums for coverage under the dental insurance plan under this section shall be in such amount or

amounts as the Secretary shall prescribe to cover all costs associated with carrying out this section.

"(2) The Secretary shall adjust the premiums payable under this section for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time of such an adjustment shall be notified of the amount and effective date of such adjustment. Notification.

"(3) Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

"(g) VOLUNTARY DISENROLLMENT.—(1) With respect to enrollment in the dental insurance plan under this section, the Secretary shall—

"(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and Effective date. Time period.

"(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

"(2) The circumstances prescribed under paragraph (1)(B) shall include the following:

"(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents use of the benefits under the dental insurance plan.

"(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

"(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

"(3) The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments. Procedures. Determinations.

"(h) RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of this title, and the participation of an individual in the dental insurance plan under this section shall not affect the entitlement of the individual to outpatient dental services and treatment, and related dental appliances, under such section 1712.

"(i) REGULATIONS.—The dental insurance plan under this section shall be administered under such regulations as the Secretary shall prescribe.

"(j) TERMINATION.—This section terminates on December 31, 2021.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following new item: 38 USC prec. 1701.

"1712C. Dental insurance plan for veterans and survivors and dependents of veterans.".

(b) CONFORMING REPEAL.—

Repeal.

(1) IN GENERAL.—Section 510 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1712 note) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents for the Caregivers and Veterans Omnibus Health Services Act of 2010 is amended by striking the item relating to section 510.

Approved July 29, 2016.

LEGISLATIVE HISTORY—S. 3055:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 13, considered and passed Senate.
July 14, considered and passed House.

Public Law 114–219
114th Congress

An Act

To authorize the National Library Service for the Blind and Physically Handicapped to provide playback equipment in all formats.

July 29, 2016
[S. 3207]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZING THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED TO PROVIDE PLAYBACK EQUIPMENT IN ALL FORMATS.

The first sentence of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a), is amended by striking "and for purchase, maintenance, and replacement of reproducers for such sound-reproduction recordings" and inserting "and for purchase, maintenance, and replacement of reproducers for any such forms".

Approved July 29, 2016.

LEGISLATIVE HISTORY—S. 3207:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 13, considered and passed Senate.
July 14, considered and passed House.

Public Law 114–220
114th Congress

An Act

Sept. 23, 2016
[H.R. 3969]

To designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the "Master Chief Petty Officer Jesse Dean VA Clinic".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MASTER CHIEF PETTY OFFICER JESSE DEAN VA CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, shall after the date of the enactment of this Act be known and designated as the "Master Chief Petty Officer Jesse Dean VA Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the "Master Chief Petty Officer Jesse Dean VA Clinic".

Approved September 23, 2016.

LEGISLATIVE HISTORY—H.R. 3969:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
Sept. 8, considered and passed Senate.

Public Law 114–221
114th Congress

An Act

To enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

Sept. 23, 2016
[S. 1579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Native American Tourism and Improving Visitor Experience Act. 25 USC 4351 note.

This Act may be cited as the "Native American Tourism and Improving Visitor Experience Act" or the "NATIVE Act".

SEC. 2. PURPOSES.

25 USC 4351.

The purposes of this Act are—

(1) to enhance and integrate Native American tourism—

(A) to empower Native American communities; and

(B) to advance the National Travel and Tourism Strategy;

(2) to increase coordination and collaboration between Federal tourism assets to support Native American tourism and bolster recreational travel and tourism;

(3) to expand heritage and cultural tourism opportunities in the United States to spur economic development, create jobs, and increase tourism revenues;

(4) to enhance and improve self-determination and self-governance capabilities in the Native American community and to promote greater self-sufficiency;

(5) to encourage Indian tribes, tribal organizations, and Native Hawaiian organizations to engage more fully in Native American tourism activities to increase visitation to rural and remote areas in the United States that are too difficult to access or are unknown to domestic travelers and international tourists;

Grants. Loans.

(6) to provide grants, loans, and technical assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations that will—

(A) spur important infrastructure development;

(B) increase tourism capacity; and

(C) elevate living standards in Native American communities; and

(7) to support the development of technologically innovative projects that will incorporate recreational travel and tourism information and data from Federal assets to improve the visitor experience.

25 USC 4352.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means a nonprofit organization—

(A) that serves the interests of Native Hawaiians;

(B) in which Native Hawaiians serve in substantive and policymaking positions; and

(C) that is recognized for having expertise in Native Hawaiian culture and heritage, including tourism.

(4) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

Plans.
25 USC 4353.

SEC. 4. INTEGRATING FEDERAL TOURISM ASSETS TO STRENGTHEN NATIVE TOURISM OPPORTUNITIES.

(a) SECRETARY OF COMMERCE AND SECRETARY OF THE INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall update the respective management plans and tourism initiatives of the Department of Commerce and the Department of the Interior to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

(b) OTHER AGENCIES.—The head of each agency that has recreational travel or tourism functions or complementary programs shall update the respective management plans and tourism strategies of the agency to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

(c) NATIVE AMERICAN TOURISM PLANS.—

(1) IN GENERAL.—The plans shall outline policy proposals—

(A) to improve travel and tourism data collection and analysis;

(B) to increase the integration, alignment, and utility of public records, publications, and Web sites maintained by Federal agencies;

(C) to create a better user experience for domestic travelers and international visitors;

(D) to align Federal agency Web sites and publications;

(E) to support national tourism goals;

(F) to identify agency programs that could be used to support tourism capacity building and help sustain tourism infrastructure in Native American communities;

(G) to develop innovative visitor portals for parks, landmarks, heritage and cultural sites, and assets that showcase and respect the diversity of the indigenous peoples of the United States;

(H) to share local Native American heritage through the development of bilingual interpretive and directional signage that could include or incorporate English and the local Native American language or languages; and

(I) to improve access to transportation programs related to Native American community capacity building

for tourism and trade, including transportation planning for programs related to visitor enhancement and safety.

(2) CONSULTATION WITH INDIAN TRIBES AND NATIVE AMERICANS.—In developing the plan under paragraph (1), the head of each agency shall consult with Indian tribes and the Native American community to identify appropriate levels of inclusion of the Indian tribes and Native Americans in Federal tourism activities, public records and publications, including Native American tourism information available on Web sites.

(d) TECHNICAL ASSISTANCE.—

Consultation. Memorandum. Contracts.

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall enter into a memorandum of understanding or cooperative agreement with an entity or organization with a demonstrated record in tribal communities of defining, introducing, developing, and sustaining American Indian, Alaska Native, and Native Hawaiian tourism and related activities in a manner that respects and honors native traditions and values.

(2) COORDINATION.—The memorandum of understanding or cooperative agreement described in paragraph (1) shall formalize a role for the organization or entity to serve as a facilitator between the Secretary of the Interior and the Secretary of Commerce and the Indian tribes, tribal organizations, and Native Hawaiian organizations—

Consultation.

(A) to identify areas where technical assistance is needed through consultations with Indian tribes, tribal organizations, and Native Hawaiian organizations to empower the Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(B) to provide a means for the delivery of technical assistance and coordinate the delivery of the assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations in collaboration with the Secretary of the Interior, the Secretary of Commerce, and other entities with distinctive experience, as appropriate.

(3) FUNDING.—Subject to the availability of appropriations, the head of each Federal agency, including the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Labor shall obligate any funds made available to the head of the agency to cover any administrative expenses incurred by the organization or entity described in paragraph (1) in carrying out programs or activities of the agency.

Coordination.

(4) METRICS.—The Secretary of the Interior and the Secretary of Commerce shall coordinate with the organization or entity described in paragraph (1) to develop metrics to measure the effectiveness of the entity or organization in strengthening tourism opportunities for Indian tribes, tribal organizations, and Native Hawaiian organizations.

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and occasionally thereafter, the Secretary of the Interior and the Secretary of Commerce shall each submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the manner in which the Secretary of the Interior or the Secretary of Commerce, as applicable, is including Indian tribes, tribal organizations, and Native Hawaiian organizations in management plans;

(2) the efforts of the Secretary of the Interior or the Secretary of Commerce, as applicable, to develop departmental and agency tourism plans to support tourism programs of Indian tribes, tribal organizations, and Native Hawaiian organizations;

(3) the manner in which the entity or organization described in subsection (d)(1) is working to promote tourism to empower Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(4) the effectiveness of the entity or organization described in subsection (d)(1) based on the metrics developed under subsection (d)(4).

25 USC 4354.

SEC. 5. NATIVE AMERICAN TOURISM AND BRANDING ENHANCEMENT.

(a) IN GENERAL.—The head of each agency shall—

(1) take actions that help empower Indian tribes, tribal organizations, and Native Hawaiian organizations to showcase the heritage, foods, traditions, history, and continuing vitality of Native American communities;

(2) support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations—

(A) to identify and enhance or maintain traditions and cultural features that are important to sustain the distinctiveness of the local Native American community; and

(B) to provide visitor experiences that are authentic and respectful;

(3) provide assistance to interpret the connections between the indigenous peoples of the United States and the national identity of the United States;

(4) enhance efforts to promote understanding and respect for diverse cultures and subcultures in the United States and the relevance of those cultures to the national brand of the United States; and

Memorandum. Partnerships.

(5) enter into appropriate memoranda of understanding and establish public-private partnerships to ensure that arriving domestic travelers at airports and arriving international visitors at ports of entry are welcomed in a manner that both showcases and respects the diversity of Native American communities.

(b) GRANTS.—To the extent practicable, grant programs relating to travel, recreation, or tourism administered by the Commissioner of the Administration for Native Americans, Chairman of the National Endowment for the Arts, Chairman of the National Endowment for the Humanities, or the head of an agency with assets or resources relating to travel, recreation, or tourism promotion or branding enhancement for which Indian tribes, tribal organizations, or Native Hawaiian organizations are eligible may be used—

(1) to support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations to tell the story of Native Americans as the First Peoples of the United States;

(2) to use the arts and humanities to help revitalize Native communities, promote economic development, increase livability, and present the uniqueness of the United States to visitors in a way that celebrates the diversity of the United States; and

(3) to carry out this section.

(c) SMITHSONIAN.—The Advisory Council and the Board of Regents of the Smithsonian Institution shall work with Indian tribes, tribal organizations, Native Hawaiian organizations, and nonprofit organizations to establish long-term partnerships with non-Smithsonian museums and educational and cultural organizations— Partnerships.

(1) to share collections, exhibitions, interpretive materials, and educational strategies; and

(2) to conduct joint research and collaborative projects that would support tourism efforts for Indian tribes, tribal organizations, and Native Hawaiian organizations and carry out the intent of this section.

SEC. 6. EFFECT. 25 USC 4355.

Nothing in this Act alters, or demonstrates congressional support for the alteration of, the legal relationship between the United States and any American Indian, Alaska Native, or Native Hawaiian individual, group, organization, or entity.

Approved September 23, 2016.

LEGISLATIVE HISTORY—S. 1579:

HOUSE REPORTS: No. 114–721, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–201 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 25, considered and passed Senate.
Sept. 12, considered and passed House.

Public Law 114–222
114th Congress

An Act

Sept. 28, 2016
[S. 2040]

To deter terrorism, provide justice for victims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Justice Against Sponsors of Terrorism Act.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice Against Sponsors of Terrorism Act".

18 USC 2333 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

(2) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

(3) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

(4) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.

(5) The decision of the United States Court of Appeals for the District of Columbia in Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.

(6) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(7) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the

court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) PURPOSE.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR INTERNATIONAL TERRORISM AGAINST THE UNITED STATES.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605A the following:

"§ 1605B. Responsibility of foreign states for international terrorism against the United States 28 USC 1605B.

"(a) DEFINITION.—In this section, the term 'international terrorism'—

"(1) has the meaning given the term in section 2331 of title 18, United States Code; and

"(2) does not include any act of war (as defined in that section).

"(b) RESPONSIBILITY OF FOREIGN STATES.—A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against a foreign state for physical injury to person or property or death occurring in the United States and caused by—

"(1) an act of international terrorism in the United States; and

"(2) a tortious act or acts of the foreign state, or of any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, regardless where the tortious act or acts of the foreign state occurred.

"(c) CLAIMS BY NATIONALS OF THE UNITED STATES.—Notwithstanding section 2337(2) of title 18, a national of the United States may bring a claim against a foreign state in accordance with section 2333 of that title if the foreign state would not be immune under subsection (b).

"(d) RULE OF CONSTRUCTION.—A foreign state shall not be subject to the jurisdiction of the courts of the United States under subsection (b) on the basis of an omission or a tortious act or acts that constitute mere negligence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605A the following: 28 USC 1602 prec.

"1605B. Responsibility of foreign states for international terrorism against the United States.".

(2) Subsection 1605(g)(1)(A) of title 28, United States Code, is amended by inserting "or section 1605B" after "but for section 1605A".

SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

"(d) LIABILITY.—

"(1) DEFINITION.—In this subsection, the term 'person' has the meaning given the term in section 1 of title 1.

"(2) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.".

18 USC 2333 note.

(b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.—Nothing in the amendment made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

Claims. Courts. 18 USC 1605B note.

SEC. 5. STAY OF ACTIONS PENDING STATE NEGOTIATIONS.

(a) EXCLUSIVE JURISDICTION.—The courts of the United States shall have exclusive jurisdiction in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act.

(b) INTERVENTION.—The Attorney General may intervene in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act, for the purpose of seeking a stay of the civil action, in whole or in part.

(c) STAY.—

Certification.

(1) IN GENERAL.—A court of the United States may stay a proceeding against a foreign state if the Secretary of State certifies that the United States is engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

(2) DURATION.—

(A) IN GENERAL.—A stay under this section may be granted for not more than 180 days.

(B) EXTENSION.—

(i) IN GENERAL.—The Attorney General may petition the court for an extension of the stay for additional 180-day periods.

(ii) RECERTIFICATION.—A court shall grant an extension under clause (i) if the Secretary of State recertifies that the United States remains engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

SEC. 6. SEVERABILITY.

18 USC 2333 note.

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

SEC. 7. EFFECTIVE DATE.

Applicability. 18 USC 2333 note.

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

Mac Thornberry

Speaker of the House of Representatives pro tempore.

John Cornyn

Acting President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES,

September 28, 2016.

The Senate having proceeded to reconsider the bill (S. 2040) entitled "An Act to deter terrorism, provide justice for victims, and for other purposes.", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Julie E. Adams

Secretary.

I certify that this Act originated in Senate.

Julie E. Adams

Secretary.

IN THE HOUSE OF REPRESENTATIVES, U.S.

September 28, 2016.

The House of Representatives having proceeded to reconsider the bill (S. 2040) entitled "An Act to deter terrorism, provide justice for victims, and for other purposes.", returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Karen L. Haas
Clerk.

LEGISLATIVE HISTORY—S. 2040:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 17, considered and passed Senate.
Sept. 9, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Sept. 23, Presidential veto message.
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 28, Senate and House overrode veto.

Public Law 114–223
114th Congress

An Act

Sept. 29, 2016
[H.R. 5325]

Making continuing appropriations for fiscal year 2017, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act".

SEC. 2. TABLE OF CONTENTS.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall

be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 6. EXPLANATORY STATEMENT.

(a) The explanatory statement regarding this Act, printed in the Senate section of the Congressional Record on or about September 22, 2016, by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of divisions A through D of this Act as if it were a joint explanatory statement of a committee of conference.

(b) Any reference to the "joint explanatory statement accompanying this Act" contained in division A of this Act shall be considered to be a reference to the explanatory statement described in subsection (a).

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017.

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $513,459,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed $98,159,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination. Notification.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,021,580,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed $88,230,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination. Notification.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,491,058,000, to remain available until September 30, 2021: *Provided*, That of this amount, not to exceed $143,582,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That none of the funds made available under this heading shall be for construction of the Joint Intelligence Analysis Complex Consolidation, Phase 3, at Royal Air Force Croughton, United Kingdom, unless authorized in an Act authorizing appropriations for fiscal year 2017 for military construction.

Determination.
Notification.

United Kingdom.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,025,444,000, to remain available until September 30, 2021: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $180,775,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $232,930,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $8,729,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $143,957,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $10,462,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $68,230,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $7,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $38,597,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $3,783,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $188,950,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $4,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the

Determination.
Notification.

Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $240,237,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $157,172,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $325,995,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $94,011,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $300,915,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $61,352,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $274,429,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $59,157,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

Contracts.

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

Determinations.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

Notification.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Contracts. Steel.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

Notification.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

Contracts. Japan.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Contracts. Kwajalein Atoll.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification. Military exercise. Deadline.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

Contracts.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Deadline.
Notification.
Determination.

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the

Deadline.
Notification.

Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further,* That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

Reports.
Deadline.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Time period.
Determination.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

Certification.
Compliance.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

"Military Construction, Army", $40,500,000;

"Military Construction, Navy and Marine Corps", $227,099,000;

"Military Construction, Air Force", $149,500,000;

"Military Construction, Army National Guard", $67,500,000;

"Military Construction, Air National Guard", $11,000,000;

"Military Construction, Army Reserve", $30,000,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2017 submitted to Congress by the Secretary of Defense: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

SEC. 126. For an additional amount for "Military Construction, Navy and Marine Corps", $89,400,000, to remain available until September 30, 2021: *Provided*, That, such funds may only be obligated to carry out construction projects identified by the Department of the Navy in its June 8, 2016, unfunded priority list submission to the Committees on Appropriations of both Houses of Congress detailing unfunded reprogramming and emergency construction requirements: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

(RESCISSIONS OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Military Construction, Army", $29,602,000;

"Military Construction, Air Force", $51,460,000;

"Military Construction, Defense-Wide", $171,600,000, of which $30,000,000 are to be derived from amounts made available for Missile Defense Agency planning and design; and

"North Atlantic Treaty Organization Security Investment Program", $30,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by

law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $25,000,000 are hereby rescinded.

Definition.

SEC. 129. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

Cuba.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

Cost analysis. Reports. Certification.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term "United States" in this section does not include any territory or possession of the United States.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $90,119,449,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That not to exceed $17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits

Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $13,708,648,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $124,504,000, to remain available until expended, of which $107,899,000 shall become available on October 1, 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2017, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $198,856,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $36,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $389,000, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,856,160,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 5 percent shall remain available until September 30, 2018. Determination.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; $1,078,993,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, $44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $1,400,000,000 shall remain available until September 30, 2019: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, Priorities.

Priorities.

Drugs and drug abuse. Requirements.

notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That the Secretary of Veterans Affairs shall provide access to therapeutic listening devices to veterans struggling with mental health related problems, substance abuse, or traumatic brain injury.

Prosthetics.

Therapeutic devices.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $7,246,181,000, plus reimbursements, of which $2,000,000,000 shall remain available until September 30, 2020; and, in addition, $9,409,118,000 shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That of the amount made available on October 1, 2017, $1,500,000,000 shall remain available until September 30, 2021.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $6,654,480,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $100,000,000 shall remain available until September 30, 2019.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $247,668,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1,

2016; and, in addition, $5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $250,000,000 shall remain available until September 30, 2019.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $675,366,000, plus reimbursements, shall remain available until September 30, 2018: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $345,391,000, of which not to exceed 5 percent shall remain available until September 30, 2018: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information

systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,278,259,000, plus reimbursements: *Provided,* That $1,272,548,000 shall be for pay and associated costs, of which not to exceed $37,100,000 shall remain available until September 30, 2018: *Provided further,* That $2,534,442,000 shall be for operations and maintenance, of which not to exceed $180,200,000 shall remain available until September 30, 2018: *Provided further,* That $471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: *Provided further,* That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further,* That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further,* That amounts made available for the "Information Technology Systems" account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: *Provided further,* That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: *Provided further*, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

Certification.

Time period.

Reports.

Analysis.

(1) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

Strategic plan.
Implementation plan.

(2) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for VistA Evolution or any successor; and an implementation plan for the transition

from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;

(3) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching "meaningful use" as defined by the Office of National Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers; Strategic plan.

(4) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries; and

(5) certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113–66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of National Coordinator for Health Information Technology: Certification.

Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $160,106,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee

period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $528,110,000, of which $478,110,000 shall remain available until September 30, 2021, and of which $50,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, $222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

Assessments.

Contracts.
Deadlines.

Reports.

Contracts.

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of $100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and

Certification.

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Transfer authority.
Time period.

(INCLUDING TRANSFER OF FUNDS)

Transfer authority.

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Notification.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Reimbursement.

Determination.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $47,668,000 for the Office of Resolution Management and $3,932,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care

or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

Contracts.
Alaska.
Native Americans.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

Compliance.

Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 217. Of the amounts appropriated in title II of division J of Public Law 114–113 under the heading "Medical Services" which become available on October 1, 2016, $7,246,181,000 are hereby rescinded.

Deadline.
Reports.

SEC. 218. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the

Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled "Quarterly reporting", under the heading "General Administration" in the joint explanatory statement accompanying this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Amounts made available under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "General Operating Expenses, Veterans Benefits Administration", "General Administration", and "National Cemetery Administration" accounts for fiscal year 2017 may be transferred to or from the "Information Technology Systems" account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the "Information Technology Systems" account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Transfer authority.

SEC. 220. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems", up to $274,731,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 223 of title II of division J of Public Law 114–113 is repealed.

Notification.

129 Stat. 2697.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2017,

for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", up to $280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

Notification.
Contracts.
Deadlines.

SEC. 226. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. None of the funds made available for "Construction, Major Projects" may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

Deadline. Reports.

SEC. 228. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled "Disability claims backlog", under the heading "General Operating Expenses, Veterans Benefits Administration" in the joint explanatory statement accompanying this Act.

SEC. 229. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for "Medical Support and Compliance" a maximum of $40,000,000 may be obligated from the "Medical Support and Compliance" account for the VistA Evolution and electronic health record interoperability projects: *Provided*, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Notification. Electronic records.

Notification. Deadline.

SEC. 230. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

Deadline. Notification.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

Determination. Transfer authority.

SEC. 232. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the "Medical Services" account any discretionary appropriations made available for fiscal year 2017 in this title (except appropriations made to the "General Operating Expenses, Veterans Benefits Administration" account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2017, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based

Approval.

Determination.

on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

Transfer authority.

SEC. 233. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the "Board of Veterans Appeals" and the "General Operating Expenses, Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

Reprogramming approval.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

(RESCISSION OF FUNDS)

SEC. 235. Of the unobligated balances available within the "DOD–VA Health Care Sharing Incentive Fund", $40,000,000 are hereby rescinded.

(RESCISSIONS OF FUNDS)

SEC. 236. Of the discretionary funds made available in Public Law 114–113 for the Department of Veterans Affairs for fiscal year 2017, $134,000,000 are rescinded from "Medical Services", $26,000,000 are rescinded from "Medical Support and Compliance", and $9,000,000 are rescinded from "Medical Facilities".

SEC. 237. The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) "Veterans Health Administration—Medical and Prosthetic Research", $2,000,000.

(2) "Departmental Administration—Board of Veterans Appeals", $500,000.

(3) "Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration", $12,000,000.

(4) "Departmental Administration—Information Technology Systems", $8,000,000.

(5) "Departmental Administration—Office of Inspector General", $500,000.

Hotline.

SEC. 238. The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

SEC. 239. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria: Criteria.

(1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.

(2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SEC. 240. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements: Reports. Analysis.

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Service Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements; Strategy. Plans.

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost vs. benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Paragraph (3) of section 403(a) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended to read as follows:

"(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2017.".

SEC. 243. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.".

(b) Section 1710(g)(3) of such title is amended—

(1) by striking "with respect to home health services" and inserting "with respect to the following:"

"(A) Home health services"; and

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

"(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.".

SEC. 244. Section 312 of title 38, United States Code, is amended in subsection (c)(1) by striking the phrase "that makes a recommendation or otherwise suggests corrective action,".

SEC. 245. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2017 and fiscal year 2018 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 246. Section 5701(l) of title 38, United States Code, is amended by striking "may" and inserting "shall".

VA PATIENT PROTECTION ACT OF 2016

SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

38 USC 731 prec.

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

38 USC 731.

"§ 731. Whistleblower complaint defined

"In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

38 USC 732.

"§ 732. Treatment of whistleblower complaints

"(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

"(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

"(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety. Deadline. Determination.

"(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower office described in subsection (h) a written report on the complaint. Records. Reports.

"(2)(A) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c). Deadlines. Reports.

"(B) In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official and to the central whistleblower office described in subsection (h).

"(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint. Notification.

"(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

"(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

"(3) A circumstance described in this paragraph is any of the following circumstances:

"(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

"(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c). Determination.

"(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

"(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

"(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and Notification.

"(2) give preference to the employee for such a transfer in accordance with such section.

"(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

"(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

Consultation.

"(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

"(A) An explanation of the purpose of the whistleblower complaint form.

"(B) Instructions for filing a whistleblower complaint as described in this section.

"(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

"(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

"(E) Fields for the employee to provide—

"(i) the date that the form is submitted;

"(ii) the name of the employee;

"(iii) the contact information of the employee;

"(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

"(v) proposed solutions to the complaint.

"(F) Any other information or fields that the Secretary determines appropriate.

Consultation. Deadline.

"(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

"(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The Secretary shall ensure that the central whistleblower office—

"(A) is not an element of the Office of the General Counsel;

"(B) is not headed by an official who reports to the General Counsel;

"(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

"(D) does not provide advice to the General Counsel.

"(2) The central whistleblower office shall be responsible for investigating all whistleblower complaints of the Department, regardless of whether such complaints are made by or against an employee who is not a member of the Senior Executive Service.

Hotline.

"(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

"(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

"(5) In this subsection, the term 'central whistleblower office' means the Office of Accountability Review or a successor office that is established or designated by the Secretary to investigate whistleblower complaints filed under this section or any other method established by law. Definition.

"§ 733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints 38 USC 733.

"(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c): Determination.

"(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal. Time period.

"(B) With respect to the second offense, removal.

"(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice. Notification.

"(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer. Time period.

"(ii) If the employee does not furnish any such evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such 14-day period.

"(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (c) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

"(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

"(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

"(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

"(A) filing a whistleblower complaint in accordance with section 732 of this title;

"(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

"(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of the Department, the Special Counsel, or Congress;

"(D) participating in an audit or investigation by the Comptroller General of the United States;

"(E) refusing to perform an action that is unlawful or prohibited by the Department; or

"(F) engaging in communications that are related to the duties of the position or are otherwise protected.

"(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

"(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

"(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

38 USC 734.

"§ 734. Evaluation criteria of supervisors and treatment of bonuses

"(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

"(2) The criteria described in this subsection are the following:

"(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

"(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

Time period.

"(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

Repayment.

"(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

"(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

Determination.

"(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

Notification.
Hearings.

"(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

"§ 735. Training regarding whistleblower complaints

38 USC 735.

"(a) TRAINING.—Not less frequently than once each year, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower complaints, including—

Deadline. Coordination.

"(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

"(2) an explanation of prohibited personnel actions described by section 733(c) of this title;

"(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 732 of this title;

"(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

"(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

"(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

"(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

"(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

"(c) CERTIFICATION.—Not less frequently than once each year, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

Deadline.

"(d) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

Web posting.

"(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 732(g)(2).

"§ 736. Reports to Congress

38 USC 736.

"(a) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress a report that includes—

"(1) with respect to whistleblower complaints filed under section 732 of this title during the year covered by the report—

"(A) the number of such complaints filed;

"(B) the disposition of such complaints; and

"(C) the ways in which the Secretary addressed such complaints in which a positive determination was made by a supervisor under subsection (b)(1) of such section;

"(2) the number of whistleblower complaints filed during the year covered by the report that are not included under paragraph (1), including—

"(A) the method in which such complaints were filed;

"(B) the disposition of such complaints; and

"(C) the ways in which the Secretary addressed such complaints; and

"(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

"(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

"(B) the disposition of such complaints; and

"(C) the ways in which the Secretary addressed such complaints.

"(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.

Deadline.

"(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means—

Definition.

"(1) the Committee on Veterans' Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(2) the Committee on Veterans' Affairs and the Committee on Oversight and Government Reform of the House of Representatives.".

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

38 USC 701 prec.

"SUBCHAPTER I—GENERAL EMPLOYEE MATTERS".

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

38 USC 701 prec.

(i) by inserting before the item relating to section 701 the following new item:

"SUBCHAPTER I—GENERAL EMPLOYEE MATTERS";

and

(ii) by adding at the end the following new items:

"SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

"731. Whistleblower complaint defined.
"732. Treatment of whistleblower complaints.
"733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
"734. Evaluation criteria of supervisors and treatment of bonuses.
"735. Training regarding whistleblower complaints.
"736. Reports to Congress.".

(b) TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

"§ 715. Congressional testimony by employees: treatment as official duty 38 USC 715.

"(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

"(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2(a)(2)(B), is further amended by inserting after the item relating to section 713 the following new item: 38 USC 701 prec.

"715. Congressional testimony by employees: treatment as official duty.".

SEC. 248. (a) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following: Verification. Time period.

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary of Defense shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform

service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Defense pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(2) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

SEC. 249. Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking "allowance to a veteran" and inserting the following: "allowance to—

"(A) a veteran";

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting "; and"; and

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

"(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.".

SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

"(i) on an in-patient basis; or

"(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act. 38 USC 111 note.

SEC. 251. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs. Such inspections shall occur not less frequently than annually. The program's goal is to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department. Deadlines. Inspections. 38 USC 1701 note.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall— Deadlines.

(A) implement a remediation plan for that medical facility within 72 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 14 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until full remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility. Contracts.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed

findings and actions taken, during the preceding quarter at medical facilities of the Department.

Deadlines. Inspections. 38 USC 1701 note.

SEC. 252. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct risk-based inspections for mold and mold issues at each medical facility of the Department of Veterans Affairs. Such facilities will be rated high, medium, or low risk for mold. Such inspections at facilities rated high risk shall occur not less frequently than annually, and such inspections at facilities rated medium or low risk shall occur not less frequently than biennially.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

Deadlines.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 7 days; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary for Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 253. Section 1706(b)(5)(A) of title 38, United States Code, is amended, in the first sentence, by striking "through 2008".

SEC. 254. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

Deadline. Reports.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

Assessment.

(1) an assessment of the veteran-to-staff ratio for each such program; and

Recommendations.

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 255. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. Records.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.). Compliance.

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement. Reports. Deadline.

SEC. 256. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs. Contracts.

SEC. 257. Appropriations made available in this Act under the heading "Medical Services" shall be available to carry out sections 322(d) and 521A of title 38, United States Code, to include the payment of the administrative expenses necessary to carry out such sections. Of the amount appropriated for fiscal year 2017, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A. Of the amounts appropriated in advance for fiscal year 2018, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A.

SEC. 258. (a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the budget justification documents submitted for the "Construction, Major Projects" account of the Department of Veterans Affairs shall include, at a minimum, the information required under subsection (b). Budget. 38 USC 303 note.

(b) The budget justification documents submitted pursuant to subsection (a) shall include, for each project—

(1) the estimated total cost of the project;

(2) the funding provided for each fiscal year prior to the budget year;

(3) the amount requested for the budget year;

(4) the estimated funding required for the project for each of the 4 fiscal years succeeding the budget year; and

(5) such additional information as is enumerated under the heading relating to the "Construction, Major Projects" account of the Department of Veterans Affairs in the joint explanatory statement accompanying this Act.

Deadline.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a proposed budget justification template that complies with the requirements of this section.

SEC. 259. (a) The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed $150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $16,260,000.

(b) There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, $1,113,802,000 for the projects authorized in subsection (a).

(c) The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 260. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section: Definitions.

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor

vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $75,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,945,000: *Provided*, That $2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $70,800,000, of which not to exceed $15,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $64,300,000, of which $1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading "Department of Defense—Civil, Cemeterial Expenses, Army", may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $18,900,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $59,809,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" $88,291,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $5,000,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

President.

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

Reports.
Notifications.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Web posting.
Reports.
Determination.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Pornography.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless

such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

Contracts.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

Cuba.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017".

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS

Zika Response and Preparedness Appropriations Act, 2016.

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for fiscal year 2016 for "CDC-Wide Activities and Program Support", $394,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other

vector-borne diseases, domestically and internationally: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service ("PHS") Act: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That the provisions in section 317S of the PHS Act shall apply to the use of funds appropriated in this paragraph as determined by the Director of the Centers for Disease Control and Prevention to be appropriate: *Provided further*, That funds appropriated in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at State and local laboratories: *Provided further*, That of the amount appropriated in this paragraph, $44,000,000 is included to supplement either fiscal year 2016 or fiscal year 2017 funds for the Public Health Emergency Preparedness cooperative agreement program to restore fiscal year 2016 funds that were reprogrammed for Zika virus response prior to the enactment of this Act: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Applicability.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for "National Institute of Allergy and Infectious Diseases", $152,000,000, to remain available until September 30, 2017, for research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally: *Provided*, That such funds may be transferred by the Director of the National Institutes of Health ("NIH") to other accounts of the NIH for the purposes provided in this paragraph: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for "Public Health and Social Services Emergency Fund", $387,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out section 501 of the Social Security Act; and for carrying

out sections 330 through 336 and 338 of the PHS Act: *Provided*, That funds appropriated in this paragraph may be used to procure security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act): *Provided further*, That paragraphs (1) and (7)(C) of subsection (c) of section 319F–2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds appropriated in this paragraph: *Provided further*, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That funds appropriated in this paragraph may be transferred to the fund authorized by section 319F–4 of the PHS Act: *Provided further*, That of the funds appropriated under this heading, $75,000,000, in addition to the purposes specified above, shall also be available for necessary expenses for support to States, territories, tribes, or tribal organizations with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention, to reimburse the costs of health care for health conditions related to the Zika virus, other than costs that are covered by private health insurance, of which not less than $60,000,000 shall be for territories with the highest rates of Zika transmission: *Provided further*, That of the funds appropriated under this heading, $20,000,000 shall be awarded, notwithstanding section 502 of the Social Security Act, for projects of regional and national significance in Puerto Rico and other territories authorized under section 501 of the Social Security Act: *Provided further*, That of the funds appropriated under this heading, $40,000,000 shall be used to expand the delivery of primary health services authorized by section 330 of the PHS Act in Puerto Rico and other territories: *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps ("NHSC") members to Puerto Rico and other territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term "primary health services" included health services regarding pediatric subspecialists: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Applicability.

Applicability.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

DIRECT HIRES

SEC. 101. Funds appropriated by this title may be used by the heads of the Department of Health and Human Services, Department of State, and the United States Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code,

candidates needed for positions to perform critical work relating to Zika response for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

TRANSFER AUTHORITIES

Consultation.

SEC. 102. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "Public Health and Social Services Emergency Fund", and "National Institutes of Health" for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 114–113 or section 241(a) of the PHS Act.

Notification.

Determination.

REPORTING REQUIREMENTS

Spending plan.

SEC. 103. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 104. Of the funds appropriated by this title under the heading "Public Health and Social Services Emergency Fund", up to—

(1) $500,000 shall be transferred to, and merged with, funds made available under the heading "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of Health and Human Services shall consult with the Committees on Appropriations prior to obligating such funds: *Provided further*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

Consultation.

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

Consultation.

TITLE II

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for "Diplomatic and Consular Programs", $14,594,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such funds may be made available for medical evacuation costs of any other department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such department or agency for such costs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for fiscal year 2016 for "Emergencies in the Diplomatic and Consular Service", $4,000,000 for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REPATRIATION LOANS PROGRAM ACCOUNT

For an additional amount for fiscal year 2016 for "Repatriation Loans Program Account" for the cost of direct loans, $1,000,000, to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize an additional amount of gross obligations for the principal amount of direct loans not to exceed $1,880,406: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for fiscal year 2016 for "Operating Expenses", $10,000,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for fiscal year 2016 for "Global Health Programs", $145,500,000, to remain available until September 30, 2017, for necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That funds appropriated under this heading shall be made available for vector control activities, vaccines, diagnostics, and vector control technologies: *Provided further*, That funds appropriated under this heading may be made available as contributions to the World Health Organization, the United Nations Children's Fund, the Pan American Health Organization, the International Atomic Energy Agency, and the Food and Agriculture Organization: *Provided further*, That funds made available under this heading shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for the Grand Challenges for Development program: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Consultation.

GENERAL PROVISIONS—THIS TITLE

TRANSFER AUTHORITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Funds appropriated by this title under the headings "Diplomatic and Consular Programs", "Emergencies in the Diplomatic and Consular Service", "Repatriation Loans Program Account", and "Operating Expenses" may be transferred to, and merged with, funds appropriated by this title under such headings to carry out the purposes of this title.

(b) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(c) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are

Determination.

not necessary for such purposes, such amounts may be transferred back to such appropriations.

(d) No funds shall be transferred pursuant to this section unless at least 5 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer. Deadline. Notification.

NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall only be available for obligation if the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation. Deadline.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 203. Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 204. Of the funds appropriated by this title, up to—

(1) $500,000 shall be transferred to, and merged with, funds available under the heading "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of State and the Comptroller General, as appropriate, shall consult with the Committees on Appropriations prior to obligating such funds. Consultation.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. 301. Unless otherwise provided for by this division, the additional amounts appropriated pursuant to this division are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114–113).

PERSONAL SERVICE CONTRACTORS

Consultation.
Notification.

SEC. 302. Funds made available by this division may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the purposes of titles I and II of this division, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2017.

Expiration date.

DESIGNATION RETENTION

SEC. 303. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

EFFECTIVE DATE

SEC. 304. This division shall become effective immediately upon enactment of this Act.

This division may be cited as the "Zika Response and Preparedness Appropriations Act, 2016".

Continuing Appropriations Act, 2017.

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2017, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2016 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2016, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016 (division A of Public Law 114–113), except section 728.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (division B of Public Law 114–113).

(3) The Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2016 (division D of Public Law 114–113).

(5) The Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114–113), which

for purposes of this Act shall be treated as including section 707 of division O of Public Law 114–113.

(6) The Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114–113).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (division G of Public Law 114–113).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016 (division H of Public Law 114–113).

(9) The Legislative Branch Appropriations Act, 2016 (division I of Public Law 114–113).

(10) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113), except title IX.

(11) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113), except section 420.

Rate reduction.

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.496 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2016 or prior years; (2) the increase in production rates above those sustained with fiscal year 2016 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2016.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2016.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

Expiration date.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2017, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law

of the applicable appropriations Act for fiscal year 2017 without any provision for such project or activity; or (3) December 9, 2016.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2017 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

Continuance. Time period.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2016, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2016, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2016 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2016, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress

for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading "Social Security Administration—Limitation on Administrative Expenses" in division H of Public Law 114–113; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading "Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account" in division H of Public Law 114–113.

(c) Section 6 of Public Law 114–113 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism. Applicability.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2017 that were provided in advance by appropriations Acts covered by section 101 of this Act shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. (a) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Secretary of Health and Human Services to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), at a rate for operations of $17,000,000.

(b) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Attorney General to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), at a rate for operations of $20,000,000.

(c) Notwithstanding any other provision of this Act, in addition to the purposes otherwise provided for amounts that become available on October 1, 2016, under the heading "Department of Veterans Affairs—Veterans Health Administration—Medical Services" in division J of Public Law 114–113, such amounts shall be used to implement the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198) and the amendments made by that Act.

SEC. 117. Notwithstanding section 101, amounts are provided for "Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program" at a rate for operations of $310,139,000, of which $236,120,000 shall be for the Commodity Supplemental Food Program.

SEC. 118. Amounts provided by section 111 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2016 report of its financial condition.

SEC. 119. Amounts made available by section 101 for "Department of Agriculture—Rural Housing Service—Rental Assistance

Program" may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485).

Applicability.

SEC. 120. Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2016".

SEC. 121. Notwithstanding sections 101 and 102, within amounts provided for "Department of Defense—Operation and Maintenance, Defense-Wide" and "Department of Defense—Research, Development, Test and Evaluation, Defense-Wide", except for amounts designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Secretary of Defense may develop, replace, and sustain Federal Government security and suitability background investigation information technology system requirements of the Office of Personnel Management at a rate for operations of $95,000,000.

Applicability.

SEC. 122. Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), shall be applied by substituting "2017" for "2016" through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense.

Apportionment authority.

SEC. 123. (a) Funds made available by section 101 for "Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund" may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

Notification. Deadline.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

SEC. 124. (a) Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under the District of Columbia Appropriations Act, 2016 (title IV of division E of Public Law 114–113) at the rate set forth under "Part A—Summary of Expenses" as included in the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act 21–414), as modified as of the date of the enactment of this Act.

Applicability.

(b) During the period in which this Act is in effect, the authority and conditions provided in the Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114–113) which were applicable to the obligation or expenditure of funds by the District of Columbia for any program, project, or activity during fiscal year 2016 shall apply to the obligation or expenditure of funds by the District of Columbia with respect to such program, project, or activity under any authority.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "General Services Administration—Expenses, Presidential Transition" for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations

of $9,500,000, of which not to exceed $1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

(b) Notwithstanding section 101, no funds are provided by this Act for "General Services Administration—Pre-Election Presidential Transition".

SEC. 126. Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to "Presidential Transition Administrative Support" at a rate for operations of $7,582,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SEC. 127. In addition to the amounts otherwise provided by section 101, an additional amount is provided for "District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia" for costs associated with the Presidential Inauguration, at a rate for operations of $19,995,000.

SEC. 128. In addition to the amounts otherwise provided by section 101, an additional amount is provided for "National Archives and Records Administration—Operating Expenses" to carry out the Presidential transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the "Presidential Records Act of 1978"), at a rate for operations of $4,850,000.

SEC. 129. Amounts made available by section 101 for "Small Business Administration—Business Loans Program Account" may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 130. Amounts provided by section 101 for the Department of Homeland Security may be obligated in the account and budget structure set forth in the table provided by the Chief Financial Officer of the Department to the Committees on Appropriations of the Senate and the House of Representatives prior to the end of fiscal year 2016 pursuant to section 563(e) of the Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114–113).

SEC. 131. (a) Amounts made available by section 101 for "Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support" may be apportioned up to the rate for operations necessary to maintain not less than the number of staff achieved on September 30, 2016.

(b) Amounts made available by section 101 for "Department of Homeland Security—Transportation Security Administration—Operations and Support" may be apportioned up to the rate for operations necessary to maintain not less than the number of screeners achieved on September 30, 2016.

Extension date.

SEC. 132. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking "September 30, 2017" and inserting "September 30, 2018".

Extension date.

SEC. 134. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.

(b) Section 419(b) of division G of Public Law 114–113 shall not apply during the period covered by this Act.

Applicability.

SEC. 135. Notwithstanding section 101, subsection 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall be applied, at a rate for operations, through the date specified in section 106(3), as if the following new paragraph were added at the end—

"(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, $26,000,000 for fiscal year 2017, to remain available until expended, for the coordination and processing of oil and gas use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.".

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for "Department of the Interior—National Park Service—Operation of the National Park System" for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of $4,200,000.

SEC. 137. In addition to amounts otherwise made available by section 101, and notwithstanding section 104, amounts are provided for "Environmental Protection Agency—Environmental Programs and Management" at a rate for operations of $3,000,000, to remain available until expended, and such amounts may be apportioned up to the rate for operations needed, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to such section of such Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries and expenses under the above heading and shall remain available until expended: *Provided further*, That the sum provided by this section of this Act from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $3,000,000, those amounts in excess of $3,000,000 shall be deposited in the "'TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the amounts provided under this heading by section 101, the Chemical Risk Review and Reduction program project

shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.

SEC. 138. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2016". Applicability.

SEC. 139. The first proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant" in title II of division H of Public Law 114–113 shall not apply during the period covered by this Act.

SEC. 140. (a) The second proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs" in title II of division H of Public Law 114–113 shall be applied during the period covered by this Act as if the following were struck from such proviso: ", of which $141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act". Applicability.

(b) Amounts made available in the third proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs" in title II of division H of Public Law 114–113 shall not be included in the calculation of the "base grant", as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)), during the period described in section 106 of this Act.

SEC. 141. (a) Section 529 of division H of Public Law 114–113 shall be applied by substituting "in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act" for "or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act"; and Applicability.

(b) Section 530 of division H of Public Law 114–113 shall be applied by substituting "$541,900,000" for "$4,678,500,000" and by adding at the end the following: "and of the funds made available for the purposes of carrying out section 2105(a)(3) of the Social Security Act, $5,669,100,000 are hereby rescinded".

SEC. 142. Notwithstanding any other provision of this Act, there is appropriated for payment to Sami A. Takai, widow of Kyle Mark Takai, late a Representative from the State of Hawaii, $174,000. Sami A. Takai.

SEC. 143. (a) Amounts made available by section 101 for "Department of Transportation—Federal Railroad Administration—Operating Grants to the National Railroad Passenger Corporation" and "Department of Transportation—Federal Railroad Administration—Capital and Debt Service Grants to the National Railroad Passenger Corporation" shall be obligated in the account and budget structure, and under the authorities and conditions, set forth for "Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation" and "Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation" in H.R. 5394 and S. 2844, as introduced in the One Hundred Fourteenth Congress.

(b) Amounts made available pursuant to subsection (a) are provided for "Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation" at a rate for operations of $235,000,000, to remain available until expended, and for "Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation" at a rate for operations of $1,155,000,000, to remain available until expended.

Allocation.

SEC. 144. Amounts made available by section 101 for "Maritime Administration—Maritime Security Program" shall be allocated at an annual rate across all vessels covered by operating agreements, as that term is used in chapter 531 of title 46, United States Code, and the Secretary shall distribute equally all such funds for payments due under all operating agreements in equal amounts notwithstanding title 46, United States Code, section 53106: *Provided*, That no payment shall exceed an annual rate of $3,500,000 per operating agreement.

SEC. 145. (a) In addition to the amount otherwise provided by section 101 for the "Community Planning and Development, Community Development Fund", there is appropriated $500,000,000 for an additional amount for fiscal year 2016, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2016, and which the disaster occurred prior to the date of enactment of this Act, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development

Grants.
Certification.

Plan.

Waiver authority.

may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That amounts provided under this section shall be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Federal Register, publication. Notice. Deadline.

(b) Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development for administrative costs of the Office of Community Planning and Development associated with funds appropriated to the Department for specific disaster relief and related purposes and designated by Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act, including information technology costs and costs for administering and overseeing such specific disaster related funds, shall be transferred to the Program Office Salaries and Expenses, Community Planning and Development account for the Department, shall remain available until expended, and may be used for such administrative costs for administering any funds appropriated to the Department for any disaster relief and related purposes in any prior or future act, notwithstanding the purposes for which such funds were appropriated: *Provided*, That the amounts transferred pursuant to this section that were previously designated by Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced

President.

Budget and Emergency Deficit Control Act of 1985 and shall be transferred only if the President subsequently so designates the entire transfer and transmits such designation to the Congress.

Effective date.

(c) This section shall become effective immediately upon enactment of this Act.

This division may be cited as the "Continuing Appropriations Act, 2017".

DIVISION D—RESCISSIONS OF FUNDS

SEC. 101. (a) Of the unobligated balances available from prior year appropriations under the heading "Department of Commerce, Economic Development Administration, Economic Development Assistance Programs" designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, $10,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unobligated balances available from amounts provided under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" in title II of Public Law 111–212 for responding to economic impacts of fisherman and fishery dependent businesses, $13,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Of the unobligated balances available from amounts provided under the heading "Department of Homeland Security, Office of the Secretary and Executive Management" in Public Law 109–148, $279,045 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) Of the unobligated balances available under the heading "Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses" from emergency funds in Public Law 107–206 and earlier laws transferred to the Department of Homeland Security when it was created in 2003, $39,246 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Of the unobligated balances available from amounts provided under the heading "Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements" in Public Law 110–329, Public Law 109–148 and Public Law 109–234, $48,075,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Of the unobligated balances available under the heading "Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations" in Public Law 109–234, $731,790 is rescinded immediately upon enactment

of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) Of the unobligated amounts made available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), $168,100,000 is rescinded immediately upon enactment of this Act.

(h) Of the unobligated balances available under the heading "Operating Expenses" in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $7,522,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(i) Of the unobligated balances of appropriations made available under the heading "Bilateral Economic Assistance, Funds Appropriated to the President" in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $109,478,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(j) Of the unobligated balances available from amounts provided under the heading "Department of Transportation, Federal Aviation Administration, Facilities and Equipment" in Public Law 109–148, $4,384,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(k) Of the unobligated balances available from amounts provided under the heading "Department of Transportation, Federal Aviation Administration, Facilities and Equipment" in Public Law 102–368, $990,277 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(l) Of the unobligated balances available to the Department of Transportation from amounts provided under section 108 of Public Law 101–130, $37,400,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 5325 (S. 2955):

HOUSE REPORTS: No. 114–594 (Comm. on Appropriations).
SENATE REPORTS: No. 114–258 (Comm. on Appropriations) accompanying S. 2955.
CONGRESSIONAL RECORD, Vol. 162 (2016):
June 9, 10, considered and passed House.
Sept. 22, 26, 27, considered in Senate.
Sept. 28, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 114–224
114th Congress

An Act

To establish the Virgin Islands of the United States Centennial Commission.

Sept. 29, 2016
[H.R. 2615]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Virgin Islands of the United States Centennial Commission Act. 48 USC 1541 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virgin Islands of the United States Centennial Commission Act".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Virgin Islands of the United States Centennial Commission" (in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) plan, develop, and carry out such activities as the Commission determines to be appropriate to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States;

(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States; and

(3) submit to the President and Congress the reports required pursuant to section 7.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members as follows:

(1) The Assistant Secretary of the Interior for Insular Affairs or a designee of the Assistant Secretary.

(2) One member appointed by the Governor of the Virgin Islands of the United States or a designee of the Governor.

(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(5) Two Members of the Senate appointed by the majority leader of the Senate.

(6) One Member of the Senate appointed by the minority leader of the Senate.

(b) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(d) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(e) RATES OF PAY.—Members shall not receive compensation for the performance of duties on behalf of the Commission.

(f) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or regular place of business of the member, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

(h) CHAIRPERSON.—The chairperson of the Commission shall be selected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

Appointments.

(a) DIRECTOR AND STAFF.—The Commission shall appoint an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level III of the Executive Schedule under section 5314 of such title.

(c) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of the Department of the Interior or the National Archives and Records Administration, respectively to the Commission to assist the Commission to perform the duties of the Commission.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure such temporary and intermittent services from experts and consultants as are necessary to enable the Commission to perform the duties of the Commission.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to perform the duties of the Commission. Upon request of the chairperson of the Commission, the head of that Federal agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to perform the duties of the Commission.

(f) CONTRACT AUTHORITY.—The Commission may enter into contracts with and compensate the Federal Government, State and local governments, private entities, or individuals to enable the Commission to perform the duties of the Commission.

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—Not later than January 31 of each year, and annually thereafter until the final report is submitted pursuant to subsection (b), the Commission shall submit to the President and the Congress a report on—

(1) the activities of the Commission; and

(2) the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than $250, including the identity of the donor of each gift, bequest, or devise.

(b) FINAL REPORT.—Not later than January 31, 2018, the Commission shall submit a final report to the President and the Congress containing—

(1) a summary of the activities of the Commission; and Summary.

(2) a final accounting of funds received and expended by the Commission.

SEC. 8. ANNUAL AUDIT.

The Inspector General of the Department of the Interior—

(1) may perform an audit of the Commission;

(2) shall make the results of any such audit available to the public; and Public information.

(3) shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 9. DEFINITIONS.

In this Act:

(1) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

SEC. 10. TERMINATION.

The Commission shall terminate on September 30, 2018, or may terminate at an earlier date determined by the Commission after the final report is submitted pursuant to section 7(b).

SEC. 11. NO ADDITIONAL FUNDS AUTHORIZED.

No Federal funds are authorized or may be obligated to carry out this Act.

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 2615:

HOUSE REPORTS: No. 114–486 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–314 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 26, considered and passed House.
Sept. 20, considered and passed Senate.

Public Law 114–225
114th Congress

An Act

To designate the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the "Marcelino Serna Port of Entry".

Sept. 29, 2016
[H.R. 5252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARCELINO SERNA PORT OF ENTRY.

(a) DESIGNATION.—The United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, shall be known and designated as the "Marcelino Serna Port of Entry".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the port of entry referred to in subsection (a) shall be deemed to be a reference to the "Marcelino Serna Port of Entry".

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 5252:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 11, considered and passed House.
Sept. 20, considered and passed Senate.

Public Law 114–226
114th Congress

An Act

Sept. 29, 2016
[H.R. 5936]

To authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, to make certain improvements to the enhanced-use lease authority of the Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

West Los Angeles Leasing Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "West Los Angeles Leasing Act of 2016".

SEC. 2. AUTHORITY TO ENTER INTO CERTAIN LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

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

Real property.

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

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

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

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

(B) Education.

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

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

(E) Assistance with legal issues and Federal benefits.

(F) Volunteerism.

(G) Family support services, including child care.

(H) Transportation.

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

Regents of the University of California.

(3) A lease of real property for a term not to exceed 10 years to The Regents of the University of California, a corporation organized under the laws of the State of California, on

behalf of its University of California, Los Angeles (UCLA) campus (hereinafter in this section referred to as "The Regents"), if—

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

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

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

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

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

Records.

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

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

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

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

(d) REVENUES FROM LEASES AT THE CAMPUS.—Any funds received by the Secretary under a lease described in subsection (b) shall be credited to the applicable Department medical facilities account and shall be available, without fiscal year limitation and without further appropriation, exclusively for the renovation and maintenance of the land and facilities at the Campus.

(e) EASEMENTS.—

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

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

(B) the State of California, County of Los Angeles, City of Los Angeles, or any agency or political subdivision

thereof, or any public utility company (including any company providing electricity, gas, water, sewage, or telecommunication services to the public) for the purpose of providing such public utilities.

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

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

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

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

(h) COMPLIANCE WITH CERTAIN LAWS.—

Determination. Certification. Recommendations.

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

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

Establishment.

(i) VETERANS AND COMMUNITY OVERSIGHT AND ENGAGEMENT BOARD.—

Deadline. Recommendations.

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

(A) identify the goals of the community and veteran partnership;

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

(C) provide advice and recommendations on the implementation of the draft master plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any successor master plans.

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

(3) COMMUNITY INPUT.—In carrying out paragraph (1), the Board shall—

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

(B) focus on local issues regarding the Department that are identified by the community, including with respect to health care, implementation of the draft master plan and any subsequent plans, benefits, and memorial services at the Campus.

(j) NOTIFICATION AND REPORTS.—

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

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

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

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

(3) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, and as determined necessary by the Inspector General of the Department of Veterans Affairs thereafter, the Inspector General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and the Committees on Appropriations of the Senate and Determination. Assessment.

House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located a report on all leases carried out at the Campus and the management by the Department of the use of land at the Campus, including an assessment of the efforts of the Department to implement the master plan described in subsection (g) with respect to the Campus.

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

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

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

(1) means services—

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

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

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

(m) CONFORMING AMENDMENTS.—

(1) PROHIBITION ON DISPOSAL OF PROPERTY.—Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2272) is amended by striking "The Secretary of Veterans Affairs" and inserting "Except as authorized under the Los Angeles Homeless Veterans Leasing Act of 2016, the Secretary of Veterans Affairs".

(2) ENHANCED-USE LEASES.—Section 8162(c) of title 38, United States Code, is amended by inserting ", other than an enhanced-use lease under the Los Angeles Homeless Veterans Leasing Act of 2016," before "shall be considered".

SEC. 3. IMPROVEMENTS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) PROHIBITION ON WAIVER OF OBLIGATION OF LESSEE.—Paragraph (3) of section 8162(b) of title 38, United States Code, is amended by adding at the following new subparagraph:

"(D) The Secretary may not waive or postpone the obligation of a lessee to pay any consideration under an enhanced-use lease, including monthly rent.".

(b) CLARIFICATION OF LIABILITY OF FEDERAL GOVERNMENT TO THIRD PARTIES.—Section 8162 of such title is amended by adding at the end the following new subsection:

"(d)(1) Nothing in this subchapter authorizes the Secretary to enter into an enhanced-use lease that provides for, is contingent upon, or otherwise authorizes the Federal Government to guarantee a loan made by a third party to a lessee for purposes of the enhanced-use lease.

"(2) Nothing in this subchapter shall be construed to abrogate or constitute a waiver of the sovereign immunity of the United States with respect to any loan, financing, or other financial agreement entered into by the lessee and a third party relating to an enhanced-use lease.".

(c) TRANSPARENCY.—

(1) NOTICE.—Section 8163(c)(1) of such title is amended— 38 USC 8163.

(A) by inserting ", the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate" after "congressional veterans' affairs committees";

(B) by striking "and shall publish" and inserting ", shall publish";

(C) by inserting before the period at the end the following: ", and shall submit to the congressional veterans' affairs committees a copy of the proposed lease"; and

(D) by adding at the end the following new sentence: "With respect to a major enhanced-use lease, upon the request of the congressional veterans' affairs committees, not later than 30 days after the date of such notice, the Secretary shall testify before the committees on the major enhanced-use lease, including with respect to the status of the lease, the cost, and the plans to carry out the activities under the lease. The Secretary may not delegate such testifying below the level of the head of the Office of Asset Enterprise Management of the Department or any successor to such office.". Deadline. Testimony.

(2) ANNUAL REPORTS.—Section 8168 of such title is amended—

(A) by striking "to Congress" each place it appears and inserting "to the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate";

(B) in subsection (a)—

(i) by striking "Not later" and inserting "(1) Not later";

(ii) by striking "a report" and all that follows through the period at the end and inserting "a report on enhanced-use leases."; and

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

"(2) Each report under paragraph (1) shall include the following:

"(A) Identification of the actions taken by the Secretary to implement and administer enhanced-use leases.

"(B) For the most recent fiscal year covered by the report, the amounts deposited into the Medical Care Collection Fund account that were derived from enhanced-use leases.

"(C) Identification of the actions taken by the Secretary using the amounts described in subparagraph (B).

"(D) Documents of the Department supporting the contents of the report described in subparagraphs (A) through (C).";
and

(C) in subsection (b)—

(i) by striking "Each year" and inserting "(1) Each year";

(ii) by striking "this subchapter," and all that follows through the period at the end and inserting "this subchapter."; and

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

"(2) Each report under paragraph (1) shall include the following with respect to each enhanced-use lease covered by the report:

"(A) An overview of how the Secretary is using consideration received by the Secretary under the lease to support veterans.

"(B) The amount of consideration received by the Secretary under the lease.

"(C) The amount of any revenues collected by the Secretary relating to the lease not covered by subparagraph (B), including a description of any in-kind assistance or services provided by the lessee to the Secretary or to veterans under an agreement entered into by the Secretary pursuant to any provision of law.

"(D) The costs to the Secretary of carrying out the lease.

"(E) Documents of the Department supporting the contents of the report described in subparagraphs (A) through (D).".

(d) ADDITIONAL DEFINITIONS.—Section 8161 of such title is amended by adding at the end the following new paragraphs:

"(4) The term 'lessee' means the party with whom the Secretary has entered into an enhanced-use lease under this subchapter.

"(5) The term 'major enhanced-use lease' means an enhanced-use lease that includes consideration consisting of an average annual rent of more than $10,000,000.".

(e) COMPTROLLER GENERAL AUDIT.—

(1) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing an audit of the enhanced-use lease program of the Department of Veterans Affairs under subchapter V of chapter 81 of title 38, United States Code.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) The financial impact of the enhanced-use lease authority on the Department of Veterans Affairs and whether the revenue realized from such authority and other financial benefits would have been realized without such authority.

(B) The use by the Secretary of such authority and whether the arrangements made under such authority would have been made without such authority.

(C) An identification of the controls that are in place to ensure accountability and transparency and to protect the Federal Government.

Assessment.

(D) An overall assessment of the activities of the Secretary under such authority to ensure procurement cost

avoidance, negotiated cost avoidance, in-contract cost avoidance, and rate reductions.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committees on Veterans' Affairs of the House of Representatives and the Senate;

(B) the Committees on Appropriations of the House of Representatives and the Senate; and

(C) the Committees on the Budget of the House of Representatives and the Senate.

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 5936:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 12, considered and passed House.
Sept. 19, considered and passed Senate.

Public Law 114–227
114th Congress

An Act

Sept. 29, 2016
[H.R. 5937]

To amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF THE AMERICAN BATTLE MONUMENTS COMMISSION TO ACQUIRE, OPERATE, AND MAINTAIN THE LAFAYETTE ESCADRILLE MEMORIAL.

(a) IN GENERAL.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

36 USC 2115.

"§ 2115. Acquisition, operation, and maintenance of Lafayette Escadrille Memorial

"The American Battle Monuments Commission may enter into an agreement with the Lafayette Escadrille Memorial Foundation to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France. Under such an agreement, the Commission shall make necessary arrangements to ensure the ongoing maintenance of the memorial, including the cemetery at the memorial that contains the remains of 49 aviators of the United States who died during World War I.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of such title is amended by adding at the end of the following new item:

36 USC prec. 2101.

"2115. Acquisition, operation, and maintenance of Lafayette Escadrille Memorial.".

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 5937:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 12, considered and passed House.
Sept. 20, considered and passed Senate.

Public Law 114–228
114th Congress

An Act

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

Sept. 29, 2016
[H.R. 5985]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Expiring Authorities Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Expiring Authorities Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

38 USC 1710.

Section 1710(f)(2)(B) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking "December 31, 2016" and inserting "December 31, 2017". 38 USC 1710A.

SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G(e) is amended—

(1) in paragraph (2), by striking "and";

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph: "(4) $734,628,000 for fiscal year 2017.".

SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking "October 1, 2016" and inserting "October 1, 2017".

SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking "and 2016" and inserting "2016, and 2017".

SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking "2016" and inserting "2017".

SEC. 107. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A) is amended by striking "December 31, 2016" and inserting "December 31, 2017". 38 USC 1712A note.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking "and 2016" and inserting "2016, and 2017". 38 USC 1712A note.

SEC. 108. EXTENSION OF DEADLINE FOR REPORT ON PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

Section 506(g)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 523 note) is amended by striking "180 days after the completion of the pilot program" and inserting "September 30, 2017".

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY FOR THE VETERANS' ADVISORY COMMITTEE ON EDUCATION.

38 USC 3692.

Section 3692(c) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 202. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c)(11) is amended by striking "October 1, 2016" and inserting "October 1, 2017".

SEC. 203. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 30, 2016" and inserting "September 30, 2017"; and

(2) in subparagraph (C), by striking "September 30, 2016," and inserting "September 30, 2017,".

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C. 1071 note) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESS VETERANS

SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking "2016" and inserting "2017".

SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking "2016" and inserting "2017".

SEC. 303. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking "September 30, 2016" and inserting "September 30, 2017". 38 USC 2023.

SEC. 304. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

SEC. 305. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Subparagraph (E) of section 2044(e)(1) is amended to read as follows:

"(E) $320,000,000 for each of fiscal years 2015 through 2017.".

SEC. 306. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking "2016" and inserting "2017".

SEC. 307. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 308. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY AND OTHER MATTERS

SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT FACILITIES.

Section 111A(a)(2) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

SEC. 403. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

38 USC 322.

Section 322(d)(4) is amended by striking "2016" and inserting "2017".

SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking "2016" and inserting "2017"; and

(2) in subsection (l), by striking "2016" and inserting "2017".

SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 407. MODIFICATION TO AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013(7) is amended by striking "$250,000,000" and inserting "$257,700,000".

SEC. 408. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking "September 30, 2016" and inserting "September 30, 2017"; and

(2) in subparagraph (B), by striking "2016" and inserting "2017".

SEC. 409. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

SEC. 410. EXTENSION OF AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h)(2) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 411. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 412. EXTENSION OF AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

Subsection (c) of section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 413. RESTORATION OF PRIOR REPORTING FEE MULTIPLIERS.

Section 406 of the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113–175; 38 U.S.C. 3684 note) is amended by striking "two-year" and inserting "three-year".

SEC. 414. EXTENSION OF REQUIREMENT FOR ANNUAL REPORT ON DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.

Section 1635(h)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking "2016" and inserting "2017".

SEC. 415. EXTENSION OF AUTHORITY TO APPROVE COURSES OF EDUCATION IN CASES OF WITHDRAWAL OF RECOGNITION OF ACCREDITING AGENCY BY SECRETARY OF EDUCATION.

Section 3679(a) of title 38, United States Code, is amended—

(1) by striking "Any course" and inserting "(1) Except as provided by paragraph (2), any course"; and

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

"(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in

Consultation.
Time period.
Determination.

Notice.

such a course of education notice of the status of the course of education.".

Approved September 29, 2016.

LEGISLATIVE HISTORY—H.R. 5985:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 13, considered and passed House.
Sept. 19, considered and passed Senate.

Public Law 114–229
114th Congress

An Act

To extend the pediatric priority review voucher program.

Sept. 30, 2016
[S. 1878]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Advancing Hope Act of 2016.
21 USC 301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Hope Act of 2016".

SEC. 2. REAUTHORIZATION OF PROGRAM FOR PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) IN GENERAL.—Section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by amending subparagraph (A) to read as follows:

"(A) The disease is a serious or life-threatening disease in which the serious or life-threatening manifestations primarily affect individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents."; and

(B) in paragraph (4)(F), by striking "Prescription Drug User Fee Amendments of 2012" and inserting "Advancing Hope Act of 2016";

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

"(4) NOTIFICATION.—

"(A) SPONSOR OF A RARE PEDIATRIC DISEASE PRODUCT.—

"(i) IN GENERAL.—Beginning on the date that is 90 days after the date of enactment of the Advancing Hope Act of 2016, the sponsor of a rare pediatric disease product application that intends to request a priority review voucher under this section shall notify the Secretary of such intent upon submission of the rare pediatric disease product application that is the basis of the request for a priority review voucher.

Effective date.
Time period.

"(ii) APPLICATIONS SUBMITTED BUT NOT YET APPROVED.—The sponsor of a rare pediatric disease product application that was submitted and that has not been approved as of the date of enactment of the Advancing Hope Act of 2016 shall be considered eligible for a priority review voucher, if—

"(I) such sponsor has submitted such rare pediatric disease product application—

Time period.

"(aa) on or after the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012; and

"(bb) on or before the date of enactment of the Advancing Hope Act of 2016; and

"(II) such application otherwise meets the criteria for a priority review voucher under this section.

"(B) SPONSOR OF A DRUG APPLICATION USING A PRIORITY REVIEW VOUCHER.—

Deadline.

"(i) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay the user fee to be assessed in accordance with this section.

"(ii) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under clause (i) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification."; and

(B) by striking paragraph (5) and inserting the following:

"(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016."; and

(3) in subsection (g), by inserting before the period ", except that no sponsor of a rare pediatric disease product application may receive more than one priority review voucher issued under any section of this Act with respect to the drug for which the application is made."

21 USC 360ff note.

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed to affect the validity of a priority review voucher that was issued under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) before the date of enactment of this Act.

SEC. 3. GAO REPORT.

Drugs and drug abuse.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of awarding priority review vouchers under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) in providing incentives for the development of drugs that treat or prevent rare pediatric diseases (as defined in subsection (a)(3) of such section) that would not otherwise have been developed. In conducting such study, the Comptroller General shall examine the following:

Examination.

(1) The indications for which each drug for which a priority review voucher was awarded under such section 529 was approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(2) Whether the priority review voucher impacted sponsors' decisions to invest in developing a drug to treat or prevent a rare pediatric disease.

(3) An analysis of the drugs for which such priority review vouchers were used, which shall include— Analysis.

(A) the indications for which such drugs were approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether unmet medical needs were addressed through the approval of such drugs, including, for each such drug—

(i) if an alternative therapy was previously available to treat the indication; and

(ii) if the drug provided a benefit or advantage over another available therapy;

(C) the number of patients potentially treated by such drugs;

(D) the value of the priority review voucher if transferred; and

(E) the length of time between the date on which a priority review voucher was awarded and the date on which it was used.

(4) With respect to the priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff)—

(A) the resources used by the Food and Drug Administration in implementing such program, including the effect of such program on the Food and Drug Administration's review of drugs for which a priority review voucher was not awarded or used;

(B) the impact of the program on the public health as a result of the review and approval of drugs that received a priority review voucher and products that were the subject of a redeemed priority review voucher; and

(C) alternative approaches to improving such program so that the program is appropriately targeted toward providing incentives for the development of clinically important drugs that—

(i) prevent or treat rare pediatric diseases; and

(ii) would likely not otherwise have been developed to prevent or treat such diseases.

(b) REPORT.—Not later than January 31, 2022, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the

Committee on Energy and Commerce of the House of Representatives a report containing the results of the study of conducted under subsection (a).

Approved September 30, 2016.

LEGISLATIVE HISTORY—S. 1878:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 22, considered and passed Senate.
Sept. 27, considered and passed House.

Public Law 114–230
114th Congress

An Act

To authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

Oct. 7, 2016
[H.R. 1475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Korean War Veterans Memorial Wall of Remembrance Act.
42 USC 8903 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans Memorial Wall of Remembrance Act".

SEC. 2. WALL OF REMEMBRANCE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Notwithstanding section 8908(c) of title 40, United States Code, the Korean War Veterans Memorial Foundation, Inc., may construct a Wall of Remembrance at the site of the Korean War Veterans Memorial.

(2) REQUIREMENT.—

Lists.
Determination.

(A) IN GENERAL.—The Wall of Remembrance shall include a list of names of members of the Armed Forces of the United States who died in the Korean War, as determined by the Secretary of Defense, in accordance with subparagraph (B).

(B) CRITERIA; SUBMISSION TO THE SECRETARY OF THE INTERIOR.—The Secretary of Defense shall—

(i) establish eligibility criteria for the inclusion of names on the Wall of Remembrance under subparagraph (A); and

(ii) provide to the Secretary of the Interior a final list of names for inclusion on the Wall of Remembrance under subparagraph (A) that meet the criteria established under clause (i).

(3) ADDITIONAL INFORMATION.—The Wall of Remembrance may include other information about the Korean War, including the number of members of the Armed Forces of the United States, the Korean Augmentation to the United States Army, the Republic of Korea Armed Forces, and the other nations of the United Nations Command who, in regards to the Korean War—

(A) were killed in action;
(B) were wounded in action;
(C) are listed as missing in action; or
(D) were prisoners of war.

Applicability.

(b) COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a)(1), chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act"), shall apply.

(c) NO FEDERAL FUNDS.—No Federal funds may be used to construct the Wall of Remembrance.

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 1475:

HOUSE REPORTS: No. 114–433 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–336 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 24, considered and passed House.
Sept. 19, considered and passed Senate, amended.
Sept. 21, House concurred in Senate amendment.

Public Law 114–231
114th Congress

An Act

To support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes.

Oct. 7, 2016
[H.R. 2494]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016.
16 USC 7601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

16 USC 7601.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(2) CO-CHAIRS OF THE TASK FORCE.—The term "Co-Chairs of the Task Force" means the Secretary of State, the Secretary

of the Interior, and the Attorney General, as established pursuant to Executive Order 13648.

(3) COMMUNITY CONSERVATION.—The term "community conservation" means an approach to conservation that recognizes the rights of local people to manage, or benefit directly and indirectly from wildlife and other natural resources in a long-term biologically viable manner and includes—

(A) devolving management and governance to local communities to create positive conditions for resource use that takes into account current and future ecological requirements; and

(B) building the capacity of communities for conservation and natural resource management.

(4) COUNTRY OF CONCERN.—The term "country of concern" refers to a foreign country specially designated by the Secretary of State pursuant to subsection (b) of section 201 as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which the government has actively engaged in or knowingly profited from the trafficking of endangered or threatened species.

(5) FOCUS COUNTRY.—The term "focus country" refers to a foreign country determined by the Secretary of State to be a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products.

(6) DEFENSE ARTICLE; DEFENSE SERVICE; SIGNIFICANT MILITARY EQUIPMENT; TRAINING.—The terms "defense article", "defense service", "significant military equipment", and "training" have the meanings given such terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(7) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the National Strategy for Combating Wildlife Trafficking released on February 11, 2015, a modification of that plan, or a successor plan.

(8) NATIONAL STRATEGY.—The term "National Strategy" means the National Strategy for Combating Wildlife Trafficking published on February 11, 2014, a modification of that strategy, or a successor strategy.

(9) NATIONAL WILDLIFE SERVICES.—The term "national wildlife services" refers to the ministries and government bodies designated to manage matters pertaining to wildlife management, including poaching or trafficking, in a focus country.

(10) SECURITY FORCE.—The term "security force" means a military, law enforcement, gendarmerie, park ranger, or any other security force with a responsibility for protecting wildlife and natural habitats.

(11) TASK FORCE.—The term "Task Force" means the Presidential Task Force on Wildlife Trafficking, as established by Executive Order 13648 (78 Fed. Reg. 40621) and modified by section 201.

(12) WILDLIFE TRAFFICKING.—The term "wildlife trafficking" refers to the poaching or other illegal taking of protected or managed species and the illegal trade in wildlife and their related parts and products.

TITLE I—PURPOSES AND POLICY

SEC. 101. PURPOSES. 16 USC 7611.

The purposes of this Act are—

(1) to support a collaborative, interagency approach to address wildlife trafficking;

(2) to protect and conserve the remaining populations of wild elephants, rhinoceroses, and other species threatened by poaching and the illegal wildlife trade;

(3) to disrupt regional and global transnational organized criminal networks and to prevent the illegal wildlife trade from being used as a source of financing for criminal groups that undermine United States and global security interests;

(4) to prevent wildlife poaching and trafficking from being a means to make a living in focus countries;

(5) to support the efforts of, and collaborate with, individuals, communities, local organizations, and foreign governments to combat poaching and wildlife trafficking;

(6) to assist focus countries in implementation of national wildlife anti-trafficking and poaching laws; and

(7) to ensure that United States assistance to prevent and suppress illicit wildlife trafficking is carefully planned and coordinated, and that it is systematically and rationally prioritized on the basis of detailed analysis of the nature and severity of threats to wildlife and the willingness and ability of foreign partners to cooperate effectively toward these ends.

SEC. 102. STATEMENT OF UNITED STATES POLICY. 16 USC 7612.

It is the policy of the United States—

(1) to take immediate actions to stop the illegal global trade in wildlife and wildlife products and associated transnational organized crime;

(2) to provide technical and other forms of assistance to help focus countries halt the poaching of elephants, rhinoceroses, and other imperiled species and end the illegal trade in wildlife and wildlife products, including by providing training and assistance in—

(A) wildlife protection and management of wildlife populations;

(B) anti-poaching and effective management of protected areas including community managed and privately-owned lands;

(C) local engagement of security forces in anti-poaching responsibilities, where appropriate;

(D) wildlife trafficking investigative techniques, including forensic tools;

(E) transparency and corruption issues;

(F) management, tracking, and inventory of confiscated wildlife contraband;

(G) demand reduction strategies in countries that lack the means and resources to conduct them; and

(H) bilateral and multilateral agreements and cooperation;

(3) to employ appropriate assets and resources of the United States Government in a coordinated manner to curtail poaching and disrupt and dismantle illegal wildlife trade networks and

the financing of those networks in a manner appropriate for each focus country;

(4) to build upon the National Strategy and Implementation Plan to further combat wildlife trafficking in a holistic manner and guide the response of the United States Government to ensure progress in the fight against wildlife trafficking; and

(5) to recognize the ties of wildlife trafficking to broader forms of transnational organized criminal activities, including trafficking, and where applicable, to focus on those crimes in a coordinated, cross-cutting manner.

TITLE II—REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES

Consultation. 16 USC 7621. Determination.

SEC. 201. REPORT.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall submit to Congress a report that lists each country determined by the Secretary of State to be a focus country within the meaning of this Act.

(b) SPECIAL DESIGNATION.—In each report required under subsection (a), the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall identify each country of concern listed in the report the government of which has actively engaged in or knowingly profited from the trafficking of endangered or threatened species.

(c) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

TITLE III—FRAMEWORK FOR INTERAGENCY RESPONSE

16 USC 7631.

SEC. 301. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING.

Deadlines.

(a) RESPONSIBILITIES.—In addition to the functions required by Executive Order 13648 (78 Fed. Reg. 40621), the Task Force shall be informed by the Secretary of State's annual report required under section 201 and considering all available information, ensure that relevant United States Government agencies—

Collaboration. Assessment.

(1) collaborate, to the greatest extent practicable, with the national wildlife services, or other relevant bodies of each focus country to prepare, not later than 90 days after the date of submission of the report required under section 201(a), a United States mission assessment of the threats to wildlife in that focus country and an assessment of the capacity of that country to address wildlife trafficking;

Collaboration. Strategic plan. Recommendations.

(2) collaborate, to the greatest extent practicable, with relevant ministries, national wildlife services, or other relevant bodies of each focus country to prepare, not later than 180 days after preparation of the assessment referred to in paragraph (1), a United States mission strategic plan that includes recommendations for addressing wildlife trafficking, taking into

account any regional or national strategies for addressing wildlife trafficking in a focus country developed before the preparation of such assessment;

(3) coordinate efforts among United States Federal agencies and non-Federal partners, including missions, domestic and international organizations, the private sector, and other global partners, to implement the strategic plans required by paragraph (2) in each focus country; Coordination.

(4) not less frequently than annually, consult and coordinate with stakeholders qualified to provide advice, assistance, and information regarding effective support for anti-poaching activities, coordination of regional law enforcement efforts, development of and support for effective legal enforcement mechanisms, and development of strategies to reduce illicit trade and reduce consumer demand for illegally traded wildlife and wildlife products, and other relevant topics under this Act; and Consultation. Coordination.

(5) coordinate or carry out other functions as are necessary to implement this Act. Coordination.

(b) DUPLICATION AND EFFICIENCY.—The Task Force shall— Coordination.

(1) ensure that the activities of the Federal agencies involved in carrying out efforts under this Act are coordinated and not duplicated; and

(2) encourage efficiencies and coordination among the efforts of Federal agencies and interagency initiatives ongoing as of the date of the enactment of this Act to address trafficking activities, including trafficking of wildlife, humans, weapons, and narcotics, illegal trade, transnational organized crime, or other illegal activities.

(c) CONSISTENCY WITH AGENCY RESPONSIBILITIES.—The Task Force shall carry out its responsibilities under this Act in a manner consistent with the authorities and responsibilities of agencies represented on the Task Force.

(d) TASK FORCE STRATEGIC REVIEW.—One year after the date of the enactment of this Act, and annually thereafter, the Task Force shall submit a strategic assessment of its work and provide a briefing to the appropriate congressional committees that shall include— Deadlines. Assessment.

(1) a review and assessment of the Task Force's implementation of this Act, identifying successes, failures, and gaps in its work, or that of agencies represented on the Task Force, including detailed descriptions of—

(A) what approaches, initiatives, or programs have succeeded best in increasing the willingness and capacity of focus countries to suppress and prevent illegal wildlife trafficking, and what approaches, initiatives, or programs have not succeeded as well as hoped; and

(B) which foreign governments subject to subsections (a) and (b) of section 201 have proven to be the most successful partners in suppressing and preventing illegal wildlife trafficking, which focus countries have not proven to be so, and what factors contributed to these results in each country discussed;

(2) a description of each Task Force member agency's priorities and objectives for combating wildlife trafficking;

(3) an account of total United States funding each year since fiscal year 2014 for all government agencies and programs involved in countering poaching and wildlife trafficking;

(4) an account of total United States funding since fiscal year 2014 to support the activities of the Task Force, including administrative overhead costs and congressional reporting; and

Recommendations.

(5) recommendations for how to improve United States and international efforts to suppress and prevent illegal wildlife trafficking in the future, based upon the Task Force's experience as of the time of the review.

(e) TERMINATION OF TASK FORCE.—The statutory authorization for the Task Force provided by this Act shall terminate 5 years after the date of the enactment of this Act or such earlier date that the President terminates the Task Force by rescinding, superseding, or otherwise modifying relevant portions of Executive Order 13648.

TITLE IV—PROGRAMS TO ADDRESS THE ESCALATING WILDLIFE TRAFFICKING CRISIS

16 USC 7641.

SEC. 401. ANTI-POACHING PROGRAMS.

Collaboration.

(a) WILDLIFE LAW ENFORCEMENT PROFESSIONAL TRAINING AND COORDINATION ACTIVITIES.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and nongovernmental partners where appropriate, may provide assistance to focus countries to carry out the recommendations made in the strategic plan required by section 301(a)(2), among other goals, to improve the effectiveness of wildlife law enforcement in regions and countries that have demonstrated capacity, willingness, and need for assistance.

(b) SENSE OF CONGRESS REGARDING SECURITY ASSISTANCE TO COUNTER WILDLIFE TRAFFICKING AND POACHING IN AFRICA.—It is the sense of Congress that the United States should continue to provide defense articles (not including significant military equipment), defense services, and related training to appropriate security forces of countries of Africa for the purposes of countering wildlife trafficking and poaching.

Collaboration. 16 USC 7642.

SEC. 402. ANTI-TRAFFICKING PROGRAMS.

(a) INVESTIGATIVE CAPACITY BUILDING.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and communities, regions, and governments in focus countries, may design and implement programs in focus countries to carry out the recommendations made in the strategic plan required under section 301(a)(2) among other goals, with clear and measurable targets and indicators of success, to increase the capacity of wildlife law enforcement and customs and border security officers in focus countries.

(b) TRANSNATIONAL PROGRAMS.—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, and international bodies, and

in collaboration with communities, regions, and governments in focus countries, may design and implement programs, including support for Wildlife Enforcement Networks, in focus countries to carry out the recommendations made in the strategic plan required under section 301(a)(2), among other goals, to better understand and combat the transnational trade in illegal wildlife.

SEC. 403. ENGAGEMENT OF UNITED STATES DIPLOMATIC MISSIONS.

Deadline.
16 USC 7643.

As soon as practicable but not later than 2 years after the date of the enactment of this Act, each chief of mission to a focus country should begin to implement the recommendations contained in the strategic plan required under section 301(a)(2), among other goals, for the country.

SEC. 404. COMMUNITY CONSERVATION.

16 USC 7644.

The Secretary of State, in collaboration with the United State Agency for International Development, heads of other relevant United States agencies, the private sector, nongovernmental organizations, and other development partners, may provide support in focus countries to carry out the recommendations made in the strategic plan required under section 301(a)(2) as such recommendations relate to the development, scaling, and replication of community wildlife conservancies and community conservation programs in focus countries to assist with rural stability and greater security for people and wildlife, empower and support communities to manage or benefit from their wildlife resources in a long-term biologically viable manner, and reduce the threat of poaching and trafficking, including through—

(1) promoting conservation-based enterprises and incentives, such as eco-tourism and stewardship-oriented agricultural production, that empower communities to manage wildlife, natural resources, and community ventures where appropriate, by ensuring they benefit from well-managed wildlife populations;

(2) helping create alternative livelihoods to poaching by mitigating wildlife trafficking, helping support rural stability, greater security for people and wildlife, responsible economic development, and economic incentives to conserve wildlife populations;

(3) engaging regional businesses and the private sector to develop goods and services to aid in anti-poaching and anti-trafficking measures;

(4) working with communities to develop secure and safe methods of sharing information with enforcement officials;

(5) providing technical assistance to support land use stewardship plans to improve the economic, environmental, and social outcomes in community-owned or -managed lands;

(6) supporting community anti-poaching efforts, including policing and informant networks;

(7) working with community and national governments to develop relevant policy and regulatory frameworks to enable and promote community conservation programs, including supporting law enforcement engagement with wildlife protection authorities to promote information-sharing; and

(8) working with national governments to ensure that communities have timely and effective support from national authorities to mitigate risks that communities may face when engaging in anti-poaching and anti-trafficking activities.

TITLE V—OTHER ACTIONS RELATING TO WILDLIFE TRAFFICKING PROGRAMS

SEC. 501. AMENDMENTS TO FISHERMAN'S PROTECTIVE ACT OF 1967.

Section 8 of the Fisherman's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", in consultation with the Secretary of State," after "Secretary of Commerce";

(B) in paragraph (2), by inserting ", in consultation with the Secretary of State," after "Secretary of the Interior";

(C) in paragraph (3), by inserting "in consultation with the Secretary of State," after ", as appropriate,";

(D) by redesigning paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following new paragraph:

Reports. Certification. Deadline.

"(4) The Secretary of Commerce and the Secretary of the Interior shall each report to Congress each certification to the President made by such Secretary under this subsection, within 15 days after making such certification."; and

(2) in subsection (d), by inserting "in consultation with the Secretary of State," after "as the case may be,".

SEC. 502. WILDLIFE TRAFFICKING VIOLATIONS AS PREDICATE OFFENSES UNDER MONEY LAUNDERING STATUTE.

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "; or" and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting "; or"; and

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

"(G) any act that is a criminal violation of subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (1) of section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)(1)), section 2203 of the African Elephant Conservation Act (16 U.S.C. 4223), or section 7(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5305a(a)), if the endangered or threatened species of fish or wildlife, products, items, or substances involved in the

violation and relevant conduct, as applicable, have a total value of more than $10,000;".

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 2494:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 2, considered and passed House.
Vol. 162 (2016): Sept. 15, considered and passed Senate, amended.
Sept. 21, House concurred in Senate amendment.

Public Law 114–232
114th Congress

An Act

Oct. 7, 2016
[H.R. 2733]

To require the Secretary of the Interior to take land into trust for certain Indian tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nevada Native Nations Land Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Native Nations Land Act".

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR CERTAIN INDIAN TRIBES.

(a) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE FORT MCDERMITT PAIUTE AND SHOSHONE TRIBE.—

(1) DEFINITION OF MAP.—In this subsection, the term "map" means the map entitled "Fort McDermitt Indian Reservation Expansion Act", dated February 21, 2013, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Fort McDermitt Paiute and Shoshone Tribe; and

(B) shall be part of the reservation of the Fort McDermitt Paiute and Shoshone Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 19,094 acres of land administered by the Bureau of Land Management as generally depicted on the map as "Reservation Expansion Lands".

(b) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE SHOSHONE PAIUTE TRIBES.—

(1) DEFINITION OF MAP.—In this subsection, the term "map" means the map entitled "Mountain City Administrative Site Proposed Acquisition", dated July 29, 2013, and on file and available for public inspection in the appropriate offices of the Forest Service.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights and paragraph (4), all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation; and

(B) shall be part of the reservation of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 82 acres of land administered by the Forest Service as generally depicted on the map as "Proposed Acquisition Site".

(4) CONDITION ON CONVEYANCE.—The conveyance under paragraph (2) shall be subject to the reservation of an easement on the conveyed land for a road to provide access to adjacent National Forest System land for use by the Forest Service for administrative purposes.

(5) FACILITIES AND IMPROVEMENTS.—The Secretary of Agriculture (acting through the Chief of the Forest Service) shall convey to the Shoshone Paiute Tribes of the Duck Valley Indian Reservation any existing facilities or improvements to the land described in paragraph (3).

(c) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE SUMMIT LAKE PAIUTE TRIBE.—

(1) DEFINITION OF MAP.—In this section, the term "map" means the map entitled "Summit Lake Indian Reservation Conveyance", dated February 28, 2013, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Summit Lake Paiute Tribe; and

(B) shall be part of the reservation of the Summit Lake Paiute Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 941 acres of land administered by the Bureau of Land Management as generally depicted on the map as "Reservation Conveyance Lands".

(d) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE RENO-SPARKS INDIAN COLONY.—

(1) DEFINITION OF MAP.—In this subsection, the term "map" means the map entitled "Reno-Sparks Indian Colony Expansion", dated June 11, 2014, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Reno-Sparks Indian Colony; and

(B) shall be part of the reservation of the Reno-Sparks Indian Colony.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 13,434 acres of land administered by the Bureau of Land Management as generally depicted on the map as "RSIC Amended Boundary".

(e) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE PYRAMID LAKE PAIUTE TRIBE.—

(1) MAP.—In this subsection, the term "map" means the map entitled "Pyramid Lake Indian Reservation Expansion", dated April 13, 2015, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Pyramid Lake Paiute Tribe; and

(B) shall be part of the reservation of the Pyramid Lake Paiute Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 6,357 acres of land administered by the Bureau of Land Management as generally depicted on the map as "Reservation Expansion Lands".

(f) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE DUCKWATER SHOSHONE TRIBE.—

(1) MAP.—In this subsection, the term "map" means the map entitled "Duckwater Reservation Expansion", dated October 15, 2015, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Duckwater Shoshone Tribe; and

(B) shall be part of the reservation of the Duckwater Shoshone Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 31,229 acres of land administered by the Bureau of Land Management as generally depicted on the map as "Reservation Expansion Lands".

(g) REVOCATION OF PUBLIC LAND ORDERS.—Any public land order that withdraws any portion of land conveyed to an Indian tribe under this section shall be revoked to the extent necessary to permit the conveyance of the land.

SEC. 4. ADMINISTRATION.

Deadline.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust for each Indian tribe under section 3.

(b) USE OF TRUST LAND.—

(1) GAMING.—Land taken into trust under section 3 shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under section 3, the Secretary, in consultation and coordination with the applicable Indian tribe, may carry out any fuel reduction and other landscape restoration activities, including restoration of sage grouse habitat,

on the land that is beneficial to the Indian tribe and the Bureau of Land Management.

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 2733 (S. 1436):

HOUSE REPORTS: No. 114–487 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–216 (Comm. on Indian Affairs) accompanying S. 1436.
CONGRESSIONAL RECORD, Vol. 162 (2016):
June 7, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–233
114th Congress

An Act

Oct. 7, 2016
[H.R. 3004]

To amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

54 USC 320101 note.

SECTION 1. EXTENSION OF THE AUTHORIZATION FOR THE GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

Section 295D(d) of the Gullah/Geechee Cultural Heritage Act (Public Law 109–338; 120 Stat. 1833; 16 U.S.C. 461 note) is amended by striking "10 years" and inserting "15 years".

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 3004 (S. 2839):

HOUSE REPORTS: No. 114–430 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–338 and 114–331, accompanying S. 2839, (both from Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 24, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–234
114th Congress

An Act

To designate the building utilized as a United States courthouse located at 150 Reade Circle in Greenville, North Carolina, as the "Randy D. Doub United States Courthouse".

Oct. 7, 2016
[H.R. 3937]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building utilized as a United States courthouse located at 150 Reade Circle in Greenville, North Carolina, shall be known and designated as the "Randy D. Doub United States Courthouse" during the period in which the building is utilized as a United States courthouse.

SEC. 2. REFERENCES.

With respect to the period in which the building referred to in section 1 is utilized as a United States courthouse, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "Randy D. Doub United States Courthouse".

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 3937:

HOUSE REPORTS: No. 114–464 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–235
114th Congress

An Act

Oct. 7, 2016
[H.R. 5147]

To amend title 40, United States Code, to require restrooms in public buildings to be equipped with baby changing facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bathrooms Accessible in Every Situation Act.
40 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bathrooms Accessible in Every Situation Act" or "BABIES Act".

SEC. 2. BABY CHANGING FACILITIES IN RESTROOMS IN PUBLIC BUILDINGS.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended—

(1) by redesignating sections 3314, 3315, and 3316 as sections 3315, 3316, and 3317, respectively; and

(2) by inserting after section 3313 the following new section:

40 USC 3314.

"§ 3314. Baby changing facilities in restrooms

Determination.

"(a) ADDITIONAL REQUIREMENT FOR THE CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Except as provided in subsection (b) and subject to any reasonable accommodations that may be made for individuals in accordance with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) restrooms in a public building shall be equipped with baby changing facilities that the Administrator determines are physically safe, sanitary, and appropriate.

"(b) EXCEPTIONS.—The requirement under subsection (a) shall not apply—

"(1) to a restroom in a public building that is not available or accessible for public use;

"(2) to a restroom in a public building that contains clear and conspicuous signage indicating where a restroom with a baby changing table is located on the same floor of such public building;

"(3) if new construction would be required to install a baby changing facility in the public building and the cost of such construction is unfeasible; or

"(4) to a building not subject to an alteration as set forth in section 3307.

"(c) DEFINITIONS.—In this section:

"(1) BABY CHANGING FACILITY.—The term 'baby changing facility' means a table or other device suitable for changing the diaper of a child age 3 or under.

"(2) PUBIC BUILDING.—The term 'public building' means a public building as defined in section 3301 and controlled by the Public Building Service of the General Services Administration.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3314, 3315, and 3316 and inserting the following: 40 USC 3301 prec.

"3314. Baby changing facilities in restrooms.
"3315. Delegation.
"3316. Report to Congress.
"3317. Certain authority not affected.".

(c) APPLICABILITY.—The requirement under section 3314(a) of title 40, United States Code, shall apply in the case of a public building constructed, altered, or acquired by the Administrator of General Services on or after the date that is 1 year after the date of the enactment of this Act, beginning on that date. Effective date. 40 USC 3314 note.

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5147:

HOUSE REPORTS: No. 114–774 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 21, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–236
114th Congress

An Act

Oct. 7, 2016
[H.R. 5578]

To establish certain rights for sexual assault survivors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Survivors' Bill of Rights Act of 2016.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Survivors' Bill of Rights Act of 2016".

SEC. 2. SEXUAL ASSAULT SURVIVORS' RIGHTS.

18 USC 3772 prec.

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by adding after chapter 237 the following:

"CHAPTER 238—SEXUAL ASSAULT SURVIVORS' RIGHTS

18 USC 3772.

"§ 3772. Sexual assault survivors' rights

"(a) RIGHTS OF SEXUAL ASSAULT SURVIVORS.—In addition to those rights provided in section 3771, a sexual assault survivor has the following rights:

"(1) The right not to be prevented from, or charged for, receiving a medical forensic examination.

"(2) The right to—

Time period.

"(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

"(B) be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

"(C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

"(3) The right to—

Notification.
Deadline.

"(A) upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal; and

"(B) upon written request, be granted further preservation of the kit or its probative contents.

"(4) The right to be informed of the rights under this subsection.

"(b) APPLICABILITY.—Subsections (b) through (f) of section 3771 shall apply to sexual assault survivors.

"(c) DEFINITION OF SEXUAL ASSAULT.—In this section, the term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

"(d) FUNDING.—This section, other than paragraphs (2)(A) and (3)(B) of subsection (a), shall be carried out using funds made available under section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)). No additional funds are authorized to be appropriated to carry out this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by adding at the end the following:

18 USC 3001 prec.

"238. Sexual assault survivors' rights ..... 3772".

(c) AMENDMENT TO VICTIMS OF CRIME ACT OF 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by inserting after "section 3771" the following: "or section 3772, as it relates to direct services,".

SEC. 3. SEXUAL ASSAULT SURVIVORS' NOTIFICATION GRANTS.

The Victims of Crime Act of 1984 is amended by adding after section 1404E (42 U.S.C. 10603e) the following:

"SEC. 1404F. SEXUAL ASSAULT SURVIVORS' NOTIFICATION GRANTS. 42 USC 10603f.

"(a) IN GENERAL.—The Attorney General may make grants as provided in section 1404(c)(1)(A) to States to develop and disseminate to entities described in subsection (c)(1) of this section written notice of applicable rights and policies for sexual assault survivors.

"(b) NOTIFICATION OF RIGHTS.—Each recipient of a grant awarded under subsection (a) shall make its best effort to ensure that each entity described in subsection (c)(1) provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies regarding—

"(1) the right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit;

"(2) the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement;

"(3) the availability of a sexual assault advocate;

"(4) the availability of protective orders and policies related to their enforcement;

"(5) policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits;

"(6) the process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits; and

"(7) the availability of victim compensation and restitution.

"(c) DISSEMINATION OF WRITTEN NOTICE.—Each recipient of a grant awarded under subsection (a) shall—

"(1) provide the written notice described in subsection (b) to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies,

and any other State agency or department reasonably likely to serve sexual assault survivors; and

Public information. Web posting.

"(2) make the written notice described in subsection (b) publicly available on the Internet website of the attorney general of the State.

"(d) PROVISION TO PROMOTE COMPLIANCE.—The Attorney General may provide such technical assistance and guidance as necessary to help recipients meet the requirements of this section.

"(e) INTEGRATION OF SYSTEMS.—Any system developed and implemented under this section may be integrated with an existing case management system operated by the recipient of the grant if the system meets the requirements listed in this section.".

Establishment.

SEC. 4. WORKING GROUP.

Consultation. 42 USC 14043g–1.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services (referred to in this section as the "Secretary"), shall establish a joint working group (referred to in this section as the "Working Group") to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

(b) CONSULTATION WITH STAKEHOLDERS.—The Working Group shall consult with—

(1) stakeholders in law enforcement, prosecution, forensic laboratory, counseling, forensic examiner, medical facility, and medical provider communities; and

(2) representatives of not less than 3 entities with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, of which not less than 1 representative shall be a sexual assault victim.

(c) MEMBERSHIP.—The Working Group shall be composed of governmental or nongovernmental agency heads at the discretion of the Attorney General, in consultation with the Secretary.

(d) DUTIES.—The Working Group shall—

Recommendations.

(1) develop recommendations for improving the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

(2) encourage, where appropriate, the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

Recommendations.

(3) develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(4) develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general,

United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(5) collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and

(6) perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Working Group shall submit to the Attorney General, the Secretary, and Congress a report containing the findings and recommended actions of the Working Group.

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5578:

HOUSE REPORTS: No. 114–707, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 6, considered and passed House.
Sept. 28, considered and passed Senate.

Public Law 114–237
114th Congress

An Act

Oct. 7, 2016
[H.R. 5883]

To amend the Packers and Stockyards Act, 1921, to clarify the duties relating to services furnished in connection with the buying or selling of livestock in commerce through online, video, or other electronic methods, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Clarification of Treatment of Electronic Sales of Livestock Act of 2016.
7 USC 181 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clarification of Treatment of Electronic Sales of Livestock Act of 2016".

SEC. 2. DEFINITION OF MARKET AGENCY.

(a) IN GENERAL.—Section 301(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 201(c)) is amended—

(1) by striking "; and" at the end and inserting a period; and

(2) by adding at the end the following: "Beginning on the date of the enactment of the Clarification of Treatment of Electronic Sales of Livestock Act of 2016, such term includes any person who engages in the business of buying or selling livestock, on a commission or other fee basis, through the use of online, video, or other electronic methods when handling or providing the means to handle receivables or proceeds from such buying or selling, so long as such person's annual average of online, video, or electronic sales of livestock, on a commission or other fee basis, exceeds $250,000.".

(b) TECHNICAL AMENDMENTS.—Section 301 of the Packers and Stockyards Act, 1921 (7 U.S.C. 201) is amended—

(1) in the matter preceding subsection (a), by striking "When used in this Act—" and inserting "In this Act:";

(2) in subsection (a), by striking the semicolon at the end and inserting a period; and

(3) in subsection (b)—

(A) by striking "weighting" and inserting "weighing"; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. METHODS TO TRANSFER FUNDS.

Section 409(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228b(a)) is amended—

(1) in the first proviso, by striking "shall wire transfer funds to the seller's account" each place it appears and inserting "shall transfer funds for the full amount of the purchase price

to the account of the seller by wire, electronic funds transfer, or any other expeditious method determined appropriate by the Secretary"; and

(2) in the second proviso, by striking "or dealer shall wire transfer funds" and inserting "or dealer shall transfer funds for the full amount of the purchase price by wire, electronic funds transfer, or any other expeditious method determined appropriate by the Secretary".

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5883:

HOUSE REPORTS: No. 114–768 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 26, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–238
114th Congress

An Act

Oct. 7, 2016
[H.R. 5944]

To amend title 49, United States Code, with respect to certain grant assurances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT ASSURANCES.

Section 47107 of title 49, United States Code, is amended by adding at the end the following:

"(t) RENEWAL OF CERTAIN LEASES.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(13), an airport owner or operator who renews a covered lease shall not be treated as violating a written assurance requirement under this section as a result of such renewal.

"(2) COVERED LEASE DEFINED.—In this subsection, the term 'covered lease' means a lease—

"(A) originally entered into before the date of enactment of this subsection;

"(B) under which a nominal lease rate is provided;

"(C) under which the lessee is a Federal or State government entity; and

"(D) that supports the operation of military aircraft by the Air Force or Air National Guard—

"(i) at the airport; or

"(ii) remotely from the airport.".

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5944:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–239
114th Congress

An Act

To amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games or the Paralympic Games.

Oct. 7, 2016
[H.R. 5946]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Appreciation for Olympians and Paralympians Act of 2016.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Appreciation for Olympians and Paralympians Act of 2016".

SEC. 2. OLYMPIC AND PARALYMPIC MEDALS AND USOC PRIZE MONEY EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Section 74 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: 26 USC 74.

"(d) EXCEPTION FOR OLYMPIC AND PARALYMPIC MEDALS AND PRIZES.—

"(1) IN GENERAL.—Gross income shall not include the value of any medal awarded in, or any prize money received from the United States Olympic Committee on account of, competition in the Olympic Games or Paralympic Games.

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year if the adjusted gross income (determined without regard to this subsection) of such taxpayer for such taxable year exceeds $1,000,000 (half of such amount in the case of a married individual filing a separate return).

"(B) COORDINATION WITH OTHER LIMITATIONS.—For purposes of sections 86, 135, 137, 199, 219, 221, 222, and 469, adjusted gross income shall be determined after the application of paragraph (1) and before the application of subparagraph (A).". Determination.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to prizes and awards received after December 31, 2015. 26 USC 74 note.

Approved October 7, 2016.

LEGISLATIVE HISTORY—H.R. 5946 (S. 2650):

HOUSE REPORTS: No. 114–762 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 22, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 114–240
114th Congress

An Act

Oct. 7, 2016
[S. 1004]

To amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Day Moment of Silence Act.
36 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Day Moment of Silence Act".

SEC. 2. OBSERVANCE OF VETERANS DAY.

(a) TWO MINUTES OF SILENCE.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

President.
Proclamation.
36 USC 145.

"§ 145. Veterans Day

"The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

"(1) 3:11 p.m. Atlantic standard time;
"(2) 2:11 p.m. eastern standard time;
"(3) 1:11 p.m. central standard time;
"(4) 12:11 p.m. mountain standard time;
"(5) 11:11 a.m. Pacific standard time;
"(6) 10:11 a.m. Alaska standard time; and
"(7) 9:11 a.m. Hawaii-Aleutian standard time.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

"145. Veterans Day.".

Approved October 7, 2016.

LEGISLATIVE HISTORY—S. 1004:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 9, considered and passed Senate.
Vol. 162 (2016): Sept. 27, considered and passed House.

Public Law 114–241
114th Congress

An Act

Oct. 7, 2016
[S. 1698]

To exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Treatment of Certain Payments in Eugenics Compensation Act.
42 USC 18501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Treatment of Certain Payments in Eugenics Compensation Act".

42 USC 18501.

SEC. 2. EXCLUSION OF PAYMENTS FROM STATE EUGENICS COMPENSATION PROGRAMS FROM CONSIDERATION IN DETERMINING ELIGIBILITY FOR, OR THE AMOUNT OF, FEDERAL PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments made under a State eugenics compensation program shall not be considered as income or resources in determining eligibility for, or the amount of, any Federal public benefit.

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

(1) FEDERAL PUBLIC BENEFIT.—The term "Federal public benefit" means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) STATE EUGENICS COMPENSATION PROGRAM.—The term "State eugenics compensation program" means a program established by State law that is intended to compensate individuals who were sterilized under the authority of the State. 42 USC 1320b–7 note.

Approved October 7, 2016.

LEGISLATIVE HISTORY—S. 1698:

HOUSE REPORTS: No. 114–418 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 30, considered and passed Senate.
Vol. 162 (2016): Sept. 27, considered and passed House.

Public Law 114–242
114th Congress

An Act

Oct. 7, 2016
[S. 2683]

To include disabled veteran leave in the personnel management system of the Federal Aviation Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Aviation Administration Veteran Transition Improvement Act of 2016.
49 USC 40101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Veteran Transition Improvement Act of 2016".

SEC. 2. INCLUSION OF DISABLED VETERAN LEAVE IN FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (H), by striking "; and" and inserting a semicolon;

(2) in subparagraph (I)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.".

(b) CERTIFICATION OF LEAVE.—Section 40122(g) of such title is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

"(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.".

Time period.
40 USC 40122 note.

(c) APPLICATION.—The amendments made by this section shall apply with respect to any employee of the Federal Aviation Administration hired on or after the date that is one year after the date of the enactment of this Act.

Deadline.
40 USC 40122 note.

(d) POLICIES AND PROCEDURES.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe policies and procedures to carry out the amendments made by this section that

are comparable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.

Approved October 7, 2016.

LEGISLATIVE HISTORY—S. 2683:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 22, considered and passed Senate.
Sept. 27, considered and passed House.

Public Law 114–243
114th Congress

An Act

Oct. 7, 2016
[S. 3283]

To designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the "PFC James Dunn VA Clinic".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PFC JAMES DUNN VA CLINIC IN PUEBLO, COLORADO.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, shall after the date of the enactment of this Act be known and designated as the "PFC James Dunn VA Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the PFC James Dunn VA Clinic.

Approved October 7, 2016.

LEGISLATIVE HISTORY—S. 3283:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 14, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 114–244
114th Congress

An Act

To establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

Oct. 14, 2016
[S. 246]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Alyce Spotted Bear and Walter Soboleff Commission on Native Children established by section 3.

(2) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) NATIVE CHILD.—The term "Native child" means—

(A) an Indian child, as that term is defined in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903);

(B) an Indian who is between the ages of 18 and 24 years old; and

(C) a Native Hawaiian who is not older than 24 years old.

(5) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRIBAL COLLEGE OR UNIVERSITY.—The term "Tribal College or University" has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. 3. COMMISSION ON NATIVE CHILDREN.

(a) IN GENERAL.—There is established a commission in the Office of Tribal Justice of the Department of Justice, to be known as the "Alyce Spotted Bear and Walter Soboleff Commission on Native Children". Establishment.

(b) MEMBERSHIP.— Consultations.

(1) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

President.

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General;

(ii) the Secretary;

(iii) the Secretary of Education; and

(iv) the Secretary of Health and Human Services;

(B) 3 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), each member of the Commission shall have significant experience and expertise in—

(i) Indian affairs; and

(ii) matters to be studied by the Commission, including—

(I) health care issues facing Native children, including mental health, physical health, and nutrition;

(II) Indian education, including experience with Bureau of Indian Education schools and public schools, tribally operated schools, tribal colleges or universities, early childhood education programs, and the development of extracurricular programs;

(III) juvenile justice programs relating to prevention and reducing incarceration and rates of recidivism; and

(IV) social service programs that are used by Native children and designed to address basic needs, such as food, shelter, and safety, including child protective services, group homes, and shelters.

(B) EXPERTS.—

(i) NATIVE CHILDREN.—1 member of the Commission shall—

(I) meet the requirements of subparagraph (A); and

(II) be responsible for providing the Commission with insight into and input from Native children on the matters studied by the Commission.

(ii) RESEARCH.—1 member of the Commission shall—

(I) meet the requirements of subparagraph (A); and

(II) have extensive experience in statistics or social science research.

(3) TERMS.—

(A) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission. Deadline.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting of the Commission shall take place not later than 30 days after the date described in paragraph (1). Deadline.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) NATIVE ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the "Native Advisory Committee".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Native Advisory Committee shall consist of—

(i) 1 representative of Indian tribes from each region of the Bureau of Indian Affairs who is 25 years of age or older; and

(ii) 1 Native Hawaiian who is 25 years of age or older.

(B) QUALIFICATIONS.—Each member of the Native Advisory Committee shall have experience relating to matters to be studied by the Commission.

(3) DUTIES.—The Native Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section. Recommendations. Determination.

(4) NATIVE CHILDREN SUBCOMMITTEE.—The Native Advisory Committee shall establish a subcommittee that shall consist of at least 1 member from each region of the Bureau of Indian Affairs and 1 Native Hawaiian, each of whom shall be a Native child, and have experience serving on the council of a tribal, regional, or national youth organization. Establishment.

(e) COMPREHENSIVE STUDY OF NATIVE CHILDREN ISSUES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive study of Federal, State, local, and tribal programs that serve Native children, including an evaluation of— Evaluation.

(A) the impact of concurrent jurisdiction on child welfare systems;

(B) the barriers Indian tribes and Native Hawaiians face in applying, reporting on, and using existing public and private grant resources, including identification of any Federal cost-sharing requirements;

(C) the obstacles to nongovernmental financial support, such as from private foundations and corporate charities, for programs benefitting Native children;

(D) the issues relating to data collection, such as small sample sizes, large margins of error, or other issues related to the validity and statistical significance of data on Native children;

(E) the barriers to the development of sustainable, multidisciplinary programs designed to assist high-risk Native children and families of those high-risk Native children;

(F) cultural or socioeconomic challenges in communities of Native children;

(G) any examples of successful program models and use of best practices in programs that serve children and families;

(H) the barriers to interagency coordination on programs benefitting Native children; and

(I) the use of memoranda of agreement or interagency agreements to facilitate or improve agency coordination, including the effects of existing memoranda or interagency agreements on program service delivery and efficiency.

(2) COORDINATION.—In conducting the study under paragraph (1), the Commission shall, to the maximum extent practicable—

(A) to avoid duplication of efforts, collaborate with other workgroups focused on similar issues, such as the Task Force on American Indian/Alaska Native Children Exposed to Violence of the Attorney General; and

(B) to improve coordination and reduce travel costs, use available technology.

(3) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1) and the analysis of any existing data relating to Native children received from Federal agencies, the Commission shall—

Plans.

(A) develop recommendations for goals, and plans for achieving those goals, for Federal policy relating to Native children in the short-, mid-, and long-term, which shall be informed by the development of accurate child well-being measures, except that the Commission shall not consider or recommend the recognition or the establishment of a government-to-government relationship with—

(i) any entity not recognized on or before the date of enactment of this Act by the Federal Government through an Act of Congress, Executive action, judicial decree, or any other action; or

(ii) any entity not included in the list authorized pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.);

(B) make recommendations on necessary modifications and improvements to programs that serve Native children

at the Federal, State, and tribal levels, on the condition that the recommendations recognize the diversity in cultural values, integrate the cultural strengths of the communities of the Native children, and will result in—

(i) improvements to the child welfare system that—

(I) reduce the disproportionate rate at which Native children enter child protective services and the period of time spent in the foster system;

(II) increase coordination among social workers, police, and foster families assisting Native children while in the foster system to result in the increased safety of Native children while in the foster system;

(III) encourage the hiring and retention of licensed social workers in Native communities;

(IV) address the lack of available foster homes in Native communities; and

(V) reduce truancy and improve the academic proficiency and graduation rates of Native children in the foster system;

(ii) improvements to the mental and physical health of Native children, taking into consideration the rates of suicide, substance abuse, and access to nutrition and health care, including—

(I) an analysis of the increased access of Native children to Medicaid under the Patient Protection and Affordable Care Act (Public Law 111–148) and the effect of that increase on the ability of Indian tribes and Native Hawaiians to develop sustainable health programs; and Analysis.

(II) an evaluation of the effects of a lack of public sanitation infrastructure, including in-home sewer and water, on the health status of Native children; Evaluation.

(iii) improvements to educational and vocational opportunities for Native children that will lead to—

(I) increased school attendance, performance, and graduation rates for Native children across all educational levels, including early education, post-secondary, and graduate school;

(II) localized strategies developed by educators, tribal and community leaders, and law enforcement to prevent and reduce truancy among Native children;

(III) scholarship opportunities at a Tribal College or University and other public and private postsecondary institutions;

(IV) increased participation of the immediate families of Native children;

(V) coordination among schools and Indian tribes that serve Native children, including in the areas of data sharing and student tracking;

(VI) accurate identification of students as Native children; and

(VII) increased school counseling services, improved access to quality nutrition at school, and safe student transportation;

(iv) improved policies and practices by local school districts that would result in improved academic proficiency for Native children;

(v) increased access to extracurricular activities for Native children that are designed to increase self-esteem, promote community engagement, and support academic excellence while also serving to prevent unplanned pregnancy, membership in gangs, drug and alcohol abuse, and suicide, including activities that incorporate traditional language and cultural practices of Indians and Native Hawaiians;

(vi) taking into consideration the report of the Indian Law and Order Commission issued pursuant to section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)), improvements to Federal, State, and tribal juvenile justice systems and detention programs—

(I) to provide greater access to educational opportunities and social services for incarcerated Native children;

(II) to promote prevention and reduce incarceration and recidivism rates among Native children;

(III) to identify intervention approaches and alternatives to incarceration of Native children;

(IV) to incorporate families and the traditional cultures of Indians and Native Hawaiians in the juvenile justice process, including through the development of a family court for juvenile offenses; and

(V) to prevent unnecessary detentions and identify successful reentry programs;

(vii) expanded access to a continuum of early development and learning services for Native children from prenatal to age 5 that are culturally competent, support Native language preservation, and comprehensively promote the health, well-being, learning, and development of Native children, such as—

(I) high quality early care and learning programs for children starting from birth, including Early Head Start, Head Start, child care, and preschool programs;

(II) programs, including home visiting and family resource and support programs, that increase the capacity of parents to support the learning and development of the children of the parents, beginning prenatally, and connect the parents with necessary resources;

(III) early intervention and preschool services for infants, toddlers, and preschool-aged children with developmental delays or disabilities; and

(IV) professional development opportunities for Native providers of early development and learning services;

(viii) the development of a system that delivers wrap-around services to Native children in a way that is comprehensive and sustainable, including through increased coordination among Indian tribes, schools,

law enforcement, health care providers, social workers, and families;

(ix) more flexible use of existing Federal programs, such as by—

(I) providing Indians and Native Hawaiians with more flexibility to carry out programs, while maintaining accountability, minimizing administrative time, cost, and expense and reducing the burden of Federal paperwork requirements; and

(II) allowing unexpended Federal funds to be used flexibly to support programs benefitting Native children, while taking into account—

(aa) the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 note; 106 Stat. 2302);

(bb) the Coordinated Tribal Assistance Solicitation program of the Department of Justice;

(cc) the Federal policy of self-determination; and

(dd) any consolidated grant programs; and

(x) solutions to other issues that, as determined by the Commission, would improve the health, safety, and well-being of Native children; Determination.

(C) make recommendations for improving data collection methods that consider— Records.

(i) the adoption of standard definitions and compatible systems platforms to allow for greater linkage of data sets across Federal agencies;

(ii) the appropriateness of existing data categories for comparative purposes;

(iii) the development of quality data and measures, such as by ensuring sufficient sample sizes and frequency of sampling, for Federal, State, and tribal programs that serve Native children;

(iv) the collection and measurement of data that are useful to Indian tribes and Native Hawaiians;

(v) the inclusion of Native children in longitudinal studies; and

(vi) tribal access to data gathered by Federal, State, and local governmental agencies; and

(D) identify models of successful Federal, State, and tribal programs in the areas studied by the Commission.

(f) REPORT.—Not later than 3 years after the date on which all members of the Commission are appointed and amounts are made available to carry out this Act, the Commission shall submit to the President, the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate, a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate. Recommendations.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section, except that the Commission shall hold not less than 5 hearings in Native communities.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The fees and allowances for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this Act.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property related to the purpose of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—

(A) IN GENERAL.—On the affirmative vote of ⅔ of the members of the Commission—

(i) the Attorney General, the Secretary, the Secretary of Education, and the Secretary of the Health and Human Services shall each detail, without reimbursement, 1 or more employees of the Department of Justice, the Department of the Interior, the Department of Education, and the Department of Health and Human Services; and

(ii) with the approval of the appropriate Federal agency head, an employee of any other Federal agency may be, without reimbursement, detailed to the Commission.

(B) EFFECT ON DETAILEES.—Detail under this paragraph shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—

(A) IN GENERAL.—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

(B) NO REQUIREMENT FOR PHYSICAL FACILITIES.—The Administrator of General Services shall not be required to locate a permanent, physical office space for the operation of the Commission.

(4) MEMBERS NOT FEDERAL EMPLOYEES.—No member of the Commission, the Native Advisory Committee, or the Native Children Subcommittee shall be considered to be a Federal employee.

(i) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (f).

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission, the Native Advisory Committee, or the Native Children Subcommittee.

(k) EFFECT.—This Act shall not be construed to recognize or establish a government-to-government relationship with—

(1) any entity not recognized on or before the date of enactment of this Act by the Federal Government through an Act of Congress, Executive action, judicial decree, or any other action; or

(2) any entity not included in the list authorized pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).

Approved October 14, 2016.

LEGISLATIVE HISTORY—S. 246:

HOUSE REPORTS: No. 114–722 (Comm. on Natural Resources).
SENATE REPORTS: No. 114–39 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): June 1, considered and passed Senate.
Vol. 162 (2016): Sept. 12, considered and passed House, amended.
Sept. 29, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Oct. 14, Presidential statement.

Public Law 114–245
114th Congress

An Act

Nov. 28, 2016
[H.R. 845]

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Forest System Trails Stewardship Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

16 USC 583k note.

(a) SHORT TITLE.—This Act may be cited as the "National Forest System Trails Stewardship Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

16 USC 583k.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The National Forest System features a world-class trail system with over 157,000 miles of trails that provide world-class opportunities for hiking, horseback riding, hunting, mountain bicycling, motorized vehicles, and other outdoor activities.

(2) According to the Government Accountability Office, the Forest Service is only able to maintain about one-quarter of National Forest System trails to the agency standard, and the agency faces a trail maintenance backlog of $314 million, and an additional backlog of $210 million in annual maintenance, capital improvements, and operations.

(3) The lack of maintenance on National Forest System trails threatens access to public lands, and may cause increased environmental damage, threaten public safety, and increase future maintenance costs.

(4) Federal budget limitations require solutions to National Forest System trail maintenance issues that make more efficient use of existing resources.

(5) Volunteers, partners, and outfitters and guides play an important role in maintaining National Forest System trails, and a comprehensive strategy is needed to ensure that volunteers and partners are used as effectively as possible.

16 USC 583k–1.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE UNIT.—The term "Administrative Unit" means a national forest or national grassland.

(2) OUTFITTER OR GUIDE.—The term "outfitter or guide" means an individual, organization, or business who provides outfitting or guiding services, as defined in section 251.51 of title 36, Code of Federal Regulations.

(3) PARTNER.—The term "partner" means a non-Federal entity that engages in a partnership.

(4) PARTNERSHIP.—The term "partnership" means arrangements between the Department of Agriculture or the Forest Service and a non-Federal entity that are voluntary, mutually beneficial, and entered into for the purpose of mutually agreed-upon objectives.

(5) PRIORITY AREA.—The term "priority area" means a well-defined region on National Forest System land selected by the Secretary under section 5(a).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) STRATEGY.—The term "strategy" means the National Forest System Trails Volunteer and Partnership Strategy authorized by section 4(a).

(8) TRAIL MAINTENANCE.—The term "trail maintenance" means any activity to maintain the usability and sustainability of trails within the National Forest System, including—

(A) ensuring trails are passable by the users for which they are managed;

(B) preventing environmental damage resulting from trail deterioration;

(C) protecting public safety; and

(D) averting future deferred maintenance costs.

(9) VOLUNTEER.—The term "volunteer" means an individual whose services are accepted by the Secretary without compensation under the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.).

SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER AND PARTNERSHIP STRATEGY. 16 USC 583k–2.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in trail maintenance. Deadline.

(b) REQUIRED ELEMENTS.—The strategy required by subsection (a) shall—

(1) augment and support the capabilities of Federal employees to carry out or contribute to trail maintenance;

(2) provide meaningful opportunities for volunteers and partners to carry out trail maintenance in each region of the Forest Service;

(3) address the barriers to increased volunteerism and partnerships in trail maintenance identified by volunteers, partners, and others;

(4) prioritize increased volunteerism and partnerships in trail maintenance in those regions with the most severe trail maintenance needs, and where trail maintenance backlogs are jeopardizing access to National Forest lands; and

Deadline.

(5) aim to increase trail maintenance by volunteers and partners by 100 percent by the date that is 5 years after the date of the enactment of this Act.

Study.

(c) ADDITIONAL REQUIREMENT.—As a component of the strategy, the Secretary shall study opportunities to improve trail maintenance by addressing opportunities to use fire crews in trail maintenance activities in a manner that does not jeopardize firefighting capabilities, public safety, or resource protection. Upon a determination that trail maintenance would be advanced by use of fire crews in trail maintenance, the Secretary shall incorporate these proposals into the strategy, subject to such terms and conditions as the Secretary determines to be necessary.

Determination.
Incorporation.

(d) VOLUNTEER LIABILITY.—

(1) IN GENERAL.—Section 3 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558c) is amended by adding at the end the following new subsection:

Definition.

"(e) For the purposes of subsections (b), (c), and (d), the term 'volunteer' includes a person providing volunteer services to the Secretary who—

"(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement with the Secretary; and

"(2) performs such volunteer services under the supervision of the cooperator as directed by the Secretary in the mutual benefit agreement, including direction that specifies—

"(A) the volunteer services to be performed by the volunteers and the supervision to be provided by the cooperator;

"(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; and

"(C) the on-site visits to be made by the Secretary, when feasible, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon.".

Deadline.
Regulations.

(2) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall adopt regulations implementing this section. These regulations shall ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.

(e) CONSULTATION.—The Secretary shall develop the strategy in consultation with volunteer and partner trail maintenance organizations, a broad array of outdoor recreation stakeholders, and other relevant stakeholders.

Implementation plan.

(f) VOLUNTEER AND PARTNERSHIP COORDINATION.—The Secretary shall require each administrative unit to develop a volunteer and partner coordination implementation plan for the strategy which clearly defines roles and responsibilities for the administrative unit and district staff, and includes strategies to ensure sufficient coordination, assistance, and support for volunteers and partners to improve trail maintenance.

(g) REPORT.—

(1) CONTENTS.—The Secretary shall prepare a report on—

(A) the effectiveness of the strategy in addressing the trail maintenance backlog;

(B) the increase in volunteerism and partnership efforts on trail maintenance as a result of the strategy;

(C) the miles of National Forest System trails maintained by volunteers and partners, and the approximate value of the volunteer and partnership efforts;

(D) the status of the stewardship credits for outfitters and guides pilot program described in section 7 that includes the number of participating sites, total amount of the credits offered, estimated value of trail maintenance performed, and suggestions for revising the program; and

(E) recommendations for further increasing volunteerism and partnerships in trail maintenance. Recommendations.

(2) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit the report required by paragraph (1) to—

(A) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives.

SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM. 16 USC 583k–3.

(a) SELECTION.—In accordance with subsections (b) and (c), not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall select no fewer than 9 and no more than 15 priority areas for increased trail maintenance accomplishments. Deadline.

(b) CRITERIA.—Priority areas shall include a well-defined region on National Forest System land where the lack of trail maintenance has—

(1) reduced access to public land;

(2) led to an increase, or risk of increase, in harm to natural resources;

(3) jeopardized public safety;

(4) resulted in trails being impassible by the intended managed users; or

(5) increased future deferred trail maintenance costs.

(c) REQUIREMENTS.—In selecting priority areas, the Secretary shall—

(1) consider any public input on priority areas received within 3 months of the date of enactment of this Act; Time period.

(2) consider the range of trail users (including motorized and non-motorized trail users); and

(3) include at least one priority area in each region of the United States Forest Service.

(d) INCREASED TRAIL MAINTENANCE.—

(1) IN GENERAL.—Within 6 months of the selection of priority areas under subsection (a), and in accordance with paragraph (2), the Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area. Time period.

(2) CONTENTS.—In developing the approach under paragraph (1), the Secretary shall—

(A) consider any public input on trail maintenance priorities and needs within any priority area;

(B) consider the costs and benefits of increased trail maintenance within each priority area; and

(C) incorporate partners and volunteers in the trail maintenance.

(3) REQUIRED TRAIL MAINTENANCE.—Utilizing the approach developed under paragraph (1), the Secretary shall substantially increase trail maintenance within each priority area.

(e) COORDINATION.—The regional volunteer and partnership coordinators may be responsible for assisting partner organizations in developing and implementing volunteer and partnership projects to increase trail maintenance within priority areas.

Review.

(f) REVISION.—The Secretary shall periodically review the priority areas to determine whether revisions are necessary and may revise the priority areas, including the selection of new priority areas or removal of existing priority areas, at his sole discretion.

16 USC 583k–4.

SEC. 6. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with any State, tribal, local governmental, and private entity to carry out this Act.

(b) CONTENTS.—Cooperative agreements authorized under this section may—

(1) improve trail maintenance in a priority area;

(2) implement the strategy; or

(3) advance trail maintenance in a manner deemed appropriate by the Secretary.

16 USC 583k–5.

SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND GUIDES.

Time period.

(a) PILOT PROGRAM.—Within 1 year after the date of enactment of this Act, in accordance with this section, the Secretary shall establish a pilot program on not less than 20 administrative units to offset all or part of the land use fee for an outfitting and guiding permit by the cost of the work performed by the permit holder to construct, improve, or maintain National Forest System trails, trailheads, or developed sites that support public use under terms established by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—In establishing the pilot program authorized by subsection (a), the Secretary shall—

(1) select administrative units where the pilot program will improve trail maintenance; and

(2) establish appropriate terms and conditions, including meeting National Quality Standards for Trails and the Trail Management Objectives identified for the trail.

Approved November 28, 2016.

LEGISLATIVE HISTORY—H.R. 845:

HOUSE REPORTS: No. 114–770, Pt. 1 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 26, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 114–246
114th Congress

An Act

To amend the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of members of the Armed Forces who died as a result of their service during a period of war.

Nov. 28, 2016
[H.R. 4511]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Gold Star Families Voices Act.
20 USC 2101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gold Star Families Voices Act".

SEC. 2. COLLECTION OF VIDEO AND AUDIO RECORDINGS OF BIOGRAPHICAL HISTORIES BY IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES WHO DIED AS A RESULT OF THEIR SERVICE DURING A PERIOD OF WAR.

(a) IN GENERAL.—Paragraph (1) of section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)(1)) is amended to read as follows:

"(1) to collect video and audio recordings of—

"(A) personal histories and testimonials of veterans of the Armed Forces who served during a period of war; and

"(B) biographical histories by immediate family members of members of the Armed Forces who became missing in action or died as a result of their service during a period of war;".

(b) CONFORMING AMENDMENT.—Section 3 of the Veterans' Oral History Project Act (20 U.S.C. 2142) is further amended by adding at the end the following new subsection:

"(d) DEFINITION OF IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term 'immediate family member' means a parent, spouse, sibling, or child.".

Approved November 28, 2016.

LEGISLATIVE HISTORY—H.R. 4511:

HOUSE REPORTS: No. 114–663 (Comm. on House Administration).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 6, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 114–247
114th Congress

An Act

Nov. 28, 2016
[H.R. 5392]

To direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

No Veterans Crisis Line Call Should Go Unanswered Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Veterans Crisis Line Call Should Go Unanswered Act".

SEC. 2. IMPROVEMENTS TO VETERANS CRISIS LINE.

(a) QUALITY ASSURANCE DOCUMENT.—The Secretary of Veterans Affairs shall develop a quality assurance document to use in carrying out the Veterans Crisis Line. Such document shall—

(1) outline clearly defined and measurable performance indicators and objectives to improve the responsiveness and performance of the Veterans Crisis Line, including at backup call centers;

(2) include quantifiable timeframes to meet designated objectives to assist the Secretary in tracking the progress of the Veterans Crisis Line and such backup call centers in meeting the performance indicators and objectives specified in paragraph (1); and

(3) with respect to such timeframes and objectives, be consistent with guidance issued by the Office of Management and Budget.

(b) PLAN.—The Secretary shall develop a plan to ensure that each telephone call, text message, and other communications received by the Veterans Crisis Line, including at backup call centers, is answered in a timely manner by a person, consistent with the guidance established by the American Association of Suicidology. Such plan shall include guidelines to carry out periodic testing of the Veterans Crisis Line, including such backup centers, during each fiscal year to identify and correct any problems in a timely manner.

Guidelines.

Deadline. Reports.

(c) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the document developed under subsection (a) and the plan developed under subsection (b).

(d) VETERANS CRISIS LINE DEFINED.—In this section, the term "Veterans Crisis Line" means the toll-free hotline for veterans established under section 1720F(h) of title 38, United States Code.

Approved November 28, 2016.

LEGISLATIVE HISTORY—H.R. 5392:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 26, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 114–248
114th Congress

An Act

Nov. 28, 2016
[H.R. 6007]

To amend title 49, United States Code, to include consideration of certain impacts on commercial space launch and reentry activities in a navigable airspace analysis, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVIGABLE AIRSPACE ANALYSIS FOR COMMERCIAL SPACE LAUNCH SITE RUNWAYS.

(a) IN GENERAL.—Section 44718(b)(1) of title 49, United States Code, is amended—

(1) by striking "air navigation facilities and equipment" and inserting "air or space navigation facilities and equipment";

(2) in subparagraph (D), by striking "; and" and inserting a semicolon;

(3) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary.".

Deadline.
49 USC 44718 note.

(b) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to implement the amendments made by subsection (a).

Approved November 28, 2016.

LEGISLATIVE HISTORY—H.R. 6007:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 21, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 114–249
114th Congress

An Act

To require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

Dec. 8, 2016
[H.R. 4665]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Outdoor Recreation Jobs and Economic Impact Act of 2016.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Outdoor Recreation Jobs and Economic Impact Act of 2016".

SEC. 2. ASSESSMENT AND ANALYSIS OF OUTDOOR RECREATION ECONOMY OF THE UNITED STATES.

(a) ASSESSMENT AND ANALYSIS.—The Secretary of Commerce shall enter into a joint memorandum with the Secretary of Agriculture and the Secretary of the Interior to conduct, acting through the Director of the Bureau of Economic Analysis, an assessment and analysis of the outdoor recreation economy of the United States and the effects attributable to such economy on the overall economy of the United States.

(b) CONSIDERATIONS.—In conducting the assessment required by subsection (a), the Secretary of Commerce may consider employment, sales, and contributions to travel and tourism, and such other contributing components of the outdoor recreation economy of the United States as the Secretary considers appropriate.

(c) CONSULTATION.—In carrying out the assessment required by subsection (a), the Secretary of Commerce shall consult with—

(1) the heads of such agencies and offices of the Federal Government as the Secretary considers appropriate, including the Secretary of Agriculture, the Secretary of the Interior, the Federal Recreation Council, the Director of the Bureau of the Census, and the Commissioner of the Bureau of Labor Statistics; and

(2) representatives of businesses, including small business concerns, that engage in commerce in the outdoor recreation economy of the United States.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the assessment conducted under subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Energy and Natural Resources of the Senate;

(D) the Committee on Small Business and Entrepreneurship of the Senate;

(E) the Committee on Energy and Commerce of the House of Representatives; and

(F) the Committee on Small Business of the House of Representatives.

(e) SMALL BUSINESS CONCERN DEFINED.—In this section, the term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

(f) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved December 8, 2016.

LEGISLATIVE HISTORY—H.R. 4665 (S. 2219):

SENATE REPORTS: No. 114–371 (Comm. on Commerce, Science, and Transportation) accompanying S. 2219.

CONGRESSIONAL RECORD, Vol. 162 (2016):

Nov. 14, considered and passed House.

Nov. 28, considered and passed Senate.

Public Law 114–250
114th Congress

An Act

To amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations.

Dec. 8, 2016
[H.R. 4902]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAW ENFORCEMENT AVAILABILITY PAY FOR EMPLOYEES OF CUSTOMS AND BORDER PROTECTION'S AIR AND MARINE OPERATIONS.

(a) IN GENERAL.—Section 5545a(i) of title 5, United States Code, is amended—

(1) by striking "apply to a pilot employed by the United States Customs Service" and inserting "apply to any employee of the U.S. Customs and Border Protection's Air and Marine Operations, or any successor organization,"; and

(2) by striking "such pilot" and inserting "such employee".

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on the first day of the first applicable pay period beginning on or after the date that is 14 days after the date of enactment of this Act.

Effective date.
5 USC 5545a note.

Approved December 8, 2016.

LEGISLATIVE HISTORY—H.R. 4902 (S. 2970):

HOUSE REPORTS: No. 114–600 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–344 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2970.
CONGRESSIONAL RECORD, Vol. 162 (2016):
June 21, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 114–251
114th Congress

An Act

Dec. 8, 2016
[H.R. 5785]

To amend title 5, United States Code, to provide for an annuity supplement for certain air traffic controllers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR TRAFFIC CONTROLLERS.

Section 8421a of title 5, United States Code, is amended—

(1) in subsection (a) by striking "The amount" and inserting "Except as provided in subsection (c), the amount";

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

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

"(c) This section shall not apply to an individual described in section 8412(e) during any period in which the individual, after separating from the service as described in that section, is employed full-time as an air traffic control instructor under contract with the Federal Aviation Administration, including an instructor working at an on-site facility (such as an airport).".

Approved December 8, 2016.

LEGISLATIVE HISTORY—H.R. 5785:

HOUSE REPORTS: No. 114–765 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Nov. 29, considered and passed Senate.

Public Law 114–252
114th Congress

An Act

To designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse".

Dec. 8, 2016
[H.R. 5873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, shall be known and designated as the "R.E. Thomason Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "R.E. Thomason Federal Building and United States Courthouse".

Approved December 8, 2016.

LEGISLATIVE HISTORY—H.R. 5873:

HOUSE REPORTS: No. 114–772 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 26, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 114–253
114th Congress

An Act

Dec. 8, 2016
[S. 2754]

To designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the "Tom Stagg United States Court House".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, shall be known and designated as the "Tom Stagg United States Court House".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tom Stagg United States Court House".

Approved December 8, 2016.

LEGISLATIVE HISTORY—S. 2754 (H.R. 5011):

HOUSE REPORTS: No. 114–773 (Comm. on Transportation and Infrastructure) accompanying H.R. 5011.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 15, considered and passed Senate.
Sept. 26, considered and passed House, amended.
Nov. 17, Senate concurred in House amendments.

Public Law 114–254
114th Congress

An Act

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Dec. 10, 2016
[H.R. 2028]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Further Continuing and Security Assistance Appropriations Act, 2017.

SECTION 1. SHORT TITLE.

This Act may be cited the "Further Continuing and Security Assistance Appropriations Act, 2017".

SEC. 2. TABLE OF CONTENTS.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in division B of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. AVAILABILITY OF FUNDS.

(a) Each amount designated in this Act, or in an amendment made by this Act, by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2017

Further Continuing Appropriations Act, 2017.

SEC. 101. The Continuing Appropriations Act, 2017 (division C of Public Law 114–223) is amended by—

Ante, p. 910.

(1) striking the date specified in section 106(3) and inserting "April 28, 2017";

(2) striking "0.496 percent" in section 101(b) and inserting "0.1901 percent"; and

(3) inserting after section 145 the following new sections:

"SEC. 146. Amounts made available by section 101 for 'Department of Agriculture—Farm Service Agency—Agricultural Credit Insurance Fund Program Account' may be apportioned up to the rate for operations necessary to fund loans for which applications are approved.

"SEC. 147. Amounts made available by section 101 for 'Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs' to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May, 2017.

"SEC. 148. Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking '2010 through 2016' and inserting '2010 through 2017'.

"SEC. 149. Amounts made available by section 101 for 'Department of Agriculture—Rural Utilities Service' may be transferred between appropriations under such heading as necessary for the cost of direct telecommunications loans authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935).

"SEC. 150. Amounts made available by Section 101 for 'Department of Agriculture—Rural Housing Service—Rural Housing Insurance Fund Program Account' for the section 538 Guaranteed Multi-Family Housing Loan Program may be apportioned up to the rate necessary to fund loans for which applications are approved.

"SEC. 151. Amounts made available by section 101 for 'Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System.

"SEC. 152. Amounts made available by section 101 for 'Department of Commerce—Bureau of the Census—Periodic Censuses and Programs' may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

"SEC. 153. Amounts made available by section 101 for 'National Aeronautics and Space Administration—Exploration' may be apportioned up to the rate for operations necessary to maintain the planned launch capability schedules for the Space Launch System launch vehicle, Exploration Ground Systems, and Orion Multi-Purpose Crew Vehicle programs.

"SEC. 154. In addition to the amount otherwise provided by section 101, and notwithstanding section 104 and section 109, for 'Department of Justice—State and Local Law Enforcement Activities—Office of Justice Programs—State and Local Law Enforcement Assistance', there is appropriated $7,000,000, for an additional amount for the Edward Byrne Memorial Justice Assistance Grant program for the purpose of providing reimbursement of extraordinary law enforcement overtime costs directly and solely associated with protection of the President-elect incurred from November 9, 2016 until the inauguration of the President-elect as President:

Provided, That reimbursement shall be provided only for overtime costs that a State or local law enforcement agency can document as being over and above normal law enforcement operations and directly attributable to security for the President-elect.

"SEC. 155. Notwithstanding sections 101, 102, and 104 of this Act, from within amounts provided for 'Department of Defense—Procurement—Shipbuilding and Conversion, Navy', funds are provided for 'Ohio Replacement Submarine (AP)' at a rate for operations of $773,138,000.

"SEC. 156. (a) Notwithstanding sections 102 and 104 of this Act, amounts made available pursuant to section 101 may be used for multiyear procurement contracts, including advance procurement, for the AH–64E Attack Helicopter and the UH–60M Black Hawk Helicopter.

"(b) The Secretary of the Army may exercise the authority conferred in subsection (a) notwithstanding subsection (i)(1) of section 2306b of title 10, United States Code, until the date of enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense, subject to satisfaction of all other requirements of such section 2306b.

"SEC. 157. Notwithstanding section 102, funds made available pursuant to section 101 for 'Department of Defense—Procurement—Aircraft Procurement, Air Force' are provided for the KC–46A Tanker up to the rate for operations necessary to support the production rate specified in the President's fiscal year 2017 budget request.

"SEC. 158. Notwithstanding section 101, section 301(d) of division D of Public Law 114–113 shall not apply to amounts made available by this Act for 'Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities': *Provided*, That the Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 15 days after funds made available by this Act for such account are allotted to a Department of Energy program, project, or activity at a rate for operations that differs from that provided under such heading in division D of Public Law 114–113 by more than $5,000,000 or 10 percent.

Notification. Deadline.

"SEC. 159. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $375,400,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2017: *Provided*, That the proceeds from such drawdown and sale shall be deposited into the 'Energy Security and Infrastructure Modernization Fund' (in this section referred to as the 'Fund') during fiscal year 2017: *Provided further*, That in addition to amounts otherwise made available by section 101, and notwithstanding section 104, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of $375,400,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

"SEC. 160. (a) Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund' at a rate for operations of $767,014,000: *Provided*, That such amounts may not be reprogrammed below the levels provided in the table referred to in section 301(d) of division D of Public Law 114–113.

"(b) As of the date of the enactment of this section, section 123 of this Act shall not be in effect.

"SEC. 161. In addition to amounts provided by section 101, amounts are provided for 'General Services Administration—Allowances and Office Staff for Former Presidents' for the pension of the outgoing President at a rate for operations of $157,000.

SOAR Funding Availability Act.

"SEC. 162. (a) SHORT TITLE.—This section may be cited as the 'SOAR Funding Availability Act'.

"(b) REQUIRING USE OF FUNDS REMAINING UNOBLIGATED FROM PREVIOUS FISCAL YEARS.—Section 3007 of the Scholarships for Opportunity and Results Act (sec. 38–1853.07, D.C. Official Code) is amended by adding at the end the following:

"'(e) REQUIRING USE OF FUNDS REMAINING UNOBLIGATED FROM PREVIOUS FISCAL YEARS.—

"'(1) IN GENERAL.—To the extent that any funds appropriated for the opportunity scholarship program under this division for any fiscal year remain available for subsequent fiscal years under section 3014(c), the Secretary shall make such funds available to eligible entities receiving grants under section 3004(a) for the uses described in paragraph (2)—

"'(A) in the case of any remaining funds that were appropriated before the date of enactment of the SOAR Funding Availability Act, beginning on the date of enactment of such Act; and

"'(B) in the case of any remaining funds appropriated on or after the date of enactment of such Act, by the first day of the first subsequent fiscal year.

"'(2) USE OF FUNDS.—If an eligible entity to which the Secretary provided additional funds under paragraph (1) elects to use such funds during a fiscal year, the eligible entity shall use—

"'(A) not less than 95 percent of such additional funds to provide additional scholarships for eligible students under subsection (a), or to increase the amount of the scholarships, during such year; and

"'(B) not more than a total of 5 percent of such additional funds for administrative expenses, parental assistance, or tutoring, as described in subsections (b), (c), and (d), during such year.

"'(3) SPECIAL RULE.—Any amounts made available for administrative expenses, parental assistance, or tutoring under paragraph (2)(B) shall be in addition to any other amounts made available for such purposes in accordance with subsections (b), (c), and (d).'.

"(c) AVAILABILITY OF FUNDS.—Section 3014 of such Act (sec. 38–1853.14, D.C. Official Code) is amended by adding at the end the following:

"'(c) AVAILABILITY.—Amounts appropriated under subsection (a)(1), including amounts appropriated and available under such subsection before the date of enactment of the SOAR Funding Availability Act, shall remain available until expended.'.

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

"SEC. 163. Amounts made available by section 101 for 'U.S. Customs and Border Protection—Operations and Support', 'U.S. Immigration and Customs Enforcement—Operations and Support', 'Transportation Security Administration—Operations and Support',

and 'United States Secret Service—Operations and Support' accounts of the Department of Homeland Security shall be apportioned at a rate for operations as necessary, and apportioned to provide staffing levels as necessary, to ensure border security, fulfill immigration enforcement priorities, maintain aviation security activities, and carry out the mission associated with the protection of the President-elect.

"SEC. 164. Amounts made available by section 101 for 'National Gallery of Art—Salaries and Expenses' may be apportioned up to the rate for operations necessary to provide for staffing, maintenance, security, and administrative expenses for the recently reopened galleries.

"SEC. 165. Amounts made available by section 101 for 'Smithsonian Institution—Salaries and Expenses' may be apportioned up to the rate for operations necessary to provide for facilities maintenance, facilities operations, security, and support at the National Museum of African American History and Culture.

"SEC. 166. Amounts made available by section 101 for 'Department of Health and Human Services—Indian Health Service—Indian Health Services' and for 'Department of Health and Human Services—Indian Health Service—Indian Health Facilities', respectively, may be apportioned up to the rate for operations necessary to provide for costs of staffing and operating newly constructed facilities.

"SEC. 167. MINERS HEALTH BENEFITS.—

Continued Health Benefits for Miners Act. 30 USC 1201 note.

"(a) IN GENERAL.—This section may be cited as the 'Continued Health Benefits for Miners Act'.

"(b) INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

"(1) by striking 'A transfer' and inserting the following:

"'(i) TRANSFER TO THE PLAN.—A transfer';

"(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right; and

"(3) by striking the matter following such subclause (II) (as so redesignated) and inserting the following:

"'(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated—

"'(I) except as provided in subclause (II), by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made; and

Time period.

"'(II) for purposes of the transfer made for fiscal year 2017, as if, for the period beginning January 1, 2017, and ending April 30, 2017, only—

"'(aa) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Continued Health Benefits for Miners Act who are eligible to receive health benefits under the Plan on January 1, 2017, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with

the current or former employer of such beneficiaries; and

"'(bb) those beneficiaries whose health benefits, defined as those benefits payable directly following death or retirement or upon a finding of disability by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015,

were taken into account, and for any other period during such fiscal year, only the beneficiaries described in subclause (I) were taken into account.

"'(iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II)(bb) shall be treated as eligible to receive health benefits under the Plan for the plan year that includes January 1, 2017.

"'(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for fiscal year 2017 shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees' beneficiary association established as a result of a bankruptcy proceeding described in clause (ii)(II).

"'(v) VEBA TRANSFER.—The administrator of such voluntary employees' beneficiary association shall transfer to the Plan any amounts received as a result of such bankruptcy proceeding, reduced by an amount for administrative costs of such association.'.

"(c) PRESERVATION OF PAYMENTS TO STATES AND INDIAN TRIBES.—Subparagraph (B) of section 402(i)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(3)) is amended—

"(1) by striking 'so that' and inserting 'under paragraph (1) so that';

"(2) by striking 'each transfer' in clause (i) and inserting 'each such transfer'; and

"(3) by striking 'this subsection' in clause (iii) and inserting 'paragraph (1)'.

"(d) BUDGETARY EFFECTS.—

"(1) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

"(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

"(3) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

"(A) for purposes of section 251 of such Act; and

"(B) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

"SEC. 168. Notwithstanding section 111, the fourth proviso under the heading 'Department of Labor—Office of Workers' Compensation Programs—Special Benefits' shall be applied by substituting '$66,675,000' for '$62,170,000', '$22,740,000' for '$21,140,000', '$16,866,000' for '$16,668,000' and '$4,101,000' for '$1,394,000'. Applicability.

"SEC. 169. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by substituting '2017' for '2016'. Applicability.

"SEC. 170. (a) Notwithstanding any other provision of law, the Secretary of Health and Human Services (referred to in this section as the 'Secretary') may transfer up to $300,000,000 from the Fund established by section 223 of the Department of Health and Human Services Appropriations Act, 2008 (42 U.S.C. 3514a) to 'Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance' only for activities authorized under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232): *Provided*, That such funds transferred shall not be available for obligation prior to February 1, 2017. Time period.

"(b) In addition to amounts provided by subsection (a), if after March 1, 2017, and before the date specified in section 106(3), the Secretary, in consultation with the Secretary of Homeland Security, determines that the percentage increase in the cumulative number of cases transferred to the custody of the Secretary pursuant to such sections 462 and 235 for the current fiscal year over the number transferred through the comparable date in the previous fiscal year exceeds 40 percent, an amount not to exceed $200,000,000 may be made available to 'Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance' only for activities authorized under such sections 462 and 235. Time period. Consultation.

"(c) The Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any funds being made available under subsection (a). Notification. Deadline.

"(d) Of the unobligated balances available in the Fund established by section 223 of the Department of Health and Human Services Appropriations Act, 2008 (42 U.S.C. 3514a), $100,000,000 is hereby rescinded. Rescission.

"SEC. 171. Notwithstanding any other provision of this Act, within 10 days of the enactment of this section, the Secretary of Health and Human Services shall transfer funds appropriated for fiscal year 2017 under section 4002 of Public Law 111–148 (42 U.S.C. 300u–11) to the accounts specified, in the amounts specified, and for the activities specified in subsection (a) of section 221 of division H of Public Law 114–113, except that the Secretary shall adjust the amounts transferred to the Centers for Disease Control and Prevention under this section to result in a total amount transferred to such agency under this section that is $1,000,000 less than the total amount transferred to such agency under such section 221: *Provided*, That subsections (b) and (c) Deadline. Applicability.

of such section 221 shall apply to amounts transferred under this section.

Applicability.
Time period.

"SEC. 172. The fifth proviso under the heading 'Social Security Administration—Limitation on Administrative Expenses' in division H of Public Law 114–113 shall be applied during the period covered by this Act by substituting 'shall be used for activities to address the hearing backlog within the Office of Disability Adjudication and Review' for 'shall be for necessary expenses for the renovation and modernization of the Arthur J. Altmeyer Building'.

Extension.

"SEC. 173. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2016, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

"SEC. 174. The Secretary of Health and Human Services may use discretionary amounts appropriated in this Act for the Department of Health and Human Services to carry out section 399V–6 of the Public Health Service Act (42 U.S.C. 280g–17).

2 USC 4501 note.

"SEC. 175. Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2017.

2 USC 2001 note.
Effective date.
Time period.

"SEC. 176. TRANSFER OF O'NEILL BUILDING TO HOUSE OF REPRESENTATIVES.—(a) TRANSFER.—Effective upon the expiration of the 180-day period that begins on the date of the enactment of this section—

"(1) the building described in subsection (e) shall become an office building of the House of Representatives;

"(2) the Administrator of General Services shall transfer custody, control, and administrative jurisdiction over the building to the Architect of the Capitol; and

"(3) the Architect of the Capitol shall exercise custody, control, and administrative jurisdiction over the building subject to the direction of the House Office Building Commission.

"(b) TREATMENT AS HOUSE OFFICE BUILDING AND PART OF CAPITOL GROUNDS.—Upon the transfer of custody, control, and administrative jurisdiction under subsection (a), the building and grounds described in subsection (e) shall be treated as a House Office Building and as part of the United States Capitol Grounds for purposes of all laws, rules, and regulations applicable to the House Office Buildings and the Capitol Grounds, including—

"(1) chapter 51 of title 40, United States Code (relating to the administration of the United States Capitol Buildings and Grounds); and

"(2) section 9 of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (2 U.S.C. 1961) (relating to the authority of the United States Capitol Police to police the United States Capitol Buildings and Grounds).

"(c) AUTHORITY OF ARCHITECT OF THE CAPITOL TO ENTER INTO LEASES AND OTHER AGREEMENTS WITH FEDERAL DEPARTMENTS AND AGENCIES FOR USE OF BUILDING.—

"(1) AUTHORITY DESCRIBED.—The Architect of the Capitol is authorized to enter into leases and other agreements with departments and agencies of the Federal Government for the use of the building described in subsection (e) (or portions thereof), subject to the approval of the House Office Building Commission.

"(2) COLLECTION OF PAYMENTS.—Pursuant to a lease or other agreement entered into between the Architect of the Capitol and a department or agency of the Federal Government under the authority described in paragraph (1), the Architect of the Capitol is authorized to collect payments from such department or agency and such department or agency is authorized to make payments to the Architect of the Capitol, including payments of commercially-equivalent rent.

"(3) TREATMENT OF PAYMENTS.—Any payments received by the Architect of the Capitol pursuant to any lease or other agreement entered into under this subsection shall be deposited to the appropriation available to the Architect of the Capitol from the House Office Buildings Fund established under subsection (d) and shall be subject to future appropriation.

"(d) HOUSE OFFICE BUILDINGS FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'House Office Buildings Fund' (hereafter in this section referred to as the 'Fund').

"(2) CONTENTS OF FUND.—The Fund shall consist of the following amounts:

"(A) Amounts transferred by the Architect of the Capitol under paragraph (3) of subsection (c).

"(B) Interest earned on the balance of the Fund.

"(C) Such other amounts as may be appropriated by law.

"(3) USE OF FUND.—Amounts in the Fund shall be available to the Architect of the Capitol for the maintenance, care, and operation of the House office buildings, and may be used to reimburse the United States Capitol Police, the House of Representatives, or any other office of the legislative branch which provides goods or services for the maintenance, care, and operation of the building and grounds described in subsection (e), in such amounts as may be appropriated under law.

"(4) NOTIFICATION TO COMMITTEE ON APPROPRIATIONS.—Upon making any obligation or expenditure of any amount in the Fund, the Architect of the Capitol shall notify the Committee on Appropriations of the House of Representatives of the amount and purpose of the obligation or expenditure.

"(5) CONTINUING AVAILABILITY OF FUNDS.—Amounts in the Fund are available without regard to fiscal year limitation.

"(e) DESCRIPTION OF BUILDING AND GROUNDS.—

"(1) DESCRIPTION.—The building and grounds described in this subsection is the Federal building located in the District of Columbia which is commonly known as the 'Thomas P. O'Neill Jr. Federal Building', and which is more particularly described as follows: Square 579, Lot 827, at 200 C Street Southwest, bounded by C Street Southwest on the north, by 2nd Street Southwest on the east, by D Street Southwest on the south, and by 3rd Street Southwest on the west, and by all that area contiguous to and surrounding Square 579

from the property line thereof to the west curb of 3rd Street Southwest, the north curb of C Street Southwest, the east curb of 2nd Street Southwest, and the south curb of D Street Southwest.

"(2) RETENTION OF RESPONSIBILITIES OF DISTRICT OF COLUMBIA.—The Mayor of the District of Columbia will retain responsibility for the maintenance and improvement of those portions of the streets which are situated between the curb lines of the streets referenced in paragraph (1).

"SEC. 177. (a) During the 115th Congress—

"(1) amounts made available for the Office of the Secretary of the Conference of the Minority of the Senate shall be available for the Office of the Assistant Minority Leader of the Senate; and

"(2) the duties and authorities of the Secretary of the Conference of the Minority of the Senate under section 3 of title I of division H of the Consolidated Appropriations Act, 2008 (2 U.S.C. 6154), section 101 of chapter VIII of title I of the Supplemental Appropriations Act, 1979 (2 U.S.C. 6156), or any other provision of law shall be duties and authorities of the Assistant Minority Leader of the Senate.

Applicability.

"(b) For purposes of any individual employed by the Office of the Assistant Minority Leader of the Senate during the 115th Congress—

"(1) section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 6314(e)) shall be applied by substituting 'Assistant Minority Leader' for 'Secretary of the Conference of the Minority';

"(2) section 207(e)(9)(M) of title 18, United States Code, shall be applied by substituting 'Assistant Minority Leader' for 'secretary of the Conference of the Minority'; and

"(3) subsection (b) of the first section of S. Res. 458 (98th Congress) shall be applied by substituting 'Assistant Minority Leader' for 'Secretary of the Conference of the Minority'.

Applicability.

"(c) For purposes of any individual employed by the Office of the Assistant Minority Leader of the Senate during the 115th Congress, with respect to any practice that occurs during that Congress, section 220(e)(2)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(e)(2)(C)) shall be applied by substituting 'the Office of the Assistant Minority Leader of the Senate' for 'the Office of the Secretary of the Conference of the Minority of the Senate'.

"(d) Nothing in this section shall be construed to have any effect on the continuation of any procedure or action initiated under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) or section 207 of title 18, United States Code.

"SEC. 178. Section 21(d) of Senate Resolution 64 of the One Hundred Thirteenth Congress, 1st session (agreed to on March 5, 2013) is amended by striking 'December 31, 2016' and inserting 'December 31, 2018'.

"SEC. 179. EXPEDITED CONSIDERATION OF CERTAIN LEGISLATION.—

"(a) QUALIFYING LEGISLATION DEFINED.—In this section, the term 'qualifying legislation' means a Senate bill or joint resolution—

Time period.

"(1) that is introduced in the Senate during the 30-calendar day period beginning on the date on which Congress convenes the First Session of the 115th Congress;

"(2) the title of which is as follows: 'To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.'; and

"(3) the matter after the enacting or resolving clause of which is as follows:

"'SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

"'(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

"'(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.'. Applicability.

"(b) INTRODUCTION.—During the 30-calendar day period described in subsection (a)(1), qualifying legislation may be introduced in the Senate by the Majority Leader (or the Majority Leader's designee), the Minority Leader (or the Minority Leader's designee), the Chairman of the Committee on Armed Services, or the Ranking Minority Member of the Committee on Armed Services. Time period.

"(c) CONSIDERATION IN THE SENATE.—

"(1) COMMITTEE REFERRAL.—Qualifying legislation introduced in the Senate shall be referred to the Committee on Armed Services.

"(2) REPORTING AND DISCHARGE.—If the Committee on Armed Services has not reported the qualifying legislation within 5 session days after the date of referral of the legislation, the Committee shall be discharged from further consideration of the legislation, and the qualifying legislation shall be placed on the appropriate calendar.

"(3) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Armed Serves reports the qualifying legislation to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the qualifying legislation, and all points of order against the qualifying legislation (and against consideration of the qualifying legislation) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the qualifying legislation is agreed to, the qualifying legislation shall remain the unfinished business until disposed of.

"(4) CONSIDERATION.—Consideration of the qualifying legislation, and all debate, debatable motions, and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between, and controlled by, the Majority Leader and the Minority Leader or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the qualifying legislation is not in order.

"(5) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the qualifying legislation and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate. Passage of the qualifying legislation shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(6) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to qualifying legislation shall be decided without debate.

"(7) CONSIDERATION OF VETO MESSAGES.—Consideration in the Senate of any veto message with respect to the qualifying legislation, including all debate, debatable motions, and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

"(d) RULES OF THE SENATE.—This section is enacted—

"(1) as an exercise of the rulemaking power of the Senate and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of qualifying legislation described in subsection (a), and supersedes other rules only to the extent that this section is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

"SEC. 180. Section 133 of division L, title I of the Consolidated Appropriations Act, 2016, Public Law 114–113, is amended to read as follows:

129 Stat. 2850.

Time periods. Review. Determination.

"'(a) None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, administer, or enforce the requirement for two off-duty periods from 1:00 a.m. to 5:00 a.m. under paragraph 395.3(c) or the restriction on use of more than one restart during a 168-hour period under paragraph 395.3(d) of title 49, Code of Federal Regulations, and those provisions shall have no force or effect upon submission of the final report issued by the Secretary of Transportation, as required by section 133 of division K of Public Law 113–235, unless the Secretary and the Inspector General of the Department of Transportation each review and determine that the final report.

"'(1) meets the statutory requirements set forth in such section; and

"'(2) establishes that commercial motor vehicle drivers who operated under the restart provisions in operational effect between July 1, 2013, and the day before the date of enactment

of such Public Law demonstrated statistically significant improvement in all outcomes related to safety, operator fatigue, driver health and longevity, and work schedules, in comparison to commercial motor vehicle drivers who operated under the restart provisions in operational effect on June 30, 2013.

"'(b) If the Secretary and the Inspector General do not each make the findings outlined in subsection (a) of this section with respect to the final report, hereafter, the 34-hour restart rule in operational effect on June 30, 2013 shall be restored to full force and effect on the date that the Secretary submits the final report to the Committees on Appropriations of the House of Representatives and the Senate, and funds appropriated or otherwise made available by this Act or any other Act shall be available to implement, administer, or enforce the rule.'.

"SEC. 181. (a) Funds made available by section 101 for 'Department of Transportation—Federal Aviation Administration—Operations' may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded by this appropriation.

"(b) Notwithstanding section 101, the matter preceding the first proviso under the heading 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' in division L of Public Law 114–113 shall be applied by substituting '$479,412,000' for '$470,049,000' and '$2,375,588,000' for '$2,384,951,000'. Applicability.

"SEC. 182. (a) Amounts available under section 101 for 'Department of Transportation—Maritime Administration—Operations and Training' for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and any available prior year balances for the Student Incentive Program at State Maritime Academies may, either in whole or part, be used for costs associated with the midshipmen Sea Year training program of the Academy without regard to any limitations on reprogramming or transfer under division L of Public Law 114–113 or otherwise applicable under a provision of this Act.

"(b) The matter under the heading 'Department of Transportation—Maritime Administration—Operations and Training' in division L of Public Law 114–113 is amended by striking the third proviso (relating to an Academy spending plan). 129 Stat. 2860.

"SEC. 183. Amounts made available by section 101 for 'Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance' may be apportioned up to the rate for operations necessary to renew grants for rental assistance and administrative costs that were provided pursuant to the third through tenth provisos of paragraph (5) under such heading in title II of division K of Public Law 113–235 (128 Stat. 2732).

"SEC. 184. Notwithstanding any other provision of law, if not later than 10 days after the end of the Second Session of the 114th Congress, the Office of Management and Budget ('OMB') determines that the total of enacted appropriations for fiscal year 2017 subject to the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, excluding any appropriations that would result in adjustments under section 251(b)(2) of such Act, does not exceed the sum of the unadjusted discretionary spending limits for fiscal year 2017 Deadlines. Determination. Notification.

in section 251(c)(4) of such Act and provides written notification of that determination, then the final sequestration report for fiscal year 2017 under section 254(f)(1) of such Act and any order for fiscal year 2017 under section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 106(3) of this Act and, for OMB, 15 days after the date specified in section 106(3) of this Act: *Provided*, That the written notification required by this section shall include the total dollar amount and estimated uniform percentage that would be required to eliminate a breach within a category if OMB were to issue such final sequestration report and order pursuant to the timetable in section 254(a) of such Act.

"SEC. 185. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101 for the 'Emergency Watershed Protection Program', there is appropriated $103,140,000 for an additional amount for fiscal year 2017, to remain available until expended, and for the 'Emergency Conservation Program', there is appropriated $102,978,524 for an additional amount for fiscal year 2017, to remain available until expended: *Provided*, That all amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 186. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $74,700,000 for an additional amount for fiscal year 2017, to remain available until expended, for 'National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration' for repairs at National Aeronautics and Space Administration facilities damaged by Hurricane Matthew: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 187. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $54,827,000 for 'Corps of Engineers-Civil—Construction' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to address emergency situations at Corps of Engineers projects, and to rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

Effective date.
Deadline.
Reports.

"SEC. 188. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $290,708,000 for 'Corps of Engineers-Civil—Mississippi River and Tributaries' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters:

Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

Effective date. Deadline. Reports.

"SEC. 189. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $259,574,000 for 'Corps of Engineers-Civil—Operation and Maintenance' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

Effective date. Deadline. Reports.

"SEC. 190. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $419,891,000 for 'Corps of Engineers-Civil—Flood Control and Coastal Emergencies', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

Effective date. Deadline. Reports.

"SEC. 191. Notwithstanding any other provision of this Act, and in addition to any amount otherwise provided by section 101 for the 'Emergency Relief Program', as authorized by section 125 of title 23, United States Code, there is appropriated $1,004,017,000 for fiscal year 2017, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 192. (a) Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101 for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund', there is appropriated $1,808,976,000 for an additional amount for fiscal year 2017, to remain available until expended, that is identical to the additional appropriation for fiscal year 2016 in section 145(a) of this Act (except that 'enactment of this Act' shall be treated as referring to enactment of this section, and except for the last

proviso under such subsection), and with respect to which the same authority and conditions shall be in effect: *Provided*, That of the amount made available by this subsection, $1,416,000,000 is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and $392,976,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(b) Of the amounts made available by subsection (a) and designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, up to $3,000,000 may be transferred, in aggregate, to 'Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development' for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts in section 145 and all amounts in this section.

"SEC. 193. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $20,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—Food and Drug Administration-FDA Innovation Account' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described under section 1002(b)(4) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for 'Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses' solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this transfer authority is in addition to any other transfer authority provided by law.

Determination. Transfer authority.

"SEC. 194. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $352,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—National Institutes of Health—NIH Innovation Account' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described in section 1001(b)(4) of such Act and in the amounts provided for fiscal year 2017 in such section 1001(b)(4), and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this

Determination. Transfer authority.

transfer authority is in addition to any other transfer authority provided by law.

"SEC. 195. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $500,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—Office of the Secretary—Account For the State Response to the Opioid Abuse Crisis' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1003(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1003(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described under section 1003(c) of such Act, and may be transferred by the Secretary of Health and Human Services to other accounts of the Department solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Secretary that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this transfer authority is in addition to any other transfer authority provided by law.

Determination.
Transfer authority.

"SEC. 196. (a) Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Environmental Protection Agency—State and Tribal Assistance Grants', there is appropriated $100,000,000 for an additional amount for fiscal year 2017, to remain available until expended, for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act pursuant to section 2201 of the Water and Waste Act of 2016.

"(b) The last proviso of paragraph (1) under the heading 'Environmental Protection Agency—State and Tribal Assistance Grants' in division G of Public Law 114–113 shall be applied to amounts made available by this section by substituting for 'only where such debt was incurred on or after the date of enactment of this Act' the following: 'where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients'.

Applicability.
State and local governments.
Determination.
Water.
Lead exposure.

"SEC. 197. (a) Notwithstanding any other provision of this Act, there is provided for 'Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account' for the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), $20,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal

Loans.

amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $2,073,000,000.

"(b) In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908 and 3909) shall be credited to the appropriation made by this section to remain available until expended.

"(c) Of the amounts provided under subsection (a), not to exceed $3,000,000 shall be for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912).

"SEC. 198. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health', for carrying out section 2203 of the Water and Waste Act of 2016, there is appropriated $20,000,000, to remain available until September 30, 2020, of which $17,500,000 shall be for carrying out section 2203(b) of the Water and Waste Act of 2016 and $2,500,000 shall be for carrying out section 2203(c) of the Water and Waste Act of 2016: *Provided*, That such funds may be made available to the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention, at the discretion of the Secretary of Health and Human Services, for carrying out such sections of the Water and Waste Act of 2016.

Lead poisoning.

"SEC. 199. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health', for carrying out section 2204(a) of the Water and Waste Act of 2016, there is appropriated $15,000,000, to remain available until September 30, 2018, for childhood lead poisoning prevention programs authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1).

"SEC. 200. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Health Resources and Services Administration—Maternal and Child Health', for carrying out section 2204(b) of the Water and Waste Act of 2016, there is appropriated $15,000,000, to remain available until September 30, 2018, for the Healthy Start Initiative authorized under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

"SEC. 201. (a) Of any available amounts appropriated under section 301(b)(3) of Public Law 114–10, $170,000,000 is rescinded immediately upon enactment of this section.

"(b) In the Senate, the budgetary effects of this section shall not count for purposes of the amount in section 3103(b)(3) of the concurrent resolution on the budget for fiscal year 2016 (S. Con. Res. 11) when determining points of order pursuant to section 3103(b)(1) of that section of that concurrent resolution.".

This division may be cited as the "Further Continuing Appropriations Act, 2017".

DIVISION B—SECURITY ASSISTANCE APPROPRIATIONS ACT, 2017

Security Assistance Appropriations Act, 2017.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $196,964,000, of which $94,034,000 is to support counter-terrorism operations and $102,930,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $10,484,000, of which $7,354,000 is to support counter-terrorism operations and $3,130,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $5,840,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $51,830,000, of which $37,640,000 is to support counter-terrorism operations and $14,190,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $3,173,679,000, of which $2,734,952,000 is to support counter-terrorism operations and $438,727,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $97,881,000, of which $95,531,000 is to support counter-terrorism operations and $2,350,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $180,546,000, of which $168,446,000 is to support counter-terrorism operations and $12,100,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $428,046,000, of which $382,496,000 is to support counter-terrorism operations and $45,550,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $446,283,000, of which $412,959,000 is to support counter-terrorism operations and $33,324,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

IRAQ TRAIN AND EQUIP FUND

For an additional amount for "Iraq Train and Equip Fund", $289,500,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $229,100,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $72,000,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $201,563,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $83,900,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $137,884,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $78,700,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism

pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $3,000,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $87,800,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,052,400,000 to remain available until September 30, 2018, of which $927,189,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That such funds are for operational and security requirements to support activities to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, and to counter Russian influence: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $654,411,000, to remain available until expended, for construction of, and security enhancements for, United States diplomatic facilities in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, of which $618,411,000 is for Worldwide Security Upgrades: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $5,000,000, to remain available until September 30, 2018, for operational and security requirements to support activities to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism in Africa, Europe and Eurasia, the Middle East, and South and Central Asia: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", $25,000,000, to remain available until expended, for the Capital Security Cost Sharing Program: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $616,100,000, to remain available until expended, for international disaster relief, rehabilitation, and reconstruction assistance, including in Africa, Europe and Eurasia, the Middle East, and South and Central Asia: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", $50,234,000, to remain available until expended, for programs to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism, and address the needs of populations impacted by such organizations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,030,555,000, to remain available until September 30, 2018, for programs to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism, and address the needs of populations impacted by such organizations: *Provided*, That funds appropriated under this heading shall be made available for programs that include activities to document, investigate, and prosecute genocide, crimes against humanity, war crimes, and other human rights violations in Iraq and Syria, including to build capacity of Syrian and Iraqi investigators; atrocity prevention, transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted minorities and ethnic groups in the Middle East and North Africa; and support for higher education institutions in Iraq: *Provided further*, That such funds shall also be made available for assistance for major non-North Atlantic Treaty Organization allies in the Middle East and North Africa, including Jordan and Tunisia: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for "Assistance for Europe, Eurasia and Central Asia", $157,000,000, to remain available until September 30, 2018, for programs to counter Russian influence: *Provided*, That funds appropriated under this heading shall be made available for assistance for Ukraine, Georgia, and other countries affected by Russian aggression: *Provided further*, That of the funds appropriated under this heading, up to $6,000,000 may be transferred to, and merged with, funds appropriated under the heading "Broadcasting Board of Governors—International Broadcasting Operations" for programs to counter Russian influence: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $300,000,000, to remain available until expended, to respond to refugee and migration crises, including in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $26,300,000, to remain available until September 30, 2018, for programs in Africa, Europe and Eurasia, and the Middle East: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-terrorism, Demining and Related Programs", $128,000,000, to remain available until September 30, 2018, for anti-terrorism, demining and related programs and activities in Africa and the Middle East: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $50,000,000, to remain available until September 30, 2018, for equipment, training, logistics, and related support for peacekeeping, stabilization, and counter-terrorism programs in Africa and the Middle East: *Provided*, That funds appropriated under this heading may be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $200,000,000, to remain available until September 30, 2018, for assistance for countries in Africa, Europe and Eurasia, and the Middle East: *Provided*, That funds appropriated under this heading shall be made available for assistance for Ukraine, Georgia, the Baltic states, Tunisia, and Jordan: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 201. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2017.

NOTIFICATION REQUIREMENT

Deadline.

SEC. 202. Funds appropriated by this title shall not be available for obligation unless the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, has notified the Committees on Appropriations in writing at least 15 days in advance of such obligation: *Provided*, That the requirement of this section shall not apply to funds made available by this title under the headings "Department of State—Administration of Foreign Affairs—Office of Inspector General", "United States Agency for International Development—Funds Appropriated to the President—Office of Inspector General", "Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance", and "Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance".

TRANSFER AUTHORITY

Determination.
Reports.

SEC. 203. (a) Funds appropriated by this title under the headings "Diplomatic and Consular Programs", including for Worldwide Security Protection, and "Embassy Security, Construction, and Maintenance" may be transferred to, and merged with, funds appropriated by this title under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements.

(b) Funds appropriated by this title under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" may be transferred to, and merged with, funds appropriated by this title under such headings.

(c) Funds appropriated by this title under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and

Central Asia" may be transferred to, and merged with, funds appropriated by this title under the heading "International Disaster Assistance".

(d) Funds appropriated by this title under the headings "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", and "Foreign Military Financing Program" may be transferred to, and merged with, funds appropriated by this title under such headings.

(e) The transfer authority provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law.

Consultation.
Notification.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 204. Not later than 45 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis for which the obligation of funds is anticipated, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to such Committees every 60 days until September 30, 2018, and every 180 days thereafter until all funds have been expended: *Provided further*, That funds appropriated by this title under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" may be obligated prior to submission of the report required by this section.

LOAN AUTHORITY

SEC. 205. (a) Funds appropriated by this title under the heading "Economic Support Fund" and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under such heading may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Iraq, which are authorized to be provided: *Provided*, That amounts made available under this subsection for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country: *Provided further*, That the Secretary of State should obtain a commitment from the Government of Iraq that such government will make available the proceeds of such financing to regions and governorates, including the Kurdistan Region of Iraq, in a manner consistent with the principles of equitable share of national revenues contained in clause "Third" of Article 121 of the Constitution of Iraq: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that any such notification shall include a detailed summary of the terms and conditions of such financing and an assessment of the extent to which the proposed financing agreement between the Governments of the United States and Iraq supports the constitutional principles of equitable share of national revenues to regions and governorates, including the Kurdistan Region of Iraq.

Consultation.
Notification.
Assessment.

Extension.
Assessment.

(b) Notwithstanding any provision of this Act, the authority provided by section 1101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113) shall continue in effect through fiscal year 2017: *Provided*, That any notification submitted pursuant to such section shall include a detailed summary of the terms and conditions of such loan and an assessment of the extent to which use of the proposed loan proceeds would place special emphasis on the Kurdish Peshmerga, Sunni tribal security forces, or other local security forces, with a national security mission.

President.

(c) Funds made available pursuant to this section and section 7034(o)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

PERSONAL SERVICES CONTRACTS

SEC. 206. Funds appropriated by this title to support counterterrorism and countering violent extremism programs, including activities to counter the Islamic State of Iraq and the Levant, may be used to enter into contracts with individuals for the provision of personal services (as described in section 37.104 of title 48, Code of Federal Regulations (48 CFR 37.104)) in the United States or abroad: *Provided*, That such individuals may not be deemed employees of the United States for the purposes of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2018.

Expiration date.

This division may be cited as the "Security Assistance Appropriations Act, 2017".

Approved December 10, 2016.

LEGISLATIVE HISTORY—H.R. 2028:

HOUSE REPORTS: No. 114–91 (Comm. on Appropriations).
SENATE REPORTS: No. 114–54 (Comm. on Appropriations).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Apr. 29–May 1, considered and passed House.
Vol. 162 (2016): Apr. 20, 21, 25–28, May 9–12, considered and passed Senate, amended.
Dec. 8, House concurred in Senate amendment with an amendment. Senate considered concurring in House amendment.
Dec. 9, Senate concurred in House amendment.

Public Law 114–255
114th Congress

An Act

To accelerate the discovery, development, and delivery of 21st century cures, and for other purposes.

Dec. 13, 2016
[H.R. 34]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

21st Century Cures Act.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Cures Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

DIVISION A—21ST CENTURY CURES

21st Century Cures Act.

SEC. 1000. SHORT TITLE.

42 USC 201 note.

This Division may be cited as the "21st Century Cures Act".

TITLE I—INNOVATION PROJECTS AND STATE RESPONSES TO OPIOID ABUSE

SEC. 1001. BEAU BIDEN CANCER MOONSHOT AND NIH INNOVATION PROJECTS.

(a) IN GENERAL.—The Director of the National Institutes of Health (referred to in this section as the "Director of NIH") shall use any funds appropriated pursuant to the authorization of appropriations in subsection (b)(3) to carry out the National Institutes of Health innovation projects described in subsection (b)(4) (referred to in this section as the "NIH Innovation Projects").

(b) NATIONAL INSTITUTES OF HEALTH INNOVATION ACCOUNT.—

(1) ESTABLISHMENT OF NIH INNOVATION ACCOUNT.—There is established in the Treasury an account, to be known as the "NIH Innovation Account" (referred to in this subsection as the "Account"), for purposes of carrying out the NIH Innovation Projects described in paragraph (4).

(2) TRANSFER OF DIRECT SPENDING SAVINGS.—

(A) IN GENERAL.—The following amounts shall be transferred to the Account from the general fund of the Treasury:

(i) For fiscal year 2017, $352,000,000.
(ii) For fiscal year 2018, $496,000,000.
(iii) For fiscal year 2019, $711,000,000.
(iv) For fiscal year 2020, $492,000,000.
(v) For fiscal year 2021, $404,000,000.
(vi) For fiscal year 2022, $496,000,000.
(vii) For fiscal year 2023, $1,085,000,000.
(viii) For fiscal year 2024, $407,000,000.
(ix) For fiscal year 2025, $127,000,000.
(x) For fiscal year 2026, $226,000,000.

(B) AMOUNTS DEPOSITED.—Any amounts transferred under subparagraph (A) shall remain unavailable in the Account until such amounts are appropriated pursuant to paragraph (3).

(3) APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2017 through 2026, there is authorized

to be appropriated from the Account to the Director of NIH, for the purpose of carrying out the NIH Innovation Projects, an amount not to exceed the total amount transferred to the Account under paragraph (2)(A), to remain available until expended.

(B) OFFSETTING FUTURE APPROPRIATIONS.—For any of fiscal years 2017 through 2026, for any discretionary appropriation under the heading "NIH Innovation Account" provided to the Director of NIH pursuant to the authorization of appropriations under subparagraph (A) for the purpose of carrying out the NIH Innovation Projects, the total amount of such appropriations for the applicable fiscal year (not to exceed the total amount remaining in the Account) shall be subtracted from the estimate of discretionary budget authority and the resulting outlays for any estimate under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985, and the amount transferred to the Account shall be reduced by the same amount.

(4) NIH INNOVATION PROJECTS.—NIH Innovation Projects authorized to be funded under this section shall consist of the following and, of the total amounts authorized to be appropriated under paragraph (3), there are authorized to be appropriated to each such project a total amount not to exceed the following, over the period of fiscal years 2017 through 2026:

(A) For the Precision Medicine Initiative, including for the advancement of a cohort of individuals to support the goals of the Precision Medicine Initiative, not to exceed a total of $1,455,000,000, as follows:

(i) For fiscal year 2017, $40,000,000.
(ii) For fiscal year 2018, $100,000,000.
(iii) For fiscal year 2019, $186,000,000.
(iv) For fiscal year 2020, $149,000,000.
(v) For fiscal year 2021, $109,000,000.
(vi) For fiscal year 2022, $150,000,000.
(vii) For fiscal year 2023, $419,000,000.
(viii) For fiscal year 2024, $235,000,000.
(ix) For fiscal year 2025, $36,000,000.
(x) For fiscal year 2026, $31,000,000.

(B) For the Brain Research through Advancing Innovative Neurotechnologies Initiative (known as the "BRAIN Initiative"), not to exceed a total of $1,511,000,000, as follows:

(i) For fiscal year 2017, $10,000,000.
(ii) For fiscal year 2018, $86,000,000.
(iii) For fiscal year 2019, $115,000,000.
(iv) For fiscal year 2020, $140,000,000.
(v) For fiscal year 2021, $100,000,000.
(vi) For fiscal year 2022, $152,000,000.
(vii) For fiscal year 2023, $450,000,000.
(viii) For fiscal year 2024, $172,000,000.
(ix) For fiscal year 2025, $91,000,000.
(x) For fiscal year 2026, $195,000,000.

(C) To support cancer research, such as the development of cancer vaccines, the development of more sensitive

diagnostic tests for cancer, immunotherapy and the development of combination therapies, and research that has the potential to transform the scientific field, that has inherently higher risk, and that seeks to address major challenges related to cancer, not to exceed a total of $1,800,000,000, as follows:

(i) For fiscal year 2017, $300,000,000.
(ii) For fiscal year 2018, $300,000,000.
(iii) For fiscal year 2019, $400,000,000.
(iv) For fiscal year 2020, $195,000,000.
(v) For fiscal year 2021, $195,000,000.
(vi) For fiscal year 2022, $194,000,000.
(vii) For fiscal year 2023, $216,000,000.

(D) For the National Institutes of Health, in coordination with the Food and Drug Administration, to award grants and contracts for clinical research to further the field of regenerative medicine using adult stem cells, including autologous stem cells, for which grants and contracts shall be contingent upon the recipient making available non-Federal contributions toward the costs of such research in an amount not less than $1 for each $1 of Federal funds provided in the award, not to exceed a total of $30,000,000, as follows:

(i) For fiscal year 2017, $2,000,000.
(ii) For each of fiscal years 2018 and 2019, $10,000,000.
(iii) For fiscal year 2020, $8,000,000.
(iv) For each of fiscal years 2021 through 2026, $0.

(c) ACCOUNTABILITY AND OVERSIGHT.—

(1) WORK PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of NIH shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a work plan including the proposed allocation of funds authorized to be appropriated pursuant to subsection (b)(3) for each of fiscal years 2017 through 2026 for the NIH Innovation Projects and the contents described in subparagraph (B).

(B) CONTENTS.—The work plan submitted under subparagraph (A) shall include—

(i) recommendations from the Advisory Committee described in subparagraph (C);

(ii) the amount of money to be obligated or expended in each fiscal year for each NIH Innovation Project;

(iii) a description and justification of each such project; and

(iv) a description of how each such project supports the strategic research priorities identified in the NIH Strategic Plan under subsection (m) of section 402 of the Public Health Service Act (42 U.S.C. 282), as added by section 2031.

(C) RECOMMENDATIONS.—Prior to submitting the work plan under this paragraph, the Director of NIH shall seek recommendations from the Advisory Committee to the Director of NIH appointed under section 222 of the Public Health Service Act (42 U.S.C. 217a) on—

(i) the allocations of funds appropriated pursuant to the authorization of appropriations under subsection (b)(3) for each of fiscal years 2017 through 2026; and

(ii) on the contents of the proposed work plan.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than October 1 of each of fiscal years 2018 through 2027, the Director of NIH shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a report including—

(i) the amount of money obligated or expended in the prior fiscal year for each NIH Innovation Project;

(ii) a description of any such project using funds provided pursuant to the authorization of appropriations under subsection (b)(3); and

(iii) whether such projects are advancing the strategic research priorities identified in the NIH Strategic Plan under subsection (m) of section 402 of the Public Health Service Act (42 U.S.C. 282), as added by section 2031.

(B) ADDITIONAL REPORTS.—At the request of the Committee on Health, Education, Labor, and Pensions or the Committee on Appropriations of the Senate, or the Committee on Energy and Commerce or the Committee on Appropriations of the House of Representatives, the Director of NIH shall provide an update in the form of testimony and any additional reports to the respective congressional committee regarding the allocation of funding under this section or the description of the NIH Innovation Projects.

(d) LIMITATIONS.—Notwithstanding any transfer authority authorized by this Act or any appropriations Act, any funds made available pursuant to the authorization of appropriations under subsection (b)(3) may not be used for any purpose other than a NIH Innovation Project.

(e) SUNSET.—This section shall expire on September 30, 2026.

SEC. 1002. FDA INNOVATION PROJECTS.

(a) IN GENERAL.—The Commissioner of Food and Drugs (referred to in this section as the "Commissioner") shall use any funds appropriated pursuant to the authorization of appropriations under subsection (b)(3) to carry out the activities described in subsection (b)(4).

(b) FDA INNOVATION ACCOUNT.—

(1) ESTABLISHMENT OF FDA INNOVATION ACCOUNT.—There is established in the Treasury an account, to be known as the "FDA Innovation Account" (referred to in this subsection as the "Account"), for purposes of carrying out the activities described in paragraph (4).

(2) TRANSFER OF DIRECT SPENDING SAVINGS.—

(A) IN GENERAL.—For each of fiscal years 2017 through 2025, the following amounts shall be transferred to the Account from the general fund of the Treasury:

(i) For fiscal year 2017, $20,000,000.
(ii) For fiscal year 2018, $60,000,000.
(iii) For fiscal year 2019, $70,000,000.
(iv) For fiscal year 2020, $75,000,000.
(v) For fiscal year 2021, $70,000,000.
(vi) For fiscal year 2022, $50,000,000.
(vii) For fiscal year 2023, $50,000,000.
(viii) For fiscal year 2024, $50,000,000.
(ix) For fiscal year 2025, $55,000,000.

(B) AMOUNTS DEPOSITED.—Any amounts transferred under subparagraph (A) shall remain unavailable in the Account until such amounts are appropriated pursuant to paragraph (3).

(3) APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2017 through 2025, there is authorized to be appropriated from the Account to the Commissioner, for the purpose of carrying out the activities described in paragraph (5), an amount not to exceed the total amount transferred to the Account under paragraph (2)(A), to remain available until expended.

(B) OFFSETTING FUTURE APPROPRIATIONS.—For any of fiscal years 2017 through 2025, for any discretionary appropriation under the heading "FDA Innovation Account" provided to the Commissioner pursuant to the authorization of appropriations under subparagraph (A) for the purpose of carrying out the projects activities described in paragraph (4), the total amount of such appropriations in the applicable fiscal year (not to exceed the total amount remaining in the Account) shall be subtracted from the estimate of discretionary budget authority and the resulting outlays for any estimate under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985, and the amount transferred to the Account shall be reduced by the same amount.

(4) FDA ACTIVITIES.—The activities authorized to be funded under this section are the activities under subtitles A through F (including the amendments made by such subtitles) of title III of this Act and section 1014 of the Federal Food, Drug, and Cosmetic Act, as added by section 3073 of this Act.

(c) ACCOUNTABILITY AND OVERSIGHT.—

(1) WORK PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a work plan including the proposed allocation of funds appropriated pursuant to the authorization of appropriations under subsection (b)(3) for each of fiscal years 2017 through 2025 and the contents described in subparagraph (B).

(B) CONTENTS.—The work plan submitted under subparagraph (A) shall include—

(i) recommendations from the Advisory Committee described in subparagraph (C);

(ii) the amount of money to be obligated or expended in each fiscal year for each activity described in subsection (b)(4); and

(iii) a description and justification of each such project activity.

(C) RECOMMENDATIONS.—Prior to submitting the work plan under this paragraph, the Commissioner shall seek recommendations from the Science Board to the Food and Drug Administration, on the proposed allocation of funds appropriated pursuant to the authorization of appropriations under subsection (b)(3) for each of fiscal years 2017 through 2025 and on the contents of the proposed work plan.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than October 1 of each of fiscal years 2018 through 2026, the Commissioner shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a report including—

(i) the amount of money obligated or expended in the prior fiscal year for each activity described in subsection (b)(4);

(ii) a description of all such activities using funds provided pursuant to the authorization of appropriations under subsection (b)(3); and

(iii) how the activities are advancing public health.

(B) ADDITIONAL REPORTS.—At the request of the Committee on Health, Education, Labor, and Pensions or the Committee on Appropriations of the Senate, or the Committee on Energy and Commerce or the Committee on Appropriations of the House of Representatives, the Commissioner shall provide an update in the form of testimony and any additional reports to the respective congressional committee regarding the allocation of funding under this section or the description of the activities undertaken with such funding.

(d) LIMITATIONS.—Notwithstanding any transfer authority authorized by this Act or any appropriations Act, any funds made available pursuant to the authorization of appropriations in subsection (b)(3) shall not be used for any purpose other than an activity described in subsection (b)(4).

(e) SUNSET.—This section shall expire on September 30, 2025.

42 USC 290ee–3 note.

SEC. 1003. ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID ABUSE CRISIS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall use any funds appropriated pursuant to the authorization of appropriations under subsection (b) to carry out the grant program described in subsection (c) for purposes of addressing the opioid abuse crisis within the States.

(b) ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID ABUSE CRISIS.—

(1) ESTABLISHMENT.—There is established in the Treasury an account, to be known as the "Account For the State Response to the Opioid Abuse Crisis" (referred to in this subsection as the "Account"), to carry out the opioid grant program described in subsection (c).

(2) TRANSFER OF DIRECT SPENDING SAVINGS.—

(A) IN GENERAL.—The following amounts shall be transferred to the Account from the general fund of the Treasury:

(i) For fiscal year 2017, $500,000,000.

(ii) For fiscal year 2018, $500,000,000.

(B) AMOUNTS DEPOSITED.—Any amounts transferred under subparagraph (A) shall remain unavailable in the Account until such amounts are appropriated pursuant to paragraph (3).

(3) APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In each of the fiscal years 2017 and 2018, there is authorized to be appropriated from the Account to the Secretary, for the grant program described in subsection (c), an amount not to exceed the total amount transferred to the Account under paragraph (2)(A), to remain available until expended.

(B) OFFSETTING FUTURE APPROPRIATIONS.—In each of fiscal years 2017 and 2018, for any discretionary appropriation under the heading "Account For the State Response to the Opioid Abuse Crisis" for the grant program described in subsection (c), the total amount of such appropriations in the applicable fiscal year (not to exceed the total amount remaining in the Account) shall be subtracted from the estimate of discretionary budget authority and the resulting outlays for any estimate under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985, and the amount transferred to the Account shall be reduced by the same amount.

(c) OPIOID GRANT PROGRAM.—

(1) STATE RESPONSE TO THE OPIOID ABUSE CRISIS.—Subject to the availability of appropriations, the Secretary shall award grants to States for the purpose of addressing the opioid abuse crisis within such States, in accordance with subparagraph (B). In awarding such grants, the Secretary shall give preference to States with an incidence or prevalence of opioid use disorders that is substantially higher relative to other States.

(2) OPIOID GRANTS.—Grants awarded to a State under this subsection shall be used for carrying out activities that supplement activities pertaining to opioids undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.), which may include public health-related activities such as the following:

(A) Improving State prescription drug monitoring programs.

(B) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent opioid abuse.

(C) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(D) Supporting access to health care services, including those services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders.

(E) Other public health-related activities, as the State determines appropriate, related to addressing the opioid abuse crisis within the State.

(d) ACCOUNTABILITY AND OVERSIGHT.—A State receiving a grant under subsection (c) shall include in a report related to substance abuse submitted to the Secretary pursuant to section 1942 of the Public Health Service Act (42 U.S.C. 300x–52), a description of—

(1) the purposes for which the grant funds received by the State under such subsection for the preceding fiscal year were expended and a description of the activities of the State under the program; and

(2) the ultimate recipients of amounts provided to the State in the grant.

(e) LIMITATIONS.—Any funds made available pursuant to the authorization of appropriations under subsection (b)—

(1) notwithstanding any transfer authority in any appropriations Act, shall not be used for any purpose other than the grant program in subsection (c); and

(2) shall be subject to the same requirements as substance abuse prevention and treatment programs under titles V and XIX of the Public Health Service Act (42 U.S.C. 290aa et seq., 300w et seq.).

(f) SUNSET.—This section shall expire on September 30, 2026.

SEC. 1004. BUDGETARY TREATMENT.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division A of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division A of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

(c) RESERVATION OF SAVINGS.—None of the funds in the NIH Innovation Account, the FDA Innovation Account, or the Account For the State Response to the Opioid Abuse Crisis established by this title shall be made available except to the extent provided in advance in appropriations Acts, and legislation or an Act that rescinds or reduces amounts in such accounts shall not be estimated as a reduction in direct spending under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—DISCOVERY

Subtitle A—National Institutes of Health Reauthorization

SEC. 2001. NATIONAL INSTITUTES OF HEALTH REAUTHORIZATION.

Section 402A(a)(1) of the Public Health Service Act (42 U.S.C. 282a(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

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

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

"(D) $34,851,000,000 for fiscal year 2018;

"(E) $35,585,871,000 for fiscal year 2019; and

"(F) $36,472,442,775 for fiscal year 2020.".

SEC. 2002. EUREKA PRIZE COMPETITIONS. 42 USC 283q.

(a) IN GENERAL.—Pursuant to the authorities and processes established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Director of the National Institutes of Health shall support prize competitions for one or both of the following goals:

(1) Identifying and funding areas of biomedical science that could realize significant advancements through a prize competition.

(2) Improving health outcomes, particularly with respect to human diseases and conditions—

(A) for which public and private investment in research is disproportionately small relative to Federal Government expenditures on prevention and treatment activities with respect to such diseases and conditions, such that Federal expenditures on health programs would be reduced;

(B) that are serious and represent a significant disease burden in the United States; or

(C) for which there is potential for significant return on investment to the United States.

(b) TRACKING; REPORTING.—The Director of the National Institutes of Health shall—

(1) collect information on—

(A) the effect of innovations funded through the prize competitions under this section in advancing biomedical science or improving health outcomes pursuant to subsection (a); and

(B) the effect of the innovations on Federal expenditures; and

(2) include the information collected under paragraph (1) in the triennial report under section 403 of the Public Health Service Act (42 U.S.C. 283) (as amended by section 2032).

Subtitle B—Advancing Precision Medicine

SEC. 2011. PRECISION MEDICINE INITIATIVE. 42 USC 289g–5.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end the following:

"SEC. 498E. PRECISION MEDICINE INITIATIVE.

"(a) IN GENERAL.—The Secretary is encouraged to establish and carry out an initiative, to be known as the 'Precision Medicine Initiative' (in this section referred to as the 'Initiative'), to augment efforts to address disease prevention, diagnosis, and treatment.

"(b) COMPONENTS.—The Initiative described under subsection (a) may include—

"(1) developing a network of scientists to assist in carrying out the purposes of the Initiative;

"(2) developing new approaches for addressing scientific, medical, public health, and regulatory science issues;

"(3) applying genomic technologies, such as whole genomic sequencing, to provide data on the molecular basis of disease;

"(4) collecting information voluntarily provided by a diverse cohort of individuals that can be used to better understand health and disease; and

"(5) other activities to advance the goals of the Initiative, as the Secretary determines appropriate.

"(c) AUTHORITY OF THE SECRETARY.—In carrying out this section, the Secretary may—

"(1) coordinate with the Secretary of Energy, private industry, and others, as the Secretary determines appropriate, to identify and address the advanced supercomputing and other advanced technology needs for the Initiative;

"(2) develop and utilize public-private partnerships; and

"(3) leverage existing data sources.

"(d) REQUIREMENTS.—In the implementation of the Initiative under subsection (a), the Secretary shall—

"(1) ensure the collaboration of the National Institutes of Health, the Food and Drug Administration, the Office of the National Coordinator for Health Information Technology, and the Office for Civil Rights of the Department of Health and Human Services;

"(2) comply with existing laws and regulations for the protection of human subjects involved in research, including the protection of participant privacy;

"(3) implement policies and mechanisms for appropriate secure data sharing across systems that include protections for privacy and security of data;

"(4) consider the diversity of the cohort to ensure inclusion of a broad range of participants, including consideration of biological, social, and other determinants of health that contribute to health disparities;

"(5) ensure that only authorized individuals may access controlled or sensitive, identifiable biological material and associated information collected or stored in connection with the Initiative; and

"(6) on the appropriate Internet website of the Department of Health and Human Services, identify any entities with access to such information and provide information with respect to the purpose of such access, a summary of the research project for which such access is granted, as applicable, and a description of the biological material and associated information to which the entity has access.

"(e) REPORT.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary shall submit a report

on the relevant data access policies and procedures to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such report shall include steps the Secretary has taken to consult with experts or other heads of departments or agencies of the Federal Government in the development of such policies.".

SEC. 2012. PRIVACY PROTECTION FOR HUMAN RESEARCH SUBJECTS.

(a) IN GENERAL.—Subsection (d) of section 301 of the Public Health Service Act (42 U.S.C. 241) is amended to read as follows:

"(d)(1)(A) If a person is engaged in biomedical, behavioral, clinical, or other research, in which identifiable, sensitive information is collected (including research on mental health and research on the use and effect of alcohol and other psychoactive drugs), the Secretary, in coordination with other agencies, as applicable—

"(i) shall issue to such person a certificate of confidentiality to protect the privacy of individuals who are the subjects of such research if the research is funded wholly or in part by the Federal Government; and

"(ii) may, upon application by a person engaged in research, issue to such person a certificate of confidentiality to protect the privacy of such individuals if the research is not so funded.

"(B) Except as provided in subparagraph (C), any person to whom a certificate is issued under subparagraph (A) to protect the privacy of individuals described in such subparagraph shall not disclose or provide to any other person not connected with the research the name of such an individual or any information, document, or biospecimen that contains identifiable, sensitive information about such an individual and that was created or compiled for purposes of the research.

"(C) The disclosure prohibition in subparagraph (B) shall not apply to disclosure or use that is—

"(i) required by Federal, State, or local laws, excluding instances described in subparagraph (D);

"(ii) necessary for the medical treatment of the individual to whom the information, document, or biospecimen pertains and made with the consent of such individual;

"(iii) made with the consent of the individual to whom the information, document, or biospecimen pertains; or

"(iv) made for the purposes of other scientific research that is in compliance with applicable Federal regulations governing the protection of human subjects in research.

"(D) Any person to whom a certificate is issued under subparagraph (A) to protect the privacy of an individual described in such subparagraph shall not, in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding, disclose or provide the name of such individual or any such information, document, or biospecimen that contains identifiable, sensitive information about the individual and that was created or compiled for purposes of the research, except in the circumstance described in subparagraph (C)(iii).

"(E) Identifiable, sensitive information protected under subparagraph (A), and all copies thereof, shall be immune from the legal process, and shall not, without the consent of the individual to whom the information pertains, be admissible as evidence or used

for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

"(F) Identifiable, sensitive information collected by a person to whom a certificate has been issued under subparagraph (A), and all copies thereof, shall be subject to the protections afforded by this section for perpetuity.

"(G) The Secretary shall take steps to minimize the burden to researchers, streamline the process, and reduce the time it takes to comply with the requirements of this subsection.

"(2) The Secretary shall coordinate with the heads of other applicable Federal agencies to ensure that such departments have policies in place with respect to the issuance of a certificate of confidentiality pursuant to paragraph (1) and other requirements of this subsection.

"(3) Nothing in this subsection shall be construed to limit the access of an individual who is a subject of research to information about himself or herself collected during such individual's participation in the research.

"(4) For purposes of this subsection, the term 'identifiable, sensitive information' means information that is about an individual and that is gathered or used during the course of research described in paragraph (1)(A) and—

"(A) through which an individual is identified; or

"(B) for which there is at least a very small risk, as determined by current scientific practices or statistical methods, that some combination of the information, a request for the information, and other available data sources could be used to deduce the identity of an individual.".

42 USC 241 note.

(b) APPLICABILITY.—Beginning 180 days after the date of enactment of this Act, all persons engaged in research and authorized by the Secretary of Health and Human Services to protect information under section 301(d) of the Public Health Service Act (42 U.S.C. 241(d)) prior to the date of enactment of this Act shall be subject to the requirements of such section (as amended by this Act).

SEC. 2013. PROTECTION OF IDENTIFIABLE AND SENSITIVE INFORMATION.

Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end the following:

"(f)(1) The Secretary may exempt from disclosure under section 552(b)(3) of title 5, United States Code, biomedical information that is about an individual and that is gathered or used during the course of biomedical research if—

"(A) an individual is identified; or

"(B) there is at least a very small risk, as determined by current scientific practices or statistical methods, that some combination of the information, the request, and other available data sources could be used to deduce the identity of an individual.

"(2)(A) Each determination of the Secretary under paragraph (1) to exempt information from disclosure shall be made in writing and accompanied by a statement of the basis for the determination.

"(B) Each such determination and statement of basis shall be available to the public, upon request, through the Office of the Chief FOIA Officer of the Department of Health and Human Services.

"(3) Nothing in this subsection shall be construed to limit a research participant's access to information about such participant collected during the participant's participation in the research.".

SEC. 2014. DATA SHARING.

(a) IN GENERAL.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (23), by striking "and" at the end;

(2) in paragraph (24), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (24) the following:

"(25) may require recipients of National Institutes of Health awards to share scientific data, to the extent feasible, generated from such National Institutes of Health awards in a manner that is consistent with all applicable Federal laws and regulations, including such laws and regulations for the protection of—

"(A) human research participants, including with respect to privacy, security, informed consent, and protected health information; and

"(B) proprietary interests, confidential commercial information, and the intellectual property rights of the funding recipient.".

(b) CONFIDENTIALITY.—Nothing in the amendments made by subsection (a) authorizes the Secretary of Health and Human Services to disclose any information that is a trade secret, or other privileged or confidential information, described in section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code, or be construed to require recipients of grants or cooperative agreements through the National Institutes of Health to share such information. 42 USC 282 note.

Subtitle C—Supporting Young Emerging Scientists

SEC. 2021. INVESTING IN THE NEXT GENERATION OF RESEARCHERS.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404M. NEXT GENERATION OF RESEARCHERS. 42 USC 283o.

"(a) NEXT GENERATION OF RESEARCHERS INITIATIVE.—There shall be established within the Office of the Director of the National Institutes of Health, the Next Generation of Researchers Initiative (referred to in this section as the 'Initiative'), through which the Director shall coordinate all policies and programs within the National Institutes of Health that are focused on promoting and providing opportunities for new researchers and earlier research independence.

"(b) ACTIVITIES.—The Director of the National Institutes of Health, through the Initiative shall—

"(1) promote policies and programs within the National Institutes of Health that are focused on improving opportunities for new researchers and promoting earlier research independence, including existing policies and programs, as appropriate;

"(2) develop, modify, or prioritize policies, as needed, within the National Institutes of Health to promote opportunities for new researchers and earlier research independence, such as policies to increase opportunities for new researchers to receive funding, enhance training and mentorship programs for researchers, and enhance workforce diversity;

"(3) coordinate, as appropriate, with relevant agencies, professional and academic associations, academic institutions, and others, to improve and update existing information on the biomedical research workforce in order to inform programs related to the training, recruitment, and retention of biomedical researchers; and

"(4) carry out other activities, including evaluation and oversight of existing programs, as appropriate, to promote the development of the next generation of researchers and earlier research independence.".

(b) CONSIDERATION OF RECOMMENDATIONS.—In carrying out activities under section 404M(b) of the Public Health Service Act, the Director of the National Institutes of Health shall take into consideration the recommendations made by the National Academies of Sciences, Engineering, and Medicine as part of the comprehensive study on policies affecting the next generation of researchers under the Department of Health and Human Services Appropriations Act, 2016 (Public Law 114–113), and submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, with respect to any actions taken by the National Institutes of Health based on the recommendations not later than 2 years after the completion of the study required pursuant to the Department of Health and Human Services Appropriations Act, 2016.

SEC. 2022. IMPROVEMENT OF LOAN REPAYMENT PROGRAM.

(a) INTRAMURAL LOAN REPAYMENT PROGRAM.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) by amending the section heading to read as follows: "**INTRAMURAL LOAN REPAYMENT PROGRAM**";

(2) in subsection (a)—

(A) by striking "The Secretary shall carry out a program" and inserting "The Director of the National Institutes of Health shall, as appropriate and based on workforce and scientific priorities, carry out a program through the subcategories listed in subsection (b)(1) (or modified subcategories as provided for in subsection (b)(2))";

(B) by striking "conduct" and inserting "conduct research";

(C) by striking "research with respect to acquired immune deficiency syndrome"; and

(D) by striking "$35,000" and inserting "$50,000";

(3) by redesignating subsection (b) as subsection (d);

(4) by inserting after subsection (a), the following:

"(b) SUBCATEGORIES OF RESEARCH.—

"(1) IN GENERAL.—In carrying out the program under subsection (a), the Director of the National Institutes of Health—

"(A) shall continue to focus on—

"(i) general research;

"(ii) research on acquired immune deficiency syndrome; and

"(iii) clinical research conducted by appropriately qualified health professional who are from disadvantaged backgrounds; and

"(B) may focus on an area of emerging scientific or workforce need.

"(2) ELIMINATION OR ESTABLISHMENT OF SUBCATEGORIES.—The Director of the National Institutes of Health may eliminate one or more subcategories provided for in paragraph (1) due to changes in workforce or scientific needs related to biomedical research. The Director may establish other subcategory areas based on workforce and scientific priorities if the total number of subcategories does not exceed the number of subcategories listed in paragraph (1).

"(c) LIMITATION.—The Director of the National Institutes of Health may not enter into a contract with a health professional pursuant to subsection (a) unless such professional has a substantial amount of education loans relative to income (as determined pursuant to guidelines issued by the Director)."; and

(5) by adding at the end the following:

"(e) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts are made available.".

(b) EXTRAMURAL LOAN REPAYMENT PROGRAM.—Section 487B of the Public Health Service Act (42 U.S.C. 288–2) is amended—

(1) by amending the section heading to read as follows: "**EXTRAMURAL LOAN REPAYMENT PROGRAM**";

(2) in subsection (a)—

(A) by striking "The Secretary, in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development, shall establish a program" and inserting "IN GENERAL.—The Director of the National Institutes of Health shall, as appropriate and based on workforce and scientific priorities, carry out a program through the subcategories listed in subsection (b)(1) (or modified subcategories as provided for in subsection (b)(2)),";

(B) by striking "(including graduate students)";

(C) by striking "with respect to contraception, or with respect to infertility,"; and

(D) by striking "service, not more than $35,000" and inserting "research, not more than $50,000";

(3) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(4) by inserting after subsection (a), the following:

"(b) SUBCATEGORIES OF RESEARCH.—

"(1) IN GENERAL.—In carrying out the program under subsection (a), the Director of the National Institutes of Health—

"(A) shall continue to focus on—

"(i) contraception or infertility research;

"(ii) pediatric research, including pediatric pharmacological research;

"(iii) minority health disparities research;

"(iv) clinical research; and

"(v) clinical research conducted by appropriately qualified health professional who are from disadvantaged backgrounds; and

"(B) may focus on an area of emerging scientific or workforce need.

"(2) ELIMINATION OR ESTABLISHMENT OF SUBCATEGORIES.—The Director of the National Institutes of Health may eliminate one or more subcategories provided for in paragraph (1) due to changes in workforce or scientific needs related to biomedical research. The Director may establish other subcategory areas based on workforce and scientific priorities if the total number of subcategories does not exceed the number of subcategories listed in paragraph (1).

"(c) LIMITATION.—The Director of the National Institutes of Health may not enter into a contract with a health professional pursuant to subsection (a) unless such professional has a substantial amount of education loans relative to income (as determined pursuant to guidelines issued by the Director).";

(5) in subsection (d) (as so redesignated), by striking "The provisions" and inserting "APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—The provisions"; and

(6) in subsection (e) (as so redesignated), by striking "Amounts" and inserting "AVAILABILITY OF APPROPRIATIONS.—Amounts".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act is amended—

(1) by striking section 464z–5 (42 U.S.C. 285t–2);

(2) by striking section 487C (42 U.S.C. 288–3);

(3) by striking section 487E (42 U.S.C. 288–5);

(4) by striking section 487F (42 U.S.C. 288–5a), as added by section 205 of Public Law 106–505, relating to loan repayment for clinical researchers; and

(5) by striking section 487F (42 U.S.C. 288–6), as added by section 1002(b) of Public Law 106–310 relating to pediatric research loan repayment.

(d) GAO REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the efforts of the National Institutes of Health to attract, retain, and develop emerging scientists, including underrepresented individuals in the sciences, such as women, racial and ethnic minorities, and other groups. Such report shall include an analysis of the impact of the additional authority provided to the Secretary of Health and Human Services under this Act to address workforce shortages and gaps in priority research areas, including which centers and research areas offered loan repayment program participants the increased award amount.

Subtitle D—National Institutes of Health Planning and Administration

SEC. 2031. NATIONAL INSTITUTES OF HEALTH STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) in subsection (b)(5), by inserting before the semicolon the following: ", and through the development, implementation,

and updating of the strategic plan developed under subsection (m)"; and

(2) by adding at the end the following:

"(m) NATIONAL INSTITUTES OF HEALTH STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the 21st Century Cures Act, and at least every 6 years thereafter, the Director of the National Institutes of Health shall develop and submit to the appropriate committees of Congress and post on the Internet website of the National Institutes of Health, a coordinated strategy (to be known as the 'National Institutes of Health Strategic Plan') to provide direction to the biomedical research investments made by the National Institutes of Health, to facilitate collaboration across the institutes and centers, to leverage scientific opportunity, and to advance biomedicine.

"(2) REQUIREMENTS.—The strategy under paragraph (1) shall—

"(A) identify strategic research priorities and objectives across biomedical research, including—

"(i) an assessment of the state of biomedical and behavioral research, including areas of opportunity with respect to basic, clinical, and translational research;

"(ii) priorities and objectives to advance the treatment, cure, and prevention of health conditions;

"(iii) emerging scientific opportunities, rising public health challenges, and scientific knowledge gaps; and

"(iv) the identification of near-, mid-, and long-term scientific needs;

"(B) consider, in carrying out subparagraph (A)—

"(i) disease burden in the United States and the potential for return on investment to the United States;

"(ii) rare diseases and conditions;

"(iii) biological, social, and other determinants of health that contribute to health disparities; and

"(iv) other factors the Director of National Institutes of Health determines appropriate;

"(C) include multi-institute priorities, including coordination of research among institutes and centers;

"(D) include strategic priorities for funding research through the Common Fund, in accordance with section 402A(c)(1)(C);

"(E) address the National Institutes of Health's proposed and ongoing activities related to training and the biomedical workforce; and

"(F) describe opportunities for collaboration with other agencies and departments, as appropriate.

"(3) USE OF PLANS.—Strategic plans developed and updated by the national research institutes and national centers of the National Institutes of Health shall be prepared regularly and in such a manner that such plans will be informed by the strategic plans developed and updated under this subsection. Such plans developed by and updated by the national research institutes and national centers shall have a common template.

"(4) CONSULTATION.—The Director of National Institutes of Health shall develop the strategic plan under paragraph (1) in consultation with the directors of the national research institutes and national centers, researchers, patient advocacy groups, and industry leaders.".

(b) CONFORMING AMENDMENT.—Section 402A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 282a(c)(1)(C)) is amended by striking "Not later than June 1, 2007, and every 2 years thereafter," and inserting "As part of the National Institutes of Health Strategic Plan required under section 402(m),".

(c) STRATEGIC PLAN.—Section 492B(a) of the Public Health Service Act (42 U.S.C. 289a–2(a)) is amended by adding at the end the following:

"(3) STRATEGIC PLANNING.—

"(A) IN GENERAL.—The directors of the national institutes and national centers shall consult at least once annually with the Director of the National Institute on Minority Health and Health Disparities and the Director of the Office of Research on Women's Health regarding objectives of the national institutes and national centers to ensure that future activities by such institutes and centers take into account women and minorities and are focused on reducing health disparities.

"(B) STRATEGIC PLANS.—Any strategic plan issued by a national institute or national center shall include details on the objectives described in subparagraph (A).".

SEC. 2032. TRIENNIAL REPORTS.

Section 403 of the Public Health Service Act (42 U.S.C. 283) is amended—

(1) in the section heading, by striking "**BIENNIAL**" and inserting "**TRIENNIAL**" ; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "biennial" and inserting "triennial";

(B) by amending paragraph (3) to read as follows:

"(3) A description of intra-National Institutes of Health activities, including—

"(A) identification of the percentage of funds made available by each national research institute and national center with respect to each applicable fiscal year for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

"(B) recommendations for promoting coordination of information among the centers of excellence.";

(C) in paragraph (4)—

(i) in subparagraph (B), by striking "demographic variables and other variables" and inserting "demographic variables, including biological and social variables and relevant age categories (such as pediatric subgroups), and determinants of health,"; and

(ii) in subparagraph (C)(v)—

(I) by striking "demographic variables and such" and inserting "demographic variables, including relevant age categories (such as pediatric subgroups), information submitted by each

national research institute and national center to the Director of National Institutes of Health under section 492B(f), and such"; and

(II) by striking "(regarding inclusion of women and minorities in clinical research)" and inserting "and other applicable requirements regarding inclusion of demographic groups"; and

(D) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking "the following:" and inserting "the following—";

(ii) in subparagraph (A)—

(I) by striking "An evaluation" and inserting "an evaluation"; and

(II) by striking the period and inserting "; and";

(iii) by striking subparagraphs (B) and (D);

(iv) by redesignating subparagraph (C) as subparagraph (B); and

(v) in subparagraph (B), as redesignated by clause (iv), by striking "Recommendations" and inserting "recommendations".

SEC. 2033. INCREASING ACCOUNTABILITY AT THE NATIONAL INSTITUTES OF HEALTH.

(a) APPOINTMENT AND TERMS OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—Subsection (a) of section 405 of the Public Health Service Act (42 U.S.C. 284) is amended to read as follows:

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes and national centers shall be appointed by the Secretary, acting through the Director of National Institutes of Health. Each Director of a national research institute or national center shall report directly to the Director of National Institutes of Health.

"(2) APPOINTMENT.—

"(A) TERM.—A Director of a national research institute or national center who is appointed by the Secretary, acting through the Director of National Institutes of Health, shall be appointed for 5 years.

"(B) REAPPOINTMENT.—At the end of the term of a Director of a national research institute or national center, the Director may be reappointed in accordance with standards applicable to the relevant appointment mechanism. There shall be no limit on the number of terms that a Director may serve.

"(C) VACANCIES.—If the office of a Director of a national research institute or national center becomes vacant before the end of such Director's term, the Director appointed to fill the vacancy shall be appointed for a 5-year term starting on the date of such appointment.

"(D) CURRENT DIRECTORS.—Each Director of a national research institute or national center who is serving on the date of enactment of the 21st Century Cures Act shall

be deemed to be appointed for a 5-year term under this subsection beginning on such date of enactment.

"(E) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary or the Director of National Institutes of Health to terminate the appointment of a director referred to in subparagraph (A) before the expiration of such director's 5-year term.

"(F) NATURE OF APPOINTMENT.—Appointments and reappointments under this subsection shall be made on the basis of ability and experience as it relates to the mission of the National Institutes of Health and its components, including compliance with any legal requirement that the Secretary or Director of National Institutes of Health determines relevant.

"(3) NONAPPLICATION OF CERTAIN PROVISION.—The restrictions contained in section 202 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993 (Public Law 102–394; 42 U.S.C. 238f note) related to consultants and individual scientists appointed for limited periods of time shall not apply to Directors appointed under this subsection.".

(b) REVIEW OF CERTAIN AWARDS BY DIRECTORS.—Section 405(b) of the Public Health Service Act (42 U.S.C. 284(b)) is amended by adding at the end the following:

"(3) Before an award is made by a national research institute or by a national center for a grant for a research program or project (commonly referred to as an 'R-series grant'), other than an award constituting a noncompetitive renewal of such a grant, or a noncompetitive administrative supplement to such a grant, the Director of such national research institute or national center shall, consistent with the peer review process—

"(A) review and make the final decision with respect to making the award; and

"(B) take into consideration, as appropriate—

"(i) the mission of the national research institute or national center and the scientific priorities identified in the strategic plan under section 402(m);

"(ii) programs or projects funded by other agencies on similar research topics; and

"(iii) advice by staff and the advisory council or board of such national research institute or national center.".

(c) REPORT ON DUPLICATION IN FEDERAL BIOMEDICAL RESEARCH.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), shall, not later than 2 years after the date of enactment of this Act, submit a report to Congress on efforts to prevent and eliminate duplicative biomedical research that is not necessary for scientific purposes. Such report shall—

(1) describe the procedures in place to identify such duplicative research, including procedures for monitoring research applications and funded research awards to prevent unnecessary duplication;

(2) describe the steps taken to improve the procedures described in paragraph (1), in response to relevant recommendations made by the Comptroller General of the United States;

(3) describe how the Secretary operationally distinguishes necessary and appropriate scientific replication from unnecessary duplication; and

(4) provide examples of instances where the Secretary has identified unnecessarily duplicative research and the steps taken to eliminate the unnecessary duplication.

SEC. 2034. REDUCING ADMINISTRATIVE BURDEN FOR RESEARCHERS.

42 USC 3501 note.

(a) PLAN PREPARATION AND IMPLEMENTATION OF MEASURES TO REDUCE ADMINISTRATIVE BURDENS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall—

(A) lead a review by research funding agencies of all regulations and policies related to the disclosure of financial conflicts of interest, including the minimum threshold for reporting financial conflicts of interest;

(B) make revisions, as appropriate, to harmonize existing policies and reduce administrative burden on researchers while maintaining the integrity and credibility of research findings and protections of human participants; and

(C) confer with the Office of the Inspector General about the activities of such office related to financial conflicts of interest involving research funding agencies.

(2) CONSIDERATIONS.—In updating policies under paragraph (1)(B), the Secretary shall consider—

(A) modifying the timelines for the reporting of financial conflicts of interest to just-in-time information by institutions receiving grant or cooperative agreement funding from the National Institutes of Health;

(B) ensuring that financial interest disclosure reporting requirements are appropriate for, and relevant to, awards that will directly fund research, which may include modification of the definition of the term "investigator" for purposes of the regulations and policies described in subparagraphs (A) and (B) of paragraph (1); and

(C) updating any applicable training modules of the National Institutes of Health related to Federal financial interest disclosure.

(b) MONITORING OF SUBRECIPIENTS OF FUNDING FROM THE NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health (referred to in this section as the "Director of National Institutes of Health") shall implement measures to reduce the administrative burdens related to monitoring of subrecipients of grants by primary awardees of funding from the National Institutes of Health, which may incorporate findings and recommendations from existing and ongoing activities. Such measures may include, as appropriate—

(1) an exemption from subrecipient monitoring requirements, upon request from the primary awardees, provided that—

(A) the subrecipient is subject to Federal audit requirements pursuant to the Uniform Guidance of the Office of Management and Budget;

(B) the primary awardee conducts, pursuant to guidance of the National Institutes of Health, a pre-award

evaluation of each subrecipient's risk of noncompliance with Federal statutes and regulations, the conditions of the subaward, and any recurring audit findings; and

(C) such exemption does not absolve the primary awardee of liability for misconduct by subrecipients; and

(2) the implementation of alternative grant structures that obviate the need for subrecipient monitoring, which may include collaborative grant models allowing for multiple primary awardees.

(c) REPORTING OF FINANCIAL EXPENDITURES.—The Secretary, in consultation with the Director of National Institutes of Health, shall evaluate financial expenditure reporting procedures and requirements for recipients of funding from the National Institutes of Health and take action, as appropriate, to avoid duplication between department and agency procedures and requirements and minimize burden to funding recipients.

(d) ANIMAL CARE AND USE IN RESEARCH.—Not later than 2 years after the date of enactment of this Act, the Director of National Institutes of Health, in collaboration with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall complete a review of applicable regulations and policies for the care and use of laboratory animals and make revisions, as appropriate, to reduce administrative burden on investigators while maintaining the integrity and credibility of research findings and protection of research animals. In carrying out this effort, the Director of the National Institutes of Health shall seek the input of experts, as appropriate. The Director of the National Institutes of Health shall—

(1) identify ways to ensure such regulations and policies are not inconsistent, overlapping, or unnecessarily duplicative, including with respect to inspection and review requirements by Federal agencies and accrediting associations;

(2) take steps to eliminate or reduce identified inconsistencies, overlap, or duplication among such regulations and policies; and

(3) take other actions, as appropriate, to improve the coordination of regulations and policies with respect to research with laboratory animals.

(e) DOCUMENTATION OF PERSONNEL EXPENSES.—The Secretary shall clarify the applicability of the requirements under the Office of Management and Budget Uniform Guidance for management and certification systems adopted by entities receiving Federal research grants through the Department of Health and Human Services regarding documentation of personnel expenses, including clarification of the extent to which any flexibility to such requirements specified in such Uniform Guidance applies to entities receiving grants through the Department of Health and Human Services.

(f) RESEARCH POLICY BOARD.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish an advisory committee, to be known as the "Research Policy Board" (referred to in this subsection as the "Board"), to provide Federal Government officials with information on the effects of regulations related to Federal research requirements.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall include not more than 10 Federal members, including each of the following Federal members or their designees:

(i) The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(ii) The Director of the Office of Science and Technology Policy.

(iii) The Secretary of Health and Human Services.

(iv) The Director of the National Science Foundation.

(v) The secretaries and directors of other departments and agencies that support or regulate scientific research, as determined by the Director of the Office of Management and Budget.

(B) NON-FEDERAL MEMBERS.—The Board shall be comprised of not less than 9 and not more than 12 representatives of academic research institutions, other private, nonprofit research institutions, or other nonprofit organizations with relevant expertise. Such members shall be appointed by a formal process, to be established by the Director of the Office of Management and Budget, in consultation with the Federal membership, and that incorporates—

(i) nomination by members of the nonprofit scientific research community, including academic research institutions; and

(ii) procedures to fill membership positions vacated before the end of a member's term.

(3) PURPOSE AND RESPONSIBILITIES.—The Board shall make recommendations regarding the modification and harmonization of regulations and policies having similar purposes across research funding agencies to ensure that the administrative burden of such research policy and regulation is minimized to the greatest extent possible and consistent with maintaining responsible oversight of federally funded research. Activities of the Board may include—

(A) providing thorough and informed analysis of regulations and policies;

(B) identifying negative or adverse consequences of existing policies and making actionable recommendations regarding possible improvement of such policies;

(C) making recommendations with respect to efforts within the Federal Government to improve coordination of regulation and policy related to research;

(D) creating a forum for the discussion of research policy or regulatory gaps, challenges, clarification, or harmonization of such policies or regulation, and best practices; and

(E) conducting ongoing assessment and evaluation of regulatory burden, including development of metrics, periodic measurement, and identification of process improvements and policy changes.

(4) EXPERT SUBCOMMITTEES.—The Board may form temporary expert subcommittees, as appropriate, to develop timely analysis on pressing issues and assist the Board in anticipating future regulatory challenges, including challenges emerging from new scientific advances.

(5) REPORTING REQUIREMENTS.—Not later than 2 years after the date of enactment of this Act, and once thereafter, the Board shall submit a report to the Director of the Office of Management and Budget, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, the heads of relevant Federal departments and agencies, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives containing formal recommendations on the conceptualization, development, harmonization, and reconsideration of scientific research policy, including the regulatory benefits and burdens.

(6) SUNSET.—The Board shall terminate on September 30, 2021.

(7) GAO REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation of the activities carried out by the Board pursuant to this subsection and submit to the appropriate committees of Congress a report regarding the results of the independent evaluation. Such report shall review and assess the Board's activities with respect to the responsibilities described in paragraph (3).

SEC. 2035. EXEMPTION FOR THE NATIONAL INSTITUTES OF HEALTH FROM THE PAPERWORK REDUCTION ACT REQUIREMENTS.

Section 301 of the Public Health Service Act (42 U.S.C. 241), as amended by section 2013, is further amended by adding at the end the following:

"(g) Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the voluntary collection of information during the conduct of research by the National Institutes of Health.".

SEC. 2036. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by section 2031, is further amended by adding at the end the following:

"(n) UNIQUE RESEARCH INITIATIVES.—

"(1) IN GENERAL.—The Director of NIH may approve, after consideration of a proposal under paragraph (2)(A), requests by the national research institutes and centers, or program officers within the Office of the Director to engage in transactions other than a contract, grant, or cooperative agreement with respect to projects that carry out—

"(A) the Precision Medicine Initiative under section 498E; or

"(B) section 402(b)(7), except that not more than 50 percent of the funds available for a fiscal year through the Common Fund under section 402A(c)(1) for purposes of carrying out such section 402(b)(7) may be used to engage in such other transactions.

"(2) REQUIREMENTS.—The authority provided under this subsection may be used to conduct or support high impact cutting-edge research described in paragraph (1) using the other transactions authority described in such paragraph if the institute, center, or office—

"(A) submits a proposal to the Director of NIH for the use of such authority before conducting or supporting the research, including why the use of such authority is essential to promoting the success of the project;

"(B) receives approval for the use of such authority from the Director of NIH; and

"(C) for each year in which the institute, center, or office has used such authority in accordance with this subsection, submits a report to the Director of NIH on the activities of the institute, center, or office relating to such research.".

(b) REPORT TO CONGRESS.—Not later than September 30, 2020, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct an evaluation of the activities under subsection (n) of section 402 of the Public Health Service Act (42 U.S.C. 282), as added by subsection (a), and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such evaluation.

(c) DUTIES OF DIRECTORS OF INSTITUTES.—Section 405(b)(1) of the Public Health Service Act (42 U.S.C. 284(b)(1)) is amended—

(1) by redesignating subparagraphs (C) through (L) as subparagraphs (D) through (M), respectively; and

(2) by inserting after subparagraph (B), the following:

"(C) shall, as appropriate, conduct and support research that has the potential to transform the scientific field, has inherently higher risk, and that seeks to address major current challenges;".

SEC. 2037. NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.

(a) IN GENERAL.—Section 479(b) of the Public Health Service Act (42 U.S.C. 287(b)) is amended—

(1) in paragraph (1), by striking "phase IIA" and inserting "phase IIB"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "phase IIB" and inserting "phase III";

(B) in subparagraph (A), by striking "phase IIB" and inserting "phase III";

(C) in subparagraph (B), by striking "phase IIA" and inserting "phase IIB"; and

(D) in subparagraph (C), by striking "phase IIB" and inserting "phase III".

(b) INCREASED TRANSPARENCY.—Section 479 of the Public Health Service Act (42 U.S.C. 287) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(D), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) the methods and tools, if any, that have been developed since the last biennial report was prepared; and

"(7) the methods and tools, if any, that have been developed and are being utilized by the Food and Drug Administration to support medical product reviews."; and

(2) by adding at the end the following:

"(d) INCLUSION OF LIST.—The first biennial report submitted under this section after the date of enactment of the 21st Century Cures Act shall include a complete list of all of the methods and tools, if any, which have been developed by research supported by the Center.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret, or other privileged or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.".

SEC. 2038. COLLABORATION AND COORDINATION TO ENHANCE RESEARCH.

(a) RESEARCH PRIORITIES; COLLABORATIVE RESEARCH PROJECTS.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by amending paragraph (4) to read as follows:

"(4) shall assemble accurate data to be used to assess research priorities, including—

"(A) information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities; and

"(B) data on study populations of clinical research, funded by or conducted at each national research institute and national center, which—

"(i) specifies the inclusion of—

"(I) women;

"(II) members of minority groups;

"(III) relevant age categories, including pediatric subgroups; and

"(IV) other demographic variables as the Director of the National Institutes of Health determines appropriate;

"(ii) is disaggregated by research area, condition, and disease categories; and

"(iii) is to be made publicly available on the Internet website of the National Institutes of Health;"; and

(2) in paragraph (8)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) foster collaboration between clinical research projects funded by the respective national research institutes and national centers that—

"(i) conduct research involving human subjects; and

"(ii) collect similar data; and

"(D) encourage the collaboration described in subparagraph (C) to—

"(i) allow for an increase in the number of subjects studied; and

"(ii) utilize diverse study populations, with special consideration to biological, social, and other determinants of health that contribute to health disparities;".

(b) REPORTING.—Section 492B(f) of the Public Health Service Act (42 U.S.C. 289a–2(f)) is amended—

(1) by striking "biennial" each place such term appears and inserting "triennial";

(2) by striking "The advisory council" and inserting the following:

"(1) IN GENERAL.—The advisory council"; and

(3) by adding at the end the following:

"(2) CONTENTS.—Each triennial report prepared by an advisory council of each national research institute as described in paragraph (1) shall include each of the following:

"(A) The number of women included as subjects, and the proportion of subjects that are women, in any project of clinical research conducted during the applicable reporting period, disaggregated by categories of research area, condition, or disease, and accounting for single-sex studies.

"(B) The number of members of minority groups included as subjects, and the proportion of subjects that are members of minority groups, in any project of clinical research conducted during the applicable reporting period, disaggregated by categories of research area, condition, or disease and accounting for single-race and single-ethnicity studies.

"(C) For the applicable reporting period, the number of projects of clinical research that include women and members of minority groups and that—

"(i) have been completed during such reporting period; and

"(ii) are being carried out during such reporting period and have not been completed.

"(D) The number of studies completed during the applicable reporting period for which reporting has been submitted in accordance with subsection (c)(2)(A).".

(c) COORDINATION.—Section 486(c)(2) of the Public Health Service Act (42 U.S.C. 287d(c)(2)) is amended by striking "designees" and inserting "senior-level staff designees".

(d) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by section 2021, is further amended by adding at the end the following:

"SEC. 404N. POPULATION FOCUSED RESEARCH. 42 USC 283p.

"The Director of the National Institutes of Health shall, as appropriate, encourage efforts to improve research related to the health of sexual and gender minority populations, including by—

"(1) facilitating increased participation of sexual and gender minority populations in clinical research supported by the National Institutes of Health, and reporting on such participation, as applicable;

"(2) facilitating the development of valid and reliable methods for research relevant to sexual and gender minority populations; and

"(3) addressing methodological challenges.".

(e) REPORTING.— 42 USC 283p note.

(1) IN GENERAL.—The Secretary, in collaboration with the Director of the National Institutes of Health, shall as appropriate—

(A) continue to support research for the development of appropriate measures related to reporting health information about sexual and gender minority populations; and

(B) not later than 2 years after the date of enactment of this Act, disseminate and make public such measures.

(2) NATIONAL ACADEMY OF MEDICINE RECOMMENDATIONS.—In developing the measures described in paragraph (1)(A), the Secretary shall take into account recommendations made by the National Academy of Medicine.

(f) IMPROVING COORDINATION RELATED TO MINORITY HEALTH AND HEALTH DISPARITIES.—Section 464z–3 of the Public Health Service Act (42 U.S.C. 285t) is amended—

(1) by redesignating subsection (h), relating to interagency coordination, that follows subsection (j) as subsection (k); and

(2) in subsection (k) (as so redesignated)—

(A) in the subsection heading, by striking "INTER-AGENCY" and inserting "INTRA-NATIONAL INSTITUTES OF HEALTH";

(B) by striking "as the primary Federal officials" and inserting "as the primary Federal official";

(C) by inserting a comma after "review";

(D) by striking "Institutes and Centers of the National Institutes of Health" and inserting "national research institutes and national centers"; and

(E) by adding at the end the following: "The Director of the Institute may foster partnerships between the national research institutes and national centers and may encourage the funding of collaborative research projects to achieve the goals of the National Institutes of Health that are related to minority health and health disparities.".

42 USC 284r.

(g) BASIC RESEARCH.—

(1) DEVELOPING POLICIES.—Not later than 2 years after the date of enactment of this Act, the Director of the National Institutes of Health (referred to in this section as the "Director of the National Institutes of Health"), taking into consideration the recommendations developed under section 2039, shall develop policies for projects of basic research funded by National Institutes of Health to assess—

(A) relevant biological variables including sex, as appropriate; and

(B) how differences between male and female cells, tissues, or animals may be examined and analyzed.

(2) REVISING POLICIES.—The Director of the National Institutes of Health may update or revise the policies developed under paragraph (1) as appropriate.

(3) CONSULTATION AND OUTREACH.—In developing, updating, or revising the policies under this section, the Director of the National Institutes of Health shall—

(A) consult with—

(i) the Office of Research on Women's Health;

(ii) the Office of Laboratory Animal Welfare; and

(iii) appropriate members of the scientific and academic communities; and

(B) conduct outreach to solicit feedback from members of the scientific and academic communities on the influence of sex as a variable in basic research, including feedback

on when it is appropriate for projects of basic research involving cells, tissues, or animals to include both male and female cells, tissues, or animals.

(4) ADDITIONAL REQUIREMENTS.—The Director of the National Institutes of Health shall—

(A) ensure that projects of basic research funded by the National Institutes of Health are conducted in accordance with the policies developed, updated, or revised under this section, as applicable; and

(B) encourage that the results of such research, when published or reported, be disaggregated as appropriate with respect to the analysis of any sex differences.

(h) CLINICAL RESEARCH.— 42 USC 289a–2 note.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the National Institutes of Health, in consultation with the Director of the Office of Research on Women's Health and the Director of the National Institute on Minority Health and Health Disparities, shall update the guidelines established under section 492B(d) of Public Health Service Act (42 U.S.C. 289a–2(d)) in accordance with paragraph (2).

(2) REQUIREMENTS.—The updated guidelines described in paragraph (1) shall—

(A) reflect the science regarding sex differences;

(B) improve adherence to the requirements under section 492B of the Public Health Service Act (42 U.S.C. 289a–2), including the reporting requirements under subsection (f) of such section; and

(C) clarify the circumstances under which studies should be designed to support the conduct of analyses to detect significant differences in the intervention effect due to demographic factors related to section 492B of the Public Health Service Act, including in the absence of prior studies that demonstrate a difference in study outcomes on the basis of such factors and considering the effects of the absence of such analyses on the availability of data related to demographic differences.

(i) APPROPRIATE AGE GROUPINGS IN CLINICAL RESEARCH.— 42 USC 282 note.

(1) INPUT FROM EXPERTS.—Not later than 180 days after the date of enactment of this Act, the Director of the National Institutes of Health shall convene a workshop of experts on pediatric and older populations to provide input on—

(A) appropriate age groups to be included in research studies involving human subjects; and

(B) acceptable justifications for excluding participants from a range of age groups from human subjects research studies.

(2) POLICY UPDATES.—Not later than 180 days after the conclusion of the workshop under paragraph (1), the Director of the National Institutes of Health shall make a determination with respect to whether the policies of the National Institutes of Health on the inclusion of relevant age groups in clinical studies need to be updated, and shall update such policies as appropriate. In making the determination, the Director of the National Institutes of Health shall take into consideration whether such policies—

(A) address the consideration of age as an inclusion variable in research involving human subjects; and

(B) identify the criteria for justification for any age-related exclusions in such research.

(3) PUBLIC AVAILABILITY OF FINDINGS AND CONCLUSIONS.—The Director of the National Institutes of Health shall—

(A) make the findings and conclusions resulting from the workshop under paragraph (1) and updates to policies in accordance with paragraph (2), as applicable, available to the public on the Internet website of the National Institutes of Health; and

(B) ensure that age-related data reported in the triennial report under section 403 of the Public Health Service Act (42 U.S.C. 283) (as amended by section 2032) are made available to the public on the Internet website of the National Institutes of Health.

42 USC 282 note.

SEC. 2039. ENHANCING THE RIGOR AND REPRODUCIBILITY OF SCIENTIFIC RESEARCH.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall convene a working group under the Advisory Committee to the Director of the National Institutes of Health (referred to in this section as the "Advisory Committee"), appointed under section 222 of the Public Health Service Act (42 U.S.C. 217a), to develop and issue recommendations through the Advisory Committee for a formal policy, which may incorporate or be informed by relevant existing and ongoing activities, to enhance rigor and reproducibility of scientific research funded by the National Institutes of Health.

(b) CONSIDERATIONS.—In developing and issuing recommendations through the Advisory Committee under subsection (a), the working group established under such subsection shall consider, as appropriate—

(1) preclinical experiment design, including analysis of sex as a biological variable;

(2) clinical experiment design, including—

(A) the diversity of populations studied for clinical research, with respect to biological, social, and other determinants of health that contribute to health disparities;

(B) the circumstances under which summary information regarding biological, social, and other factors that contribute to health disparities should be reported; and

(C) the circumstances under which clinical studies, including clinical trials, should conduct an analysis of the data collected during the study on the basis of biological, social, and other factors that contribute to health disparities;

(3) applicable levels of rigor in statistical methods, methodology, and analysis;

(4) data and information sharing in accordance with applicable privacy laws and regulations; and

(5) any other matter the working group determines relevant.

(c) POLICIES.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institutes of Health shall consider the recommendations developed by the working group

and issued by the Advisory Committee under subsection (a) and develop or update policies as appropriate.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Institutes of Health shall issue a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives regarding recommendations developed under subsection (a) and any subsequent policy changes implemented, to enhance rigor and reproducibility in scientific research funded by the National Institutes of Health.

(e) CONFIDENTIALITY.—Nothing in this section authorizes the Secretary of Health and Human Services to disclose any information that is a trade secret, or other privileged or confidential information, described in section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

SEC. 2040. IMPROVING MEDICAL REHABILITATION RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 452 of the Public Health Service Act (42 U.S.C. 285g–4) is amended—

(1) in subsection (b), by striking "conduct and support" and inserting "conduct, support, and coordination";

(2) in subsection (c)(1)(C), by striking "of the Center" and inserting "within the Center";

(3) in subsection (d)—

(A) by striking "(d)(1) In consultation" and all that follows through the end of paragraph (1) and inserting the following:

"(d)(1) The Director of the Center, in consultation with the Director of the Institute, the coordinating committee established under subsection (e), and the advisory board established under subsection (f), shall develop a comprehensive plan (referred to in this section as the 'Research Plan') for the conduct, support, and coordination of medical rehabilitation research.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) include goals and objectives for conducting, supporting, and coordinating medical rehabilitation research, consistent with the purpose described in subsection (b).";

(C) by striking paragraph (4) and inserting the following:

"(4) The Director of the Center, in consultation with the Director of the Institute, the coordinating committee established under subsection (e), and the advisory board established under subsection (f), shall revise and update the Research Plan periodically, as appropriate, or not less than every 5 years. Not later than 30 days after the Research Plan is so revised and updated, the Director of the Center shall transmit the revised and updated Research Plan to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives."; and

(D) by adding at the end the following:

"(5) The Director of the Center, in consultation with the Director of the Institute, shall, prior to revising and updating the Research Plan, prepare a report for the coordinating committee established under subsection (e) and the advisory board established under subsection (f) that describes and analyzes the progress during the preceding fiscal year in achieving the goals and objectives described in paragraph (2)(C) and includes expenditures for rehabilitation research at the National Institutes of Health. The report shall include recommendations for revising and updating the Research Plan, and such initiatives as the Director of the Center and the Director of the Institute determine appropriate. In preparing the report, the Director of the Center and the Director of the Institute shall consult with the Director of the National Institutes of Health.";

(4) in subsection (e)—

(A) in paragraph (2), by inserting "periodically host a scientific conference or workshop on medical rehabilitation research and" after "The Coordinating Committee shall"; and

(B) in paragraph (3), by inserting "the Director of the Division of Program Coordination, Planning, and Strategic Initiatives within the Office of the Director of the National Institutes of Health," after "shall be composed of";

(5) in subsection (f)(3)(B)—

(A) by redesignating clauses (ix) through (xi) as clauses (x) through (xii), respectively; and

(B) by inserting after clause (viii) the following:

"(ix) The Director of the Division of Program Coordination, Planning, and Strategic Initiatives."; and

(6) by adding at the end the following:

"(g)(1) The Secretary and the heads of other Federal agencies shall jointly review the programs carried out (or proposed to be carried out) by each such official with respect to medical rehabilitation research and, as appropriate, enter into agreements preventing duplication among such programs.

"(2) The Secretary shall, as appropriate, enter into interagency agreements relating to the coordination of medical rehabilitation research conducted by agencies of the National Institutes of Health and other agencies of the Federal Government.

"(h) For purposes of this section, the term 'medical rehabilitation research' means the science of mechanisms and interventions that prevent, improve, restore, or replace lost, underdeveloped, or deteriorating function.".

(b) CONFORMING AMENDMENT.—Section 3 of the National Institutes of Health Amendments of 1990 (42 U.S.C. 285g–4 note) is amended—

(1) in subsection (a), by striking "IN GENERAL.—"; and

(2) by striking subsection (b).

42 USC 289a–2 note.

SEC. 2041. TASK FORCE ON RESEARCH SPECIFIC TO PREGNANT WOMEN AND LACTATING WOMEN.

(a) TASK FORCE ON RESEARCH SPECIFIC TO PREGNANT WOMEN AND LACTATING WOMEN.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a task force, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), to be known as the "Task

Force on Research Specific to Pregnant Women and Lactating Women" (in this section referred to as the "Task Force").

(2) DUTIES.—The Task Force shall provide advice and guidance to the Secretary regarding Federal activities related to identifying and addressing gaps in knowledge and research regarding safe and effective therapies for pregnant women and lactating women, including the development of such therapies and the collaboration on and coordination of such activities.

(3) MEMBERSHIP.—

(A) FEDERAL MEMBERS.—The Task Force shall be composed of each of the following Federal members, or the designees of such members:

(i) The Director of the Centers for Disease Control and Prevention.

(ii) The Director of the National Institutes of Health, the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development, and the directors of such other appropriate national research institutes.

(iii) The Commissioner of Food and Drugs.

(iv) The Director of the Office on Women's Health.

(v) The Director of the National Vaccine Program Office.

(vi) The head of any other research-related agency or department not described in clauses (i) through (v) that the Secretary determines appropriate, which may include the Department of Veterans Affairs and the Department of Defense.

(B) NON-FEDERAL MEMBERS.—The Task Force shall be composed of each of the following non-Federal members, including—

(i) representatives from relevant medical societies with subject matter expertise on pregnant women, lactating women, or children;

(ii) nonprofit organizations with expertise related to the health of women and children;

(iii) relevant industry representatives; and

(iv) other representatives, as appropriate.

(C) LIMITATIONS.—The non-Federal members described in subparagraph (B) shall—

(i) compose not more than one-half, and not less than one-third, of the total membership of the Task Force; and

(ii) be appointed by the Secretary.

(4) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Task Force shall terminate on the date that is 2 years after the date on which the Task Force is established under paragraph (1).

(B) EXTENSION.—The Secretary may extend the operation of the Task Force for one additional 2-year period following the 2-year period described in subparagraph (A), if the Secretary determines that the extension is appropriate for carrying out the purpose of this section.

(5) MEETINGS.—The Task Force shall meet not less than 2 times each year and shall convene public meetings, as appropriate, to fulfill its duties under paragraph (2).

(6) TASK FORCE REPORT TO CONGRESS.—Not later than 18 months after the date on which the Task Force is established under paragraph (1), the Task Force shall prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that includes each of the following:

(A) A plan to identify and address gaps in knowledge and research regarding safe and effective therapies for pregnant women and lactating women, including the development of such therapies.

(B) Ethical issues surrounding the inclusion of pregnant women and lactating women in clinical research.

(C) Effective communication strategies with health care providers and the public on information relevant to pregnant women and lactating women.

(D) Identification of Federal activities, including—

(i) the state of research on pregnancy and lactation;

(ii) recommendations for the coordination of, and collaboration on research related to pregnant women and lactating women;

(iii) dissemination of research findings and information relevant to pregnant women and lactating women to providers and the public; and

(iv) existing Federal efforts and programs to improve the scientific understanding of the health impacts on pregnant women, lactating women, and related birth and pediatric outcomes, including with respect to pharmacokinetics, pharmacodynamics, and toxicities.

(E) Recommendations to improve the development of safe and effective therapies for pregnant women and lactating women.

(b) CONFIDENTIALITY.—Nothing in this section shall authorize the Secretary of Health and Human Services to disclose any information that is a trade secret, or other privileged or confidential information, described in section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

(c) UPDATING PROTECTIONS FOR PREGNANT WOMEN AND LACTATING WOMEN IN RESEARCH.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, considering any recommendations of the Task Force available at such time and in consultation with the heads of relevant agencies of the Department of Health and Human Services, shall, as appropriate, update regulations and guidance, as applicable, regarding the inclusion of pregnant women and lactating women in clinical research.

(2) CRITERIA FOR EXCLUDING PREGNANT OR LACTATING WOMEN.—In updating any regulations or guidance described in paragraph (1), the Secretary shall consider any appropriate criteria to be used by institutional review boards and individuals reviewing grant proposals for excluding pregnant women or lactating women as a study population requiring additional protections from participating in human subject research.

SEC. 2042. STREAMLINING NATIONAL INSTITUTES OF HEALTH REPORTING REQUIREMENTS.

(a) TRANS-NATIONAL INSTITUTES OF HEALTH RESEARCH REPORTING.—Section 402A(c)(2) of the Public Health Service Act (42 U.S.C. 282a(c)(2)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) REPORTING.—Not later than 2 years after the date of enactment of 21st Century Cures Act, the head of each national research institute or national center shall submit to the Director of the National Institutes of Health a report, to be included in the triennial report under section 403, on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers."; and

(2) in subparagraphs (D) and (E) by striking "(B)(i)" each place it appears and inserting "(B)".

(b) FRAUD AND ABUSE REPORTING.—Section 403B of the Public Health Service Act (42 U.S.C. 283a–1) is amended—

(1) by striking subsection (b);

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

(3) in subsection (b) (as so redesignated), by striking "subsections (a) and (b)" and inserting "subsection (a)".

(c) DOCTORAL DEGREES REPORTING.—Section 403C(a)(2) of the Public Health Service Act (42 U.S.C. 283a–2(a)(2)) is amended by striking "(not including any leaves of absence)".

(d) VACCINE REPORTING.—Section 404B of the Public Health Service Act (42 U.S.C. 283d) is amended—

(1) by striking subsection (b); and

(2) by striking "(a) DEVELOPMENT OF NEW VACCINES.—The Secretary" and inserting "The Secretary".

(e) NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.—Section 479(c) of the Public Health Service Act (42 U.S.C. 287(c)) is amended—

(1) in the subsection heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in the matter preceding paragraph (1), by striking "an annual report" and inserting "a report on a biennial basis".

(f) REVIEW OF CENTERS OF EXCELLENCE.—

(1) REPEAL.—Section 404H of the Public Health Service Act (42 U.S.C. 283j) is repealed.

(2) CONFORMING AMENDMENT.—Section 399EE(c) of the Public Health Service Act (42 U.S.C. 280–4(c)) is amended by striking "399CC, 404H," and inserting "399CC".

(g) RAPID HIV TEST REPORT.—Section 502(a) of the Ryan White CARE Act Amendments of 2000 (42 U.S.C. 300cc note) is amended—

(1) by striking paragraph (2); and

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

(h) NATIONAL INSTITUTE OF NURSING RESEARCH.—

(1) REPEAL.—Section 464Y of the Public Health Service Act (42 U.S.C. 285q–3) is repealed.

(2) CONFORMING AMENDMENT.—Section 464X(g) of the Public Health Service Act (42 U.S.C. 285q–2(g)) is amended by striking "biennial report made under section 464Y," and inserting "triennial report made under section 403".

SEC. 2043. REIMBURSEMENT FOR RESEARCH SUBSTANCES AND LIVING ORGANISMS.

Section 301 of the Public Health Service Act (42 U.S.C. 241), as amended by section 2035, is further amended—

(1) in the flush matter at the end of subsection (a)—

(A) by redesignating such matter as subsection (h)(1); and

(B) by moving such matter so as to appear at the end of such section; and

(2) in subsection (h) (as so redesignated), by adding at the end the following:

"(2) Where research substances and living organisms are made available under paragraph (1) through contractors, the Secretary may direct such contractors to collect payments on behalf of the Secretary for the costs incurred to make available such substances and organisms and to forward amounts so collected to the Secretary, in the time and manner specified by the Secretary.

"(3) Amounts collected under paragraph (2) shall be credited to the appropriations accounts that incurred the costs to make available the research substances and living organisms involved, and shall remain available until expended for carrying out activities under such accounts.".

SEC. 2044. SENSE OF CONGRESS ON INCREASED INCLUSION OF UNDERREPRESENTED POPULATIONS IN CLINICAL TRIALS.

It is the sense of Congress that the National Institute on Minority Health and Health Disparities should include within its strategic plan under section 402(m) of the Public Health Service Act (42 U.S.C. 282(m)) ways to increase representation of underrepresented populations in clinical trials.

Subtitle E—Advancement of the National Institutes of Health Research and Data Access

SEC. 2051. TECHNICAL UPDATES TO CLINICAL TRIALS DATABASE.

Section 402(j)(2)(D) of the Public Health Service Act (42 U.S.C. 282(j)(2)(D)) is amended—

(1) in clause (ii)(I), by inserting before the semicolon ", unless the responsible party affirmatively requests that the Director of the National Institutes of Health publicly post such clinical trial information for an applicable device clinical trial prior to such date of clearance or approval"; and

(2) by adding at the end the following:

"(iii) OPTION TO MAKE CERTAIN CLINICAL TRIAL INFORMATION AVAILABLE EARLIER.—The Director of the National Institutes of Health shall inform responsible parties of the option to request that clinical trial information for an applicable device clinical trial be publicly posted prior to the date of clearance or approval, in accordance with clause (ii)(I).

"(iv) COMBINATION PRODUCTS.—An applicable clinical trial for a product that is a combination of drug, device, or biological product shall be considered—

"(I) an applicable drug clinical trial, if the Secretary determines under section 503(g) of the Federal Food, Drug, and Cosmetic Act that the primary mode of action of such product is that of a drug or biological product; or

"(II) an applicable device clinical trial, if the Secretary determines under such section that the primary mode of action of such product is that of a device.".

SEC. 2052. COMPLIANCE ACTIVITIES REPORTS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE CLINICAL TRIAL.—The term "applicable clinical trial" has the meaning given the term in section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) REPORT ON ACTIVITIES TO ENCOURAGE COMPLIANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Institutes of Health and in collaboration with the Commissioner of Food and Drugs, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that describes education and outreach, guidance, enforcement, and other activities undertaken to encourage compliance with section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)).

(c) REPORTS ON CLINICAL TRIALS.—

(1) IN GENERAL.—Not later than 2 years after the final compliance date under the final rule implementing section 402(j) of the Public Health Service Act, and every 2 years thereafter for the next 4 years, the Secretary, acting through the Director of the National Institutes of Health and in collaboration with the Commissioner of Food and Drugs, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report describing—

(A) the total number of applicable clinical trials with complete data bank registration information registered during the period for which the report is being prepared (broken down by each year of such reporting period);

(B) the total number of applicable clinical trials registered during the period for which the report is being prepared for which results have been submitted to the data bank (broken down by each year of such reporting period);

(C) the activities undertaken by the Secretary to educate responsible persons about data bank registration and results submission requirements, including through issuance of guidance documents, informational meetings, and training sessions; and

(D) the activities described in the report submitted under subsection (b).

(2) ACTIONS TO ENFORCE COMPLIANCE.—After the Secretary has undertaken the educational activities described in paragraph (1)(C), the Secretary shall include in subsequent reports

submitted under paragraph (1) the number of actions taken by the Secretary during the period for which the report is being prepared to enforce compliance with data bank registration and results submission requirements.

SEC. 2053. UPDATES TO POLICIES TO IMPROVE DATA.

Section 492B(c) of the Public Health Service Act (42 U.S.C. 289a–2(c)) is amended—

(1) by striking "In the case" and inserting the following: "(1) IN GENERAL.—In the case"; and

(2) by adding at the end the following:

"(2) REPORTING REQUIREMENTS.—For any new and competing project of clinical research subject to the requirements under this section that receives a grant award 1 year after the date of enactment of the 21st Century Cures Act, or any date thereafter, for which a valid analysis is provided under paragraph (1)—

"(A) and which is an applicable clinical trial as defined in section 402(j), the entity conducting such clinical research shall submit the results of such valid analysis to the clinical trial registry data bank expanded under section 402(j)(3), and the Director of the National Institutes of Health shall, as appropriate, consider whether such entity has complied with the reporting requirement described in this subparagraph in awarding any future grant to such entity, including pursuant to section 402(j)(5)(A)(ii) when applicable; and

"(B) the Director of the National Institutes of Health shall encourage the reporting of the results of such valid analysis described in paragraph (1) through any additional means determined appropriate by the Director.".

SEC. 2054. CONSULTATION.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall consult with relevant Federal agencies, including the Food and Drug Administration, the Office of the National Coordinator for Health Information Technology, and the National Institutes of Health, as well as other stakeholders (including patients, researchers, physicians, industry representatives, and developers of health information technology) to receive recommendations with respect to enhancements to the clinical trial registry data bank under section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)), including with respect to usability, functionality, and search capability.

Subtitle F—Facilitating Collaborative Research

SEC. 2061. NATIONAL NEUROLOGICAL CONDITIONS SURVEILLANCE SYSTEM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399S the following:

"SEC. 399S–1. SURVEILLANCE OF NEUROLOGICAL DISEASES. 42 USC 280g–7a.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with other agencies as the Secretary determines, shall, as appropriate—

"(1) enhance and expand infrastructure and activities to track the epidemiology of neurological diseases; and

"(2) incorporate information obtained through such activities into an integrated surveillance system, which may consist of or include a registry, to be known as the National Neurological Conditions Surveillance System.

"(b) RESEARCH.—The Secretary shall ensure that the National Neurological Conditions Surveillance System is designed in a manner that facilitates further research on neurological diseases.

"(c) CONTENT.—In carrying out subsection (a), the Secretary—

"(1) shall provide for the collection and storage of information on the incidence and prevalence of neurological diseases in the United States;

"(2) to the extent practicable, shall provide for the collection and storage of other available information on neurological diseases, including information related to persons living with neurological diseases who choose to participate, such as—

"(A) demographics, such as age, race, ethnicity, sex, geographic location, family history, and other information, as appropriate;

"(B) risk factors that may be associated with neurological diseases, such as genetic and environmental risk factors and other information, as appropriate; and

"(C) diagnosis and progression markers;

"(3) may provide for the collection and storage of information relevant to analysis on neurological diseases, such as information concerning—

"(A) the natural history of the diseases;

"(B) the prevention of the diseases;

"(C) the detection, management, and treatment approaches for the diseases; and

"(D) the development of outcomes measures;

"(4) may address issues identified during the consultation process under subsection (d); and

"(5) initially may address a limited number of neurological diseases.

"(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with individuals with appropriate expertise, which may include—

"(1) epidemiologists with experience in disease surveillance or registries;

"(2) representatives of national voluntary health associations that—

"(A) focus on neurological diseases; and

"(B) have demonstrated experience in research, care, or patient services;

"(3) health information technology experts or other information management specialists;

"(4) clinicians with expertise in neurological diseases; and

"(5) research scientists with experience conducting translational research or utilizing surveillance systems for scientific research purposes.

"(e) GRANTS.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities to carry out activities under this section.

"(f) COORDINATION WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES.—Subject to subsection (h), the Secretary shall—

"(1) make information and analysis in the National Neurological Conditions Surveillance System available, as appropriate—

"(A) to Federal departments and agencies, such as the National Institutes of Health and the Department of Veterans Affairs; and

"(B) to State and local agencies; and

"(2) identify, build upon, leverage, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health infrastructure, wherever practicable.

"(g) PUBLIC ACCESS.—Subject to subsection (h), the Secretary shall ensure that information and analysis in the National Neurological Conditions Surveillance System are available, as appropriate, to the public, including researchers.

"(h) PRIVACY.—The Secretary shall ensure that information and analysis in the National Neurological Conditions Surveillance System are made available only to the extent permitted by applicable Federal and State law, and in a manner that protects personal privacy, to the extent required by applicable Federal and State privacy law, at a minimum.

"(i) REPORTS.—

"(1) REPORT ON INFORMATION AND ANALYSES.—Not later than 1 year after the date on which any system is established under this section, the Secretary shall submit an interim report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding aggregate information collected pursuant to this section and epidemiological analyses, as appropriate. Such report shall be posted on the Internet website of the Department of Health and Human Services and shall be updated biennially.

"(2) IMPLEMENTATION REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit a report to the Congress concerning the implementation of this section. Such report shall include information on—

"(A) the development and maintenance of the National Neurological Conditions Surveillance System;

"(B) the type of information collected and stored in the surveillance system;

"(C) the use and availability of such information, including guidelines for such use; and

"(D) the use and coordination of databases that collect or maintain information on neurological diseases.

"(j) DEFINITION.—In this section, the term 'national voluntary health association' means a national nonprofit organization with chapters, other affiliated organizations, or networks in States throughout the United States with experience serving the population of individuals with neurological disease and have demonstrated experience in neurological disease research, care, and patient services.

"(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2018 through 2022.".

SEC. 2062. TICK-BORNE DISEASES. 42 USC 284s.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as "the Secretary") shall continue to conduct or support epidemiological, basic, translational, and clinical research related to vector-borne diseases, including tick-borne diseases.

(b) REPORTS.—The Secretary shall ensure that each triennial report under section 403 of the Public Health Service Act (42 U.S.C. 283) (as amended by section 2032) includes information on actions undertaken by the National Institutes of Health to carry out subsection (a) with respect to tick-borne diseases.

(c) TICK-BORNE DISEASES WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish a working group, to be known as the Tick-Borne Disease Working Group (referred to in this section as the "Working Group"), comprised of representatives of appropriate Federal agencies and other non-Federal entities, to provide expertise and to review all efforts within the Department of Health and Human Services related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities.

(2) RESPONSIBILITIES.—The working group shall—

(A) not later than 2 years after the date of enactment of this Act, develop or update a summary of—

(i) ongoing tick-borne disease research, including research related to causes, prevention, treatment, surveillance, diagnosis, diagnostics, duration of illness, and intervention for individuals with tick-borne diseases;

(ii) advances made pursuant to such research;

(iii) Federal activities related to tick-borne diseases, including—

(I) epidemiological activities related to tick-borne diseases; and

(II) basic, clinical, and translational tick-borne disease research related to the pathogenesis, prevention, diagnosis, and treatment of tick-borne diseases;

(iv) gaps in tick-borne disease research described in clause (iii)(II);

(v) the Working Group's meetings required under paragraph (4); and

(vi) the comments received by the Working Group;

(B) make recommendations to the Secretary regarding any appropriate changes or improvements to such activities and research; and

(C) solicit input from States, localities, and nongovernmental entities, including organizations representing patients, health care providers, researchers, and industry regarding scientific advances, research questions, surveillance activities, and emerging strains in species of pathogenic organisms.

(3) MEMBERSHIP.—The members of the working group shall represent a diversity of scientific disciplines and views and shall be composed of the following members:

(A) FEDERAL MEMBERS.—Seven Federal members, consisting of one or more representatives of each of the following:

(i) The Office of the Assistant Secretary for Health.

(ii) The Food and Drug Administration.

(iii) The Centers for Disease Control and Prevention.

(iv) The National Institutes of Health.

(v) Such other agencies and offices of the Department of Health and Human Services as the Secretary determines appropriate.

(B) NON–FEDERAL PUBLIC MEMBERS.—Seven non–Federal public members, consisting of representatives of the following categories:

(i) Physicians and other medical providers with experience in diagnosing and treating tick-borne diseases.

(ii) Scientists or researchers with expertise.

(iii) Patients and their family members.

(iv) Nonprofit organizations that advocate for patients with respect to tick-borne diseases.

(v) Other individuals whose expertise is determined by the Secretary to be beneficial to the functioning of the Working Group.

(4) MEETINGS.—The Working Group shall meet not less than twice each year.

(5) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until termination of the Working Group pursuant to paragraph (7), the Working Group shall—

(A) submit a report on its activities under paragraph (2)(A) and any recommendations under paragraph (2)(B) to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) make such report publicly available on the Internet website of the Department of Health and Human Services.

(6) APPLICABILITY OF FACA.—The Working Group shall be treated as an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(7) SUNSET.—The Working Group under this section shall terminate 6 years after the date of enactment of this Act.

42 USC 1320d–2 note.

SEC. 2063. ACCESSING, SHARING, AND USING HEALTH DATA FOR RESEARCH PURPOSES.

(a) GUIDANCE RELATED TO REMOTE ACCESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue guidance clarifying that subparagraph (B) of section 164.512(i)(1)(ii) of part 164 of the Rule (prohibiting the removal of protected health information by a researcher) does not prohibit remote access to health information by a researcher for such purposes as described in section 164.512(i)(1)(ii) of part 164 of the Rule so long as—

(1) at a minimum, security and privacy safeguards, consistent with the requirements of the Rule, are maintained by the covered entity and the researcher; and

(2) the protected health information is not copied or otherwise retained by the researcher.

(b) GUIDANCE RELATED TO STREAMLINING AUTHORIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance on the following:

(1) AUTHORIZATION FOR USE AND DISCLOSURE OF HEALTH INFORMATION.—Clarification of the circumstances under which the authorization for the use or disclosure of protected health information, with respect to an individual, for future research purposes contains a sufficient description of the purpose of the use or disclosure, such as if the authorization—

(A) sufficiently describes the purposes such that it would be reasonable for the individual to expect that the protected health information could be used or disclosed for such future research;

(B) either—

(i) states that the authorization will expire on a particular date or on the occurrence of a particular event; or

(ii) states that the authorization will remain valid unless and until it is revoked by the individual; and

(C) provides instruction to the individual on how to revoke such authorization at any time.

(2) REMINDER OF THE RIGHT TO REVOKE.—Clarification of the circumstances under which it is appropriate to provide an individual with an annual notice or reminder that the individual has the right to revoke such authorization.

(3) REVOCATION OF AUTHORIZATION.—Clarification of appropriate mechanisms by which an individual may revoke an authorization for future research purposes, such as described in paragraph (1)(C).

(c) WORKING GROUP ON PROTECTED HEALTH INFORMATION FOR RESEARCH.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convene a working group to study and report on the uses and disclosures of protected health information for research purposes, under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(2) MEMBERS.—The working group shall include representatives of—

(A) relevant Federal agencies, including the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Office for Civil Rights;

(B) the research community;

(C) patients;

(D) experts in civil rights, such as privacy rights;

(E) developers of health information technology;

(F) experts in data privacy and security;

(G) health care providers;

(H) bioethicists; and

(I) other experts and entities, as the Secretary determines appropriate.

(3) REPORT.—Not later than 1 year after the date on which the working group is convened under paragraph (1), the working group shall conduct a review and submit a report to the Secretary containing recommendations on whether the uses and disclosures of protected health information for research purposes should be modified to allow protected health information to be available, as appropriate, for research purposes, including studies to obtain generalizable knowledge, while protecting individuals' privacy rights. In conducting the review and making recommendations, the working group shall—

(A) address, at a minimum—

(i) the appropriate manner and timing of authorization, including whether additional notification to the individual should be required when the individual's protected health information will be used or disclosed for such research;

(ii) opportunities for individuals to set preferences on the manner in which their protected health information is used in research;

(iii) opportunities for patients to revoke authorization;

(iv) notification to individuals of a breach in privacy;

(v) existing gaps in statute, regulation, or policy related to protecting the privacy of individuals, and

(vi) existing barriers to research related to the current restrictions on the uses and disclosures of protected health information; and

(B) consider, at a minimum—

(i) expectations and preferences on how an individual's protected health information is shared and used;

(ii) issues related to specific subgroups of people, such as children, incarcerated individuals, and individuals with a cognitive or intellectual disability impacting capacity to consent;

(iii) relevant Federal and State laws;

(iv) models of facilitating data access and levels of data access, including data segmentation, where applicable;

(v) potential impacts of disclosure and non-disclosure of protected health information on access to health care services; and

(vi) the potential uses of such data.

(4) REPORT SUBMISSION.—The Secretary shall submit the report under paragraph (3) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and shall post such report on the appropriate Internet website of the Department of Health and Human Services.

(5) TERMINATION.—The working group convened under paragraph (1) shall terminate the day after the report under paragraph (3) is submitted to Congress and made public in accordance with paragraph (4).

(d) DEFINITIONS.—In this section:

(1) THE RULE.—References to "the Rule" refer to part 160 or part 164, as appropriate, of title 45, Code of Federal Regulations (or any successor regulation).

(2) PART 164.—References to a specified section of "part 164", refer to such specified section of part 164 of title 45, Code of Federal Regulations (or any successor section).

Subtitle G—Promoting Pediatric Research

SEC. 2071. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D(d) of the Public Health Service Act (42 U.S.C. 284h(d)) is amended—

(1) in paragraph (1), by striking "in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of" and inserting "in collaboration with the national research institutes and national centers that carry out activities involving pediatric research, shall support"; and

(2) in paragraph (2)(A) and the first sentence of paragraph (2)(E), by striking "may" each place such term appears and inserting "shall".

SEC. 2072. GLOBAL PEDIATRIC CLINICAL STUDY NETWORK.

It is the sense of Congress that—

(1) the National Institutes of Health should encourage a global pediatric clinical study network by providing grants, contracts, or cooperative agreements to support new and early stage investigators who participate in the global pediatric clinical study network;

(2) the Secretary of Health and Human Services (referred to in this section as the "Secretary") should engage with clinical investigators and appropriate authorities outside of the United States, including authorities in the European Union, during the formation of the global pediatric clinical study network to encourage the participation of such investigator and authorities; and

(3) once a global pediatric clinical study network is established and becomes operational, the Secretary should continue to encourage and facilitate the participation of clinical investigators and appropriate authorities outside of the United States, including in the European Union, to participate in the network with the goal of enhancing the global reach of the network.

TITLE III—DEVELOPMENT

Subtitle A—Patient-Focused Drug Development

SEC. 3001. PATIENT EXPERIENCE DATA.

Section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "IN GENERAL" and inserting "PATIENT ENGAGEMENT IN DRUGS AND DEVICES";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right; and

(C) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by redesignating subsections (b) through (e) as paragraphs (2) through (5), respectively, and moving such paragraphs 2 ems to the right; and

(3) by adding at the end the following:

"(b) STATEMENT OF PATIENT EXPERIENCE.—

"(1) IN GENERAL.—Following the approval of an application that was submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act at least 180 days after the date of enactment of the 21st Century Cures Act, the Secretary shall make public a brief statement regarding the patient experience data and related information, if any, submitted and reviewed as part of such application.

"(2) DATA AND INFORMATION.—The data and information referred to in paragraph (1) are—

"(A) patient experience data;

"(B) information on patient-focused drug development tools; and

"(C) other relevant information, as determined by the Secretary.

"(c) PATIENT EXPERIENCE DATA.—For purposes of this section, the term 'patient experience data' includes data that—

"(1) are collected by any persons (including patients, family members and caregivers of patients, patient advocacy organizations, disease research foundations, researchers, and drug manufacturers); and

"(2) are intended to provide information about patients' experiences with a disease or condition, including—

"(A) the impact of such disease or condition, or a related therapy, on patients' lives; and

"(B) patient preferences with respect to treatment of such disease or condition.".

21 USC 360bbb–8c note.

SEC. 3002. PATIENT-FOCUSED DRUG DEVELOPMENT GUIDANCE.

(a) PUBLICATION OF GUIDANCE DOCUMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall develop a plan to issue draft and final versions of one or more guidance documents, over a period of 5 years, regarding the collection of patient experience data, and the use of such data and related information in drug development. Not later than 18 months after the date of enactment of this Act, the Secretary shall issue a draft version of at least one such guidance document. Not later than 18 months after the public comment period on the draft guidance ends, the Secretary shall issue a revised draft guidance or final guidance.

(b) PATIENT EXPERIENCE DATA.—For purposes of this section, the term "patient experience data" has the meaning given such term in section 569C of the Federal Food, Drug, and Cosmetic Act (as added by section 3001).

(c) CONTENTS.—The guidance documents described in subsection (a) shall address—

(1) methodological approaches that a person seeking to collect patient experience data for submission to, and proposed use by, the Secretary in regulatory decisionmaking may use, that are relevant and objective and ensure that such data are accurate and representative of the intended population, including methods to collect meaningful patient input throughout the drug development process and methodological considerations for data collection, reporting, management, and analysis;

(2) methodological approaches that may be used to develop and identify what is most important to patients with respect to burden of disease, burden of treatment, and the benefits and risks in the management of the patient's disease;

(3) approaches to identifying and developing methods to measure impacts to patients that will help facilitate collection of patient experience data in clinical trials;

(4) methodologies, standards, and technologies to collect and analyze clinical outcome assessments for purposes of regulatory decisionmaking;

(5) how a person seeking to develop and submit proposed draft guidance relating to patient experience data for consideration by the Secretary may submit such proposed draft guidance to the Secretary;

(6) the format and content required for submissions under this section to the Secretary, including with respect to the information described in paragraph (1);

(7) how the Secretary intends to respond to submissions of information described in paragraph (1), if applicable, including any timeframe for response when such submission is not part of a regulatory application or other submission that has an associated timeframe for response; and

(8) how the Secretary, if appropriate, anticipates using relevant patient experience data and related information, including with respect to the structured risk-benefit assessment framework described in section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), to inform regulatory decisionmaking.

SEC. 3003. STREAMLINING PATIENT INPUT.

21 USC 360bbb–8c note.

Chapter 35 of title 44, United States Code, shall not apply to the collection of information to which a response is voluntary, that is initiated by the Secretary under section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c) (as amended by section 3001) or section 3002.

SEC. 3004. REPORT ON PATIENT EXPERIENCE DRUG DEVELOPMENT.

21 USC 355 note.

Not later than June 1 of 2021, 2026, and 2031, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall prepare and publish on the Internet website of the Food and Drug Administration a report assessing the use of patient experience data in regulatory decisionmaking, in particular with respect to the review of patient experience data and information on patient-focused drug development tools as part

of applications approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

Subtitle B—Advancing New Drug Therapies

SEC. 3011. QUALIFICATION OF DRUG DEVELOPMENT TOOLS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506F the following new section:

21 USC 357.

"SEC. 507. QUALIFICATION OF DRUG DEVELOPMENT TOOLS.

"(a) PROCESS FOR QUALIFICATION.—

"(1) IN GENERAL.—The Secretary shall establish a process for the qualification of drug development tools for a proposed context of use under which—

"(A)(i) a requestor initiates such process by submitting a letter of intent to the Secretary; and

"(ii) the Secretary accepts or declines to accept such letter of intent;

"(B)(i) if the Secretary accepts the letter of intent, a requestor submits a qualification plan to the Secretary; and

"(ii) the Secretary accepts or declines to accept the qualification plan; and

"(C)(i) if the Secretary accepts the qualification plan, the requestor submits to the Secretary a full qualification package;

"(ii) the Secretary determines whether to accept such qualification package for review; and

"(iii) if the Secretary accepts such qualification package for review, the Secretary conducts such review in accordance with this section.

"(2) ACCEPTANCE AND REVIEW OF SUBMISSIONS.—

"(A) IN GENERAL.—Subparagraphs (B), (C), and (D) shall apply with respect to the treatment of a letter of intent, a qualification plan, or a full qualification package submitted under paragraph (1) (referred to in this paragraph as 'qualification submissions').

"(B) ACCEPTANCE FACTORS; NONACCEPTANCE.—The Secretary shall determine whether to accept a qualification submission based on factors which may include the scientific merit of the qualification submission. A determination not to accept a submission under paragraph (1) shall not be construed as a final determination by the Secretary under this section regarding the qualification of a drug development tool for its proposed context of use.

"(C) PRIORITIZATION OF QUALIFICATION REVIEW.—The Secretary may prioritize the review of a full qualification package submitted under paragraph (1) with respect to a drug development tool, based on factors determined appropriate by the Secretary, including—

"(i) as applicable, the severity, rarity, or prevalence of the disease or condition targeted by the drug

development tool and the availability or lack of alternative treatments for such disease or condition; and

"(ii) the identification, by the Secretary or by biomedical research consortia and other expert stakeholders, of such a drug development tool and its proposed context of use as a public health priority.

"(D) ENGAGEMENT OF EXTERNAL EXPERTS.—The Secretary may, for purposes of the review of qualification submissions, through the use of cooperative agreements, grants, or other appropriate mechanisms, consult with biomedical research consortia and may consider the recommendations of such consortia with respect to the review of any qualification plan submitted under paragraph (1) or the review of any full qualification package under paragraph (3).

"(3) REVIEW OF FULL QUALIFICATION PACKAGE.—The Secretary shall—

"(A) conduct a comprehensive review of a full qualification package accepted under paragraph (1)(C); and

"(B) determine whether the drug development tool at issue is qualified for its proposed context of use.

"(4) QUALIFICATION.—The Secretary shall determine whether a drug development tool is qualified for a proposed context of use based on the scientific merit of a full qualification package reviewed under paragraph (3).

"(b) EFFECT OF QUALIFICATION.—

"(1) IN GENERAL.—A drug development tool determined to be qualified under subsection (a)(4) for a proposed context of use specified by the requestor may be used by any person in such context of use for the purposes described in paragraph (2).

"(2) USE OF A DRUG DEVELOPMENT TOOL.—Subject to paragraph (3), a drug development tool qualified under this section may be used for—

"(A) supporting or obtaining approval or licensure (as applicable) of a drug or biological product (including in accordance with section 506(c)) under section 505 of this Act or section 351 of the Public Health Service Act; or

"(B) supporting the investigational use of a drug or biological product under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act.

"(3) RESCISSION OR MODIFICATION.—

"(A) IN GENERAL.—The Secretary may rescind or modify a determination under this section to qualify a drug development tool if the Secretary determines that the drug development tool is not appropriate for the proposed context of use specified by the requestor. Such a determination may be based on new information that calls into question the basis for such qualification.

"(B) MEETING FOR REVIEW.—If the Secretary rescinds or modifies under subparagraph (A) a determination to qualify a drug development tool, the requestor involved shall, on request, be granted a meeting with the Secretary to discuss the basis of the Secretary's decision to rescind or modify the determination before the effective date of the rescission or modification.

"(c) TRANSPARENCY.—

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall make publicly available, and update on at least a biannual basis, on the Internet website of the Food and Drug Administration the following:

"(A) Information with respect to each qualification submission under the qualification process under subsection (a), including—

"(i) the stage of the review process applicable to the submission;

"(ii) the date of the most recent change in stage status;

"(iii) whether external scientific experts were utilized in the development of a qualification plan or the review of a full qualification package; and

"(iv) submissions from requestors under the qualification process under subsection (a), including any data and evidence contained in such submissions, and any updates to such submissions.

"(B) The Secretary's formal written determinations in response to such qualification submissions.

"(C) Any rescissions or modifications under subsection (b)(3) of a determination to qualify a drug development tool.

"(D) Summary reviews that document conclusions and recommendations for determinations to qualify drug development tools under subsection (a).

"(E) A comprehensive list of—

"(i) all drug development tools qualified under subsection (a); and

"(ii) all surrogate endpoints which were the basis of approval or licensure (as applicable) of a drug or biological product (including in accordance with section 506(c)) under section 505 of this Act or section 351 of the Public Health Service Act.

"(2) RELATION TO TRADE SECRETS ACT.—Information made publicly available by the Secretary under paragraph (1) shall be considered a disclosure authorized by law for purposes of section 1905 of title 18, United States Code.

"(3) APPLICABILITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information contained in an application submitted under section 505 of this Act or section 351 of the Public Health Service Act that is confidential commercial or trade secret information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to alter the standards of evidence under subsection (c) or (d) of section 505, including the substantial evidence standard in such subsection (d), or under section 351 of the Public Health Service Act (as applicable); or

"(2) to limit the authority of the Secretary to approve or license products under this Act or the Public Health Service Act, as applicable (as in effect before the date of the enactment of the 21st Century Cures Act).

"(e) DEFINITIONS.—In this section:

"(1) BIOMARKER.—The term 'biomarker'—

"(A) means a characteristic (such as a physiologic, pathologic, or anatomic characteristic or measurement) that is objectively measured and evaluated as an indicator of normal biologic processes, pathologic processes, or biological responses to a therapeutic intervention; and

"(B) includes a surrogate endpoint.

"(2) BIOMEDICAL RESEARCH CONSORTIA.—The term 'biomedical research consortia' means collaborative groups that may take the form of public-private partnerships and may include government agencies, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965), patient advocacy groups, industry representatives, clinical and scientific experts, and other relevant entities and individuals.

"(3) CLINICAL OUTCOME ASSESSMENT.—The term 'clinical outcome assessment' means—

"(A) a measurement of a patient's symptoms, overall mental state, or the effects of a disease or condition on how the patient functions; and

"(B) includes a patient-reported outcome.

"(4) CONTEXT OF USE.—The term 'context of use' means, with respect to a drug development tool, the circumstances under which the drug development tool is to be used in drug development and regulatory review.

"(5) DRUG DEVELOPMENT TOOL.—The term 'drug development tool' includes—

"(A) a biomarker;

"(B) a clinical outcome assessment; and

"(C) any other method, material, or measure that the Secretary determines aids drug development and regulatory review for purposes of this section.

"(6) PATIENT-REPORTED OUTCOME.—The term 'patient-reported outcome' means a measurement based on a report from a patient regarding the status of the patient's health condition without amendment or interpretation of the patient's report by a clinician or any other person.

"(7) QUALIFICATION.—The terms 'qualification' and 'qualified' mean a determination by the Secretary that a drug development tool and its proposed context of use can be relied upon to have a specific interpretation and application in drug development and regulatory review under this Act.

"(8) REQUESTOR.—The term 'requestor' means an entity or entities, including a drug sponsor or a biomedical research consortia, seeking to qualify a drug development tool for a proposed context of use under this section.

"(9) SURROGATE ENDPOINT.—The term 'surrogate endpoint' means a marker, such as a laboratory measurement, radiographic image, physical sign, or other measure, that is not itself a direct measurement of clinical benefit, and—

"(A) is known to predict clinical benefit and could be used to support traditional approval of a drug or biological product; or

"(B) is reasonably likely to predict clinical benefit and could be used to support the accelerated approval of a drug or biological product in accordance with section 506(c).".

(b) GUIDANCE.— 21 USC 357 note.

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, in consultation with biomedical research consortia (as defined in subsection (e) of section 507 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and other interested parties through a collaborative public process, issue guidance to implement such section 507 that—

(A) provides a conceptual framework describing appropriate standards and scientific approaches to support the development of biomarkers delineated under the taxonomy established under paragraph (3);

(B) with respect to the qualification process under such section 507—

(i) describes the requirements that entities seeking to qualify a drug development tool under such section shall observe when engaging in such process;

(ii) outlines reasonable timeframes for the Secretary's review of letters, qualification plans, or full qualification packages submitted under such process; and

(iii) establishes a process by which such entities or the Secretary may consult with biomedical research consortia and other individuals and entities with expert knowledge and insights that may assist the Secretary in the review of qualification plans and full qualification submissions under such section; and

(C) includes such other information as the Secretary determines appropriate.

(2) TIMING.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall issue draft guidance under paragraph (1) on the implementation of section 507 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)). The Secretary shall issue final guidance on the implementation of such section not later than 6 months after the date on which the comment period for the draft guidance closes.

(3) TAXONOMY.—

(A) IN GENERAL.—For purposes of informing guidance under this subsection, the Secretary shall, in consultation with biomedical research consortia and other interested parties through a collaborative public process, establish a taxonomy for the classification of biomarkers (and related scientific concepts) for use in drug development.

(B) PUBLIC AVAILABILITY.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall make such taxonomy publicly available in draft form for public comment. The Secretary shall finalize the taxonomy not later than 1 year after the close of the public comment period.

(c) MEETING AND REPORT.—

(1) MEETING.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall convene a public meeting to describe and solicit public input regarding the qualification process under section 507 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall make publicly available on the Internet website of the Food and Drug Administration a report. Such report shall include, with respect to the qualification process under section 507 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), information on—

(A) the number of requests submitted, as a letter of intent, for qualification of a drug development tool (as defined in subsection (e) of such section 507);

(B) the number of such requests accepted and determined to be eligible for submission of a qualification plan or full qualification package (as such terms are defined in subsection (e) of such section 507), respectively;

(C) the number of such requests for which external scientific experts were utilized in the development of a qualification plan or review of a full qualification package;

(D) the number of qualification plans and full qualification packages, respectively, submitted to the Secretary; and

(E) the drug development tools qualified through such qualification process, specified by type of tool, such as a biomarker or clinical outcome assessment (as such terms are defined in subsection (e) of such section 507).

SEC. 3012. TARGETED DRUGS FOR RARE DISEASES.

Subchapter B of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa et seq.) is amended by inserting after section 529 the following:

"SEC. 529A. TARGETED DRUGS FOR RARE DISEASES. 21 USC 360ff–1.

"(a) PURPOSE.—The purpose of this section, through the approach provided for in subsection (b), is to—

"(1) facilitate the development, review, and approval of genetically targeted drugs and variant protein targeted drugs to address an unmet medical need in one or more patient subgroups, including subgroups of patients with different mutations of a gene, with respect to rare diseases or conditions that are serious or life-threatening; and

"(2) maximize the use of scientific tools or methods, including surrogate endpoints and other biomarkers, for such purposes.

"(b) LEVERAGING OF DATA FROM PREVIOUSLY APPROVED DRUG APPLICATION OR APPLICATIONS.—The Secretary may, consistent with applicable standards for approval under this Act or section 351(a) of the Public Health Service Act, allow the sponsor of an application under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act for a genetically targeted drug or a variant protein targeted drug to rely upon data and information—

"(1) previously developed by the same sponsor (or another sponsor that has provided the sponsor with a contractual right of reference to such data and information); and

"(2) submitted by a sponsor described in paragraph (1) in support of one or more previously approved applications that were submitted under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act,

for a drug that incorporates or utilizes the same or similar genetically targeted technology as the drug or drugs that are the subject

of an application or applications described in paragraph (2) or for a variant protein targeted drug that is the same or incorporates or utilizes the same variant protein targeted drug, as the drug or drugs that are the subject of an application or applications described in paragraph (2).

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'genetically targeted drug' means a drug that—

"(A) is the subject of an application under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act for the treatment of a rare disease or condition (as such term is defined in section 526) that is serious or life-threatening;

"(B) may result in the modulation (including suppression, up-regulation, or activation) of the function of a gene or its associated gene product; and

"(C) incorporates or utilizes a genetically targeted technology;

"(2) the term 'genetically targeted technology' means a technology comprising non-replicating nucleic acid or analogous compounds with a common or similar chemistry that is intended to treat one or more patient subgroups, including subgroups of patients with different mutations of a gene, with the same disease or condition, including a disease or condition due to other variants in the same gene; and

"(3) the term 'variant protein targeted drug' means a drug that—

"(A) is the subject of an application under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act for the treatment of a rare disease or condition (as such term is defined in section 526) that is serious or life-threatening;

"(B) modulates the function of a product of a mutated gene where such mutation is responsible in whole or in part for a given disease or condition; and

"(C) is intended to treat one or more patient subgroups, including subgroups of patients with different mutations of a gene, with the same disease or condition.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) alter the authority of the Secretary to approve drugs pursuant to this Act or section 351 of the Public Health Service Act (as authorized prior to the date of enactment of the 21st Century Cures Act), including the standards of evidence, and applicable conditions, for approval under such applicable Act; or

"(2) confer any new rights, beyond those authorized under this Act or the Public Health Service Act prior to enactment of this section, with respect to the permissibility of a sponsor referencing information contained in another application submitted under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act.".

SEC. 3013. REAUTHORIZATION OF PROGRAM TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) IN GENERAL.—Section 529(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)) is amended by striking paragraph (5) and inserting the following:

"(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after September 30, 2020, unless the rare pediatric disease product application—

"(A) is for a drug that, not later than September 30, 2020, is designated under subsection (d) as a drug for a rare pediatric disease; and

"(B) is, not later than September 30, 2022, approved under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act.".

(b) REPORT.—The Advancing Hope Act of 2016 (Public Law 114–229) is amended by striking section 3.

SEC. 3014. GAO STUDY OF PRIORITY REVIEW VOUCHER PROGRAMS.

(a) STUDY.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study addressing the effectiveness and overall impact of the following priority review voucher programs, including any such programs amended or established by this Act:

(1) The neglected tropical disease priority review voucher program under section 524 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n).

(2) The rare pediatric disease priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff).

(3) The medical countermeasure priority review voucher program under section 565A of the Federal Food, Drug, and Cosmetic Act, as added by section 3086.

(b) ISSUANCE OF REPORT.—Not later than January 31, 2020, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study under subsection (a).

(c) CONTENTS OF REPORTS.—The report submitted under subsection (b) shall address—

(1) for each drug for which a priority review voucher has been awarded as of initiation of the study—

(A) the indications for which the drug is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)), pursuant to an application under section 505(b)(1) of such Act, or licensed under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether, and to what extent, the voucher impacted the sponsor's decision to develop the drug; and

(C) whether, and to what extent, the approval or licensure of the drug, as applicable and appropriate—

(i) addressed a global unmet need related to the treatment or prevention of a neglected tropical disease, including whether the sponsor of a drug coordinated with international development organizations;

(ii) addressed an unmet need related to the treatment of a rare pediatric disease; or

(iii) affected the Nation's preparedness against a chemical, biological, radiological, or nuclear threat, including naturally occurring threats;

(2) for each drug for which a priority review voucher has been used—

(A) the indications for which such drug is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)), pursuant to an application under section 505(b)(1) of such Act, or licensed under section 351(a) of the Public Health Service Act (42 U.S.C. 262);

(B) the value of the voucher, if transferred; and

(C) the length of time between the date on which the voucher was awarded and the date on which the voucher was used; and

(3) an analysis of the priority review voucher programs described in subsection (a), including—

(A) the resources used by the Food and Drug Administration in reviewing drugs for which vouchers were used, including the effect of the programs on the Food and Drug Administration's review of drugs for which priority review vouchers were not awarded or used;

(B) whether any improvements to such programs are necessary to appropriately target incentives for the development of drugs that would likely not otherwise be developed, or developed in as timely a manner, and, as applicable and appropriate—

(i) address global unmet needs related to the treatment or prevention of neglected tropical diseases, including in countries in which neglected tropical diseases are endemic; or

(ii) address unmet needs related to the treatment of rare pediatric diseases; and

(C) whether the sunset of the rare pediatric disease program and medical countermeasure program has had an impact on the program, including any potential unintended consequences.

(d) PROTECTION OF NATIONAL SECURITY.—The Comptroller General shall conduct the study and issue reports under this section in a manner that does not compromise national security.

SEC. 3015. AMENDMENTS TO THE ORPHAN DRUG GRANTS.

Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following: "(1) defraying the costs of developing drugs for rare diseases or conditions, including qualified testing expenses,"; and

(2) in subsection (b)(1)—

(A) in subparagraph (A)(ii), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) prospectively planned and designed observational studies and other analyses conducted to assist in the understanding of the natural history of a rare disease or condition and in the development of a therapy, including studies and analyses to—

"(i) develop or validate a drug development tool related to a rare disease or condition; or

"(ii) understand the full spectrum of the disease manifestations, including describing genotypic and phenotypic variability and identifying and defining distinct subpopulations affected by a rare disease or condition.".

SEC. 3016. GRANTS FOR STUDYING CONTINUOUS DRUG MANUFACTURING. 21 USC 399h.

(a) IN GENERAL.—The Secretary of Health and Human Services may award grants to institutions of higher education and nonprofit organizations for the purpose of studying and recommending improvements to the process of continuous manufacturing of drugs and biological products and similar innovative monitoring and control techniques.

(b) DEFINITIONS.—In this section—

(1) the term "drug" has the meaning given such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(2) the term "biological product" has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)); and

(3) the term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

Subtitle C—Modern Trial Design and Evidence Development

SEC. 3021. NOVEL CLINICAL TRIAL DESIGNS. 21 USC 355 note.

(a) PROPOSALS FOR USE OF NOVEL CLINICAL TRIAL DESIGNS FOR DRUGS AND BIOLOGICAL PRODUCTS.—For purposes of assisting sponsors in incorporating complex adaptive and other novel trial designs into proposed clinical protocols and applications for new drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and biological products under section 351 of the Public Health Service Act (42 U.S.C. 262), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall conduct a public meeting and issue guidance in accordance with subsection (b).

(b) GUIDANCE ADDRESSING USE OF NOVEL CLINICAL TRIAL DESIGNS.—

(1) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, shall update or issue guidance addressing the use of complex adaptive and other novel trial design in the development and regulatory review and approval or licensure for drugs and biological products.

(2) CONTENTS.—The guidance under paragraph (1) shall address—

(A) the use of complex adaptive and other novel trial designs, including how such clinical trials proposed or submitted help to satisfy the substantial evidence standard under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d));

(B) how sponsors may obtain feedback from the Secretary on technical issues related to modeling and simulations prior to—

(i) completion of such modeling or simulations; or

(ii) the submission of resulting information to the Secretary;

(C) the types of quantitative and qualitative information that should be submitted for review; and

(D) recommended analysis methodologies.

(3) PUBLIC MEETING.—Prior to updating or issuing the guidance required by paragraph (1), the Secretary shall consult with stakeholders, including representatives of regulated industry, academia, patient advocacy organizations, consumer groups, and disease research foundations, through a public meeting to be held not later than 18 months after the date of enactment of this Act.

(4) TIMING.—The Secretary shall update or issue a draft version of the guidance required by paragraph (1) not later than 18 months after the date of the public meeting required by paragraph (3) and finalize such guidance not later than 1 year after the date on which the public comment period for the draft guidance closes.

SEC. 3022. REAL WORLD EVIDENCE.

Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505E (21 U.S.C. 355f) the following:

21 USC 355g.

"SEC. 505F. UTILIZING REAL WORLD EVIDENCE.

"(a) IN GENERAL.—The Secretary shall establish a program to evaluate the potential use of real world evidence—

"(1) to help to support the approval of a new indication for a drug approved under section 505(c); and

"(2) to help to support or satisfy postapproval study requirements.

"(b) REAL WORLD EVIDENCE DEFINED.—In this section, the term 'real world evidence' means data regarding the usage, or the potential benefits or risks, of a drug derived from sources other than randomized clinical trials.

"(c) PROGRAM FRAMEWORK.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the 21st Century Cures Act, the Secretary shall establish a draft framework for implementation of the program under this section.

"(2) CONTENTS OF FRAMEWORK.—The framework shall include information describing—

"(A) the sources of real world evidence, including ongoing safety surveillance, observational studies, registries, claims, and patient-centered outcomes research activities;

"(B) the gaps in data collection activities;

"(C) the standards and methodologies for collection and analysis of real world evidence; and

"(D) the priority areas, remaining challenges, and potential pilot opportunities that the program established under this section will address.

"(3) CONSULTATION.—

"(A) IN GENERAL.—In developing the program framework under this subsection, the Secretary shall consult with regulated industry, academia, medical professional organizations, representatives of patient advocacy organizations, consumer organizations, disease research foundations, and other interested parties.

"(B) PROCESS.—The consultation under subparagraph (A) may be carried out through approaches such as—

"(i) a public-private partnership with the entities described in such subparagraph in which the Secretary may participate;

"(ii) a contract, grant, or other arrangement, as the Secretary determines appropriate, with such a partnership or an independent research organization; or

"(iii) public workshops with the entities described in such subparagraph.

"(d) PROGRAM IMPLEMENTATION.—The Secretary shall, not later than 2 years after the date of enactment of the 21st Century Cures Act and in accordance with the framework established under subsection (c), implement the program to evaluate the potential use of real world evidence.

"(e) GUIDANCE FOR INDUSTRY.—The Secretary shall—

"(1) utilize the program established under subsection (a), its activities, and any subsequent pilots or written reports, to inform a guidance for industry on—

"(A) the circumstances under which sponsors of drugs and the Secretary may rely on real world evidence for the purposes described in paragraphs (1) and (2) of subsection (a); and

"(B) the appropriate standards and methodologies for collection and analysis of real world evidence submitted for such purposes;

"(2) not later than 5 years after the date of enactment of the 21st Century Cures Act, issue draft guidance for industry as described in paragraph (1); and

"(3) not later than 18 months after the close of the public comment period for the draft guidance described in paragraph (2), issue revised draft guidance or final guidance.

"(f) RULE OF CONSTRUCTION.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section prohibits the Secretary from using real world evidence for purposes not specified in this section, provided the Secretary determines that sufficient basis exists for any such nonspecified use.

"(2) STANDARDS OF EVIDENCE AND SECRETARY'S AUTHORITY.—This section shall not be construed to alter—

"(A) the standards of evidence under—

"(i) subsection (c) or (d) of section 505, including the substantial evidence standard in such subsection (d); or

"(ii) section 351(a) of the Public Health Service Act; or

"(B) the Secretary's authority to require postapproval studies or clinical trials, or the standards of evidence under which studies or trials are evaluated.".

42 USC 289 note.

SEC. 3023. PROTECTION OF HUMAN RESEARCH SUBJECTS.

(a) IN GENERAL.—In order to simplify and facilitate compliance by researchers with applicable regulations for the protection of human subjects in research, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, to the extent practicable and consistent with other statutory provisions, harmonize differences between the HHS Human Subject Regulations and the FDA Human Subject Regulations in accordance with subsection (b).

(b) AVOIDING REGULATORY DUPLICATION AND UNNECESSARY DELAYS.—The Secretary shall, as appropriate—

(1) make such modifications to the provisions of the HHS Human Subject Regulations, the FDA Human Subject Regulations, and the vulnerable populations rules as may be necessary—

(A) to reduce regulatory duplication and unnecessary delays;

(B) to modernize such provisions in the context of multisite and cooperative research projects; and

(C) to protect vulnerable populations, incorporate local considerations, and support community engagement through mechanisms such as consultation with local researchers and human research protection programs, in a manner consistent with subparagraph (B); and

(2) ensure that human subject research that is subject to the HHS Human Subject Regulations and to the FDA Human Subject Regulations may—

(A) use joint or shared review;

(B) rely upon the review of—

(i) an independent institutional review board; or

(ii) an institutional review board of an entity other than the sponsor of the research; or

(C) use similar arrangements to avoid duplication of effort.

(c) CONSULTATION.—In harmonizing or modifying regulations or guidance under this section, the Secretary shall consult with stakeholders (including researchers, academic organizations, hospitals, institutional research boards, pharmaceutical, biotechnology, and medical device developers, clinical research organizations, patient groups, and others).

(d) TIMING.—The Secretary shall complete the harmonization described in subsection (a) not later than 3 years after the date of enactment of this Act.

(e) PROGRESS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the progress made toward completing such harmonization.

(f) DEFINITIONS.—

(1) HUMAN SUBJECT REGULATIONS.—In this section:

(A) FDA HUMAN SUBJECT REGULATIONS.—The term "FDA Human Subject Regulations" means the provisions

of parts 50, 56, 312, and 812 of title 21, Code of Federal Regulations (or any successor regulations).

(B) HHS HUMAN SUBJECT REGULATIONS.—The term "HHS Human Subject Regulations" means the provisions of subpart A of part 46 of title 45, Code of Federal Regulations (or any successor regulations).

(C) VULNERABLE POPULATION RULES.—The term "vulnerable population rules" means—

(i) except in the case of research described in clause (ii), the provisions of subparts B through D of part 46, Code of Federal Regulations (or any successor regulations); and

(ii) in the case of research that is subject to FDA Human Subject Regulations, the provisions applicable to vulnerable populations under part 56 of title 21, Code of Federal Regulations (or any successor regulations) and subpart D of part 50 of such title 21 (or any successor regulations).

(2) INSTITUTIONAL REVIEW BOARD DEFINED.—In this section, the term "institutional review board" has the meaning that applies to the term "institutional review board" under the HHS Human Subject Regulations.

SEC. 3024. INFORMED CONSENT WAIVER OR ALTERATION FOR CLINICAL INVESTIGATIONS.

(a) DEVICES.—Section 520(g)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)(3)) is amended—

(1) in subparagraph (D), by striking "except where subject to such conditions as the Secretary may prescribe, the investigator" and inserting the following: "except where, subject to such conditions as the Secretary may prescribe—

"(i) the proposed clinical testing poses no more than minimal risk to the human subject and includes appropriate safeguards to protect the rights, safety, and welfare of the human subject; or

"(ii) the investigator"; and

(2) in the matter following subparagraph (D), by striking "subparagraph (D)" and inserting "subparagraph (D)(ii)".

(b) DRUGS.—Section 505(i)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(4)) is amended by striking "except where it is not feasible or it is contrary to the best interests of such human beings" and inserting "except where it is not feasible, it is contrary to the best interests of such human beings, or the proposed clinical testing poses no more than minimal risk to such human beings and includes appropriate safeguards as prescribed to protect the rights, safety, and welfare of such human beings".

Subtitle D—Patient Access to Therapies and Information

SEC. 3031. SUMMARY LEVEL REVIEW.

(a) FFDCA.—Section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(5)(A) The Secretary may rely upon qualified data summaries to support the approval of a supplemental application, with respect

to a qualified indication for a drug, submitted under subsection (b), if such supplemental application complies with subparagraph (B).

"(B) A supplemental application is eligible for review as described in subparagraph (A) only if—

"(i) there is existing data available and acceptable to the Secretary demonstrating the safety of the drug; and

"(ii) all data used to develop the qualified data summaries are submitted to the Secretary as part of the supplemental application.

"(C) The Secretary shall post on the Internet website of the Food and Drug Administration and update annually—

"(i) the number of applications reviewed solely under subparagraph (A) or section 351(a)(2)(E) of the Public Health Service Act;

"(ii) the average time for completion of review under subparagraph (A) or section 351(a)(2)(E) of the Public Health Service Act;

"(iii) the average time for review of supplemental applications where the Secretary did not use review flexibility under subparagraph (A) or section 351(a)(2)(E) of the Public Health Service Act; and

"(iv) the number of applications reviewed under subparagraph (A) or section 351(a)(2)(E) of the Public Health Service Act for which the Secretary made use of full data sets in addition to the qualified data summary.

"(D) In this paragraph—

"(i) the term 'qualified indication' means an indication for a drug that the Secretary determines to be appropriate for summary level review under this paragraph; and

"(ii) the term 'qualified data summary' means a summary of clinical data that demonstrates the safety and effectiveness of a drug with respect to a qualified indication.".

(b) PHSA.—Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended by adding at the end the following:

"(E)(i) The Secretary may rely upon qualified data summaries to support the approval of a supplemental application, with respect to a qualified indication for a drug, submitted under this subsection, if such supplemental application complies with the requirements of subparagraph (B) of section 505(c)(5) of the Federal Food, Drug, and Cosmetic Act.

"(ii) In this subparagraph, the terms 'qualified indication' and 'qualified data summary' have the meanings given such terms in section 505(c)(5) of the Federal Food, Drug, and Cosmetic Act.".

SEC. 3032. EXPANDED ACCESS POLICY.

Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561 (21 U.S.C. 360bbb) the following:

21 USC 360bbb–0.

"SEC. 561A. EXPANDED ACCESS POLICY REQUIRED FOR INVESTIGATIONAL DRUGS.

"(a) IN GENERAL.—The manufacturer or distributor of one or more investigational drugs for the diagnosis, monitoring, or treatment of one or more serious diseases or conditions shall make available the policy of the manufacturer or distributor on evaluating and responding to requests submitted under section 561(b) for provision of such a drug.

"(b) PUBLIC AVAILABILITY OF EXPANDED ACCESS POLICY.—The policies under subsection (a) shall be made public and readily available, such as by posting such policies on a publicly available Internet website. Such policies may be generally applicable to all investigational drugs of such manufacturer or distributor.

"(c) CONTENT OF POLICY.—A policy described in subsection (a) shall include—

"(1) contact information for the manufacturer or distributor to facilitate communication about requests described in subsection (a);

"(2) procedures for making such requests;

"(3) the general criteria the manufacturer or distributor will use to evaluate such requests for individual patients, and for responses to such requests;

"(4) the length of time the manufacturer or distributor anticipates will be necessary to acknowledge receipt of such requests; and

"(5) a hyperlink or other reference to the clinical trial record containing information about the expanded access for such drug that is required under section 402(j)(2)(A)(ii)(II)(gg) of the Public Health Service Act.

"(d) NO GUARANTEE OF ACCESS.—The posting of policies by manufacturers and distributors under subsection (a) shall not serve as a guarantee of access to any specific investigational drug by any individual patient.

"(e) REVISED POLICY.—Nothing in this section shall prevent a manufacturer or distributor from revising a policy required under this section at any time.

"(f) APPLICATION.—This section shall apply to a manufacturer or distributor with respect to an investigational drug beginning on the later of—

"(1) the date that is 60 calendar days after the date of enactment of the 21st Century Cures Act; or

"(2) the first initiation of a phase 2 or phase 3 study (as such terms are defined in section 312.21(b) and (c) of title 21, Code of Federal Regulations (or any successor regulations)) with respect to such investigational drug.".

SEC. 3033. ACCELERATED APPROVAL FOR REGENERATIVE ADVANCED THERAPIES.

(a) IN GENERAL.—Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended—

(1) by transferring subsection (e) (relating to construction) so that it appears before subsection (f) (relating to awareness efforts); and

(2) by adding at the end the following:

"(g) REGENERATIVE ADVANCED THERAPY.—

"(1) IN GENERAL.—The Secretary, at the request of the sponsor of a drug, shall facilitate an efficient development program for, and expedite review of, such drug if the drug qualifies as a regenerative advanced therapy under the criteria described in paragraph (2).

"(2) CRITERIA.—A drug is eligible for designation as a regenerative advanced therapy under this subsection if—

"(A) the drug is a regenerative medicine therapy (as defined in paragraph (8));

"(B) the drug is intended to treat, modify, reverse, or cure a serious or life-threatening disease or condition; and

"(C) preliminary clinical evidence indicates that the drug has the potential to address unmet medical needs for such a disease or condition.

"(3) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a regenerative advanced therapy concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act.

"(4) DESIGNATION.—Not later than 60 calendar days after the receipt of a request under paragraph (3), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (2). If the Secretary determines that the drug meets the criteria, the Secretary shall designate the drug as a regenerative advanced therapy and shall take such actions as are appropriate under paragraph (1). If the Secretary determines that a drug does not meet the criteria for such designation, the Secretary shall include with the determination a written description of the rationale for such determination.

"(5) ACTIONS.—The sponsor of a regenerative advanced therapy shall be eligible for the actions to expedite development and review of such therapy under subsection (a)(3)(B), including early interactions to discuss any potential surrogate or intermediate endpoint to be used to support the accelerated approval of an application for the product under subsection (c).

"(6) ACCESS TO EXPEDITED APPROVAL PATHWAYS.—An application for a regenerative advanced therapy under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act may be—

"(A) eligible for priority review, as described in the Manual of Policies and Procedures of the Food and Drug Administration and goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012; and

"(B) eligible for accelerated approval under subsection (c), as agreed upon pursuant to subsection (a)(3)(B), through, as appropriate—

"(i) surrogate or intermediate endpoints reasonably likely to predict long-term clinical benefit; or

"(ii) reliance upon data obtained from a meaningful number of sites, including through expansion to additional sites, as appropriate.

"(7) POSTAPPROVAL REQUIREMENTS.—The sponsor of a regenerative advanced therapy that is granted accelerated approval and is subject to the postapproval requirements under subsection (c) may, as appropriate, fulfill such requirements, as the Secretary may require, through—

"(A) the submission of clinical evidence, clinical studies, patient registries, or other sources of real world evidence, such as electronic health records;

"(B) the collection of larger confirmatory data sets, as agreed upon pursuant to subsection (a)(3)(B); or

"(C) postapproval monitoring of all patients treated with such therapy prior to approval of the therapy.

"(8) DEFINITION.—For purposes of this section, the term 'regenerative medicine therapy' includes cell therapy, therapeutic tissue engineering products, human cell and tissue products, and combination products using any such therapies or products, except for those regulated solely under section 361 of the Public Health Service Act and part 1271 of title 21, Code of Federal Regulations.".

(b) RULE OF CONSTRUCTION.—Nothing in this section and the amendments made by this section shall be construed to alter the authority of the Secretary of Health and Human Services— 21 USC 356 note.

(1) to approve drugs pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and section 351 of the Public Health Service Act (42 U.S.C. 262) as authorized prior to the date of enactment of the 21st Century Cures Act, including the standards of evidence, and applicable conditions, for approval under such Acts; or

(2) to alter the authority of the Secretary to require postapproval studies pursuant to such Acts, as authorized prior to the date of enactment of the 21st Century Cures Act.

(c) CONFORMING AMENDMENT.—Section 506(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(e)(1)) is amended by inserting "and the 21st Century Cures Act" after "Food and Drug Administration Safety and Innovation Act".

SEC. 3034. GUIDANCE REGARDING DEVICES USED IN THE RECOVERY, ISOLATION, OR DELIVERY OF REGENERATIVE ADVANCED THERAPIES. 21 USC 356g note.

(a) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue draft guidance clarifying how, in the context of regenerative advanced therapies, the Secretary will evaluate devices used in the recovery, isolation, or delivery of regenerative advanced therapies. In doing so, the Secretary shall specifically address—

(1) how the Food and Drug Administration intends to simplify and streamline regulatory requirements for combination device and cell or tissue products;

(2) what, if any, intended uses or specific attributes would result in a device used with a regenerative therapy product to be classified as a class III device;

(3) when the Food and Drug Administration considers it is necessary, if ever, for the intended use of a device to be limited to a specific intended use with only one particular type of cell; and

(4) application of the least burdensome approach to demonstrate how a device may be used with more than one cell type.

(b) FINAL GUIDANCE.—Not later than 12 months after the close of the period for public comment on the draft guidance under subsection (a), the Secretary of Health and Human Services shall finalize such guidance.

SEC. 3035. REPORT ON REGENERATIVE ADVANCED THERAPIES. 21 USC 356 note.

(a) REPORT TO CONGRESS.—Before March 1 of each calendar year, the Secretary of Health and Human Services shall, with

respect to the previous calendar year, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) the number and type of applications for approval of regenerative advanced therapies filed, approved or licensed as applicable, withdrawn, or denied; and

(2) how many of such applications or therapies, as applicable, were granted accelerated approval or priority review.

(b) REGENERATIVE ADVANCED THERAPY.—In this section, the term "regenerative advanced therapy" has the meaning given such term in section 506(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 3033 of this Act.

SEC. 3036. STANDARDS FOR REGENERATIVE MEDICINE AND REGENERATIVE ADVANCED THERAPIES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506F the following:

21 USC 356g.

"SEC. 506G. STANDARDS FOR REGENERATIVE MEDICINE AND REGENERATIVE ADVANCED THERAPIES.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the 21st Century Cures Act, the Secretary, in consultation with the National Institute of Standards and Technology and stakeholders (including regenerative medicine and advanced therapies manufacturers and clinical trial sponsors, contract manufacturers, academic institutions, practicing clinicians, regenerative medicine and advanced therapies industry organizations, and standard setting organizations), shall facilitate an effort to coordinate and prioritize the development of standards and consensus definition of terms, through a public process, to support, through regulatory predictability, the development, evaluation, and review of regenerative medicine therapies and regenerative advanced therapies, including with respect to the manufacturing processes and controls of such products.

"(b) ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall continue to—

"(A) identity opportunities to help advance the development of regenerative medicine therapies and regenerative advanced therapies;

"(B) identify opportunities for the development of laboratory regulatory science research and documentary standards that the Secretary determines would help support the development, evaluation, and review of regenerative medicine therapies and regenerative advanced therapies through regulatory predictability; and

"(C) work with stakeholders, such as those described in subsection (a), as appropriate, in the development of such standards.

"(2) REGULATIONS AND GUIDANCE.—Not later than 1 year after the development of standards as described in subsection (a), the Secretary shall review relevant regulations and guidance and, through a public process, update such regulations and guidance as the Secretary determines appropriate.

"(c) DEFINITIONS.—For purposes of this section, the terms 'regenerative medicine therapy' and 'regenerative advanced therapy' have the meanings given such terms in section 506(g).".

SEC. 3037. HEALTH CARE ECONOMIC INFORMATION.

Section 502(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(a)) is amended—

(1) by striking "(a) If its" and inserting "(a)(1) If its";

(2) by striking "a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations" and inserting "a payor, formulary committee, or other similar entity with knowledge and expertise in the area of health care economic analysis, carrying out its responsibilities for the selection of drugs for coverage or reimbursement";

(3) by striking "directly relates" and inserting "relates";

(4) by striking "and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a) or in section 351(a) of the Public Health Service Act shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph" and inserting ", is based on competent and reliable scientific evidence, and includes, where applicable, a conspicuous and prominent statement describing any material differences between the health care economic information and the labeling approved for the drug under section 505 or under section 351 of the Public Health Service Act. The requirements set forth in section 505(a) or in subsections (a) and (k) of section 351 of the Public Health Service Act shall not apply to health care economic information provided to such a payor, committee, or entity in accordance with this paragraph"; and

(5) by striking "In this paragraph, the term" and all that follows and inserting the following:

"(2)(A) For purposes of this paragraph, the term 'health care economic information' means any analysis (including the clinical data, inputs, clinical or other assumptions, methods, results, and other components underlying or comprising the analysis) that identifies, measures, or describes the economic consequences, which may be based on the separate or aggregated clinical consequences of the represented health outcomes, of the use of a drug. Such analysis may be comparative to the use of another drug, to another health care intervention, or to no intervention.

"(B) Such term does not include any analysis that relates only to an indication that is not approved under section 505 or under section 351 of the Public Health Service Act for such drug.".

SEC. 3038. COMBINATION PRODUCT INNOVATION.

(a) IN GENERAL.—Section 503(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(g)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraph (2) as paragraph (7);

(3) by redesignating paragraphs (4) and (5) as paragraphs (8) and (9), respectively;

(4) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) The Secretary shall, in accordance with this subsection, assign a primary agency center to regulate products that constitute a combination of a drug, device, or biological product.

"(B) The Secretary shall conduct the premarket review of any combination product under a single application, whenever appropriate.

"(C) For purposes of this subsection, the term 'primary mode of action' means the single mode of action of a combination product expected to make the greatest contribution to the overall intended therapeutic effects of the combination product.

"(D) The Secretary shall determine the primary mode of action of the combination product. If the Secretary determines that the primary mode of action is that of—

"(i) a drug (other than a biological product), the agency center charged with premarket review of drugs shall have primary jurisdiction;

"(ii) a device, the agency center charged with premarket review of devices shall have primary jurisdiction; or

"(iii) a biological product, the agency center charged with premarket review of biological products shall have primary jurisdiction.

"(E) In determining the primary mode of action of a combination product, the Secretary shall not determine that the primary mode of action is that of a drug or biological product solely because the combination product has any chemical action within or on the human body.

"(F) If a sponsor of a combination product disagrees with the determination under subparagraph (D)—

"(i) such sponsor may request, and the Secretary shall provide, a substantive rationale to such sponsor that references scientific evidence provided by the sponsor and any other scientific evidence relied upon by the Secretary to support such determination; and

"(ii)(I) the sponsor of the combination product may propose one or more studies (which may be nonclinical, clinical, or both) to establish the relevance, if any, of the chemical action in achieving the primary mode of action of such product;

"(II) if the sponsor proposes any such studies, the Secretary and the sponsor of such product shall collaborate and seek to reach agreement, within a reasonable time of such proposal, not to exceed 90 calendar days, on the design of such studies; and

"(III) if an agreement is reached under subclause (II) and the sponsor conducts one or more of such studies, the Secretary shall consider the data resulting from any such study when reevaluating the determination of the primary mode of action of such product, and unless and until such reevaluation has occurred and the Secretary issues a new determination, the determination of the Secretary under subparagraph (D) shall remain in effect.

"(2)(A)(i) To establish clarity and certainty for the sponsor, the sponsor of a combination product may request a meeting on such combination product. If the Secretary concludes that a determination of the primary mode of action pursuant to paragraph (1)(D) is necessary, the sponsor may request such meeting only after the Secretary makes such determination. If the sponsor submits a written meeting request, the Secretary shall, not later than

75 calendar days after receiving such request, meet with the sponsor of such combination product.

"(ii) A meeting under clause (i) may—

"(I) address the standards and requirements for market approval or clearance of the combination product;

"(II) address other issues relevant to such combination product, such as requirements related to postmarket modification of such combination product and good manufacturing practices applicable to such combination product; and

"(III) identify elements under subclauses (I) and (II) that may be more appropriate for discussion and agreement with the Secretary at a later date given that scientific or other information is not available, or agreement is otherwise not feasible regarding such elements, at the time a request for such meeting is made.

"(iii) Any agreement under this subparagraph shall be in writing and made part of the administrative record by the Secretary.

"(iv) Any such agreement shall remain in effect, except—

"(I) upon the written agreement of the Secretary and the sponsor or applicant; or

"(II) pursuant to a decision by the director of the reviewing division of the primary agency center, or a person more senior than such director, in consultation with consulting centers and the Office, as appropriate, that an issue essential to determining whether the standard for market clearance or other applicable standard under this Act or the Public Health Service Act applicable to the combination product has been identified since the agreement was reached, or that deviating from the agreement is otherwise justifiable based on scientific evidence, for public health reasons.

"(3) For purposes of conducting the premarket review of a combination product that contains an approved constituent part described in paragraph (4), the Secretary may require that the sponsor of such combination product submit to the Secretary only data or information that the Secretary determines is necessary to meet the standard for clearance or approval, as applicable, under this Act or the Public Health Service Act, including any incremental risks and benefits posed by such combination product, using a risk-based approach and taking into account any prior finding of safety and effectiveness or substantial equivalence for the approved constituent part relied upon by the applicant in accordance with paragraph (5).

"(4) For purposes of paragraph (3), an approved constituent part is—

"(A) a drug constituent part of a combination product being reviewed in a single application or request under section 515, 510(k), or 513(f)(2) (submitted in accordance with paragraph (5)), that is an approved drug, provided such application or request complies with paragraph (5);

"(B) a device constituent part approved under section 515 that is referenced by the sponsor and that is available for use by the Secretary under section 520(h)(4); or

"(C) any constituent part that was previously approved, cleared, or classified under section 505, 510(k), 513(f)(2), or 515 of this Act for which the sponsor has a right of reference or any constituent part that is a nonprescription drug, as defined in section 760(a)(2).

"(5)(A) If an application is submitted under section 515 or 510(k) or a request is submitted under section 513(f)(2), consistent with any determination made under paragraph (1)(D), for a combination product containing as a constituent part an approved drug—

"(i) the application or request shall include the certification or statement described in section 505(b)(2); and

"(ii) the applicant or requester shall provide notice as described in section 505(b)(3).

"(B) For purposes of this paragraph and paragraph (4), the term 'approved drug' means an active ingredient—

"(i) that was in an application previously approved under section 505(c);

"(ii) where such application is relied upon by the applicant submitting the application or request described in subparagraph (A);

"(iii) for which full reports of investigations that have been made to show whether such drug is safe for use and whether such drug is effective in use were not conducted by or for the applicant submitting the application or request described in subparagraph (A); and

"(iv) for which the applicant submitting the application or request described in subparagraph (A) has not obtained a right of reference or use from the person by or for whom the investigations described in clause (iii) were conducted.

"(C) The following provisions shall apply with respect to an application or request described in subparagraph (A) to the same extent and in the same manner as if such application or request were an application described in section 505(b)(2) that referenced the approved drug:

"(i) Subparagraphs (A), (B), (C), and (D) of section 505(c)(3).

"(ii) Clauses (ii), (iii), and (iv) of section 505(c)(3)(E).

"(iii) Subsections (b) and (c) of section 505A.

"(iv) Section 505E(a).

"(v) Section 527(a).

"(D) Notwithstanding any other provision of this subsection, an application or request for classification for a combination product described in subparagraph (A) shall be considered an application submitted under section 505(b)(2) for purposes of section 271(e)(2)(A) of title 35, United States Code.

"(6) Nothing in this subsection shall be construed as prohibiting a sponsor from submitting separate applications for the constituent parts of a combination product, unless the Secretary determines that a single application is necessary.";

(5) in paragraph (8) (as redesignated by paragraph (3))—

(A) in subparagraph (C)—

(i) by amending clause (i) to read as follows:

"(i) In carrying out this subsection, the Office shall help to ensure timely and effective premarket review that involves more than one agency center by coordinating such reviews, overseeing the timeliness of such reviews, and overseeing the alignment of feedback regarding such reviews.";

(ii) in clause (ii), by inserting "and alignment" after "the timeliness" each place it appears; and

(iii) by adding at the end the following new clauses:

"(iii) The Office shall ensure that, with respect to a combination product, a designated person or persons in the primary agency

center is the primary point or points of contact for the sponsor of such combination product. The Office shall also coordinate communications to and from any consulting center involved in such premarket review, if requested by such primary agency center or any such consulting center. Agency communications and commitments, to the extent consistent with other provisions of law and the requirements of all affected agency centers, from the primary agency center shall be considered as communication from the Secretary on behalf of all agency centers involved in the review.

"(iv) The Office shall, with respect to the premarket review of a combination product—

"(I) ensure that any meeting between the Secretary and the sponsor of such product is attended by each agency center involved in the review, as appropriate;

"(II) ensure that each consulting agency center has completed its premarket review and provided the results of such review to the primary agency center in a timely manner; and

"(III) ensure that each consulting center follows the guidance described in clause (vi) and advises, as appropriate, on other relevant regulations, guidances, and policies.

"(v) In seeking agency action with respect to a combination product, the sponsor of such product—

"(I) shall identify the product as a combination product; and

"(II) may request in writing the participation of representatives of the Office in meetings related to such combination product, or to have the Office otherwise engage on such regulatory matters concerning the combination product.

"(vi) Not later than 4 years after the date of enactment of the 21st Century Cures Act, and after a public comment period of not less than 60 calendar days, the Secretary shall issue a final guidance that describes—

"(I) the structured process for managing pre-submission interactions with sponsors developing combination products;

"(II) the best practices for ensuring that the feedback in such pre-submission interactions represents the Agency's best advice based on the information provided during such pre-submission interactions;

"(III) the information that is required to be submitted with a meeting request under paragraph (2), how such meetings relate to other types of meetings in the Food and Drug Administration, and the form and content of any agreement reached through a meeting under such paragraph (2);"; and

(B) in subparagraph (G)—

(i) in the matter preceding clause (i), by inserting "(except with respect to clause (iv), beginning not later than one year after the date of the enactment of the 21st Century Cures Act)" after "enactment of this paragraph";

(ii) in clause (ii), by striking "and" at the end;

(iii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new clause:

"(iv) identifying the percentage of combination products for which a dispute resolution, with respect to premarket review, was requested by the combination product's sponsor."; and

(6) in paragraph (9) (as redesignated by paragraph (3))—

(A) in subparagraph (C)—

(i) in clause (i), by striking the comma at the end and inserting a semicolon;

(ii) in clause (ii), by striking ", and" at the end and inserting a semicolon;

(iii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(iv) de novo classification under section 513(a)(1)."; and

(B) by adding at the end the following:

"(D) The terms 'premarket review' and 'reviews' include all activities of the Food and Drug Administration conducted prior to approval or clearance of an application, notification, or request for classification submitted under section 505, 510(k), 513(f)(2), 515, or 520 of this Act or under section 351 of the Public Health Service Act, including with respect to investigational use of the product.".

(b) INFORMATION FOR APPROVAL OF COMBINATION PRODUCTS.—Section 520(h)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(h)(4)) is amended—

(1) in subparagraph (A), by striking "Any information" and inserting "Subject to subparagraph (C), any information"; and

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

"(C) No information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) may be used to approve or clear any application submitted under section 515 or 510(k) or to classify a product under section 513(f)(2) for a combination product containing as a constituent part an approved drug (as defined in section 503(g)(5)(B)) unless—

"(i) the application includes the certification or statement referenced in section 503(g)(5)(A);

"(ii) the applicant provides notice as described in section 503(g)(5)(A); and

"(iii) the Secretary's approval of such application is subject to the provisions in section 503(g)(5)(C).".

21 USC 355 note.

(c) VARIATIONS FROM CGMP STREAMLINED APPROACH.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall identify types of combination products and manufacturing processes with respect to which the Secretary proposes that good manufacturing processes may be adopted that vary from the requirements set forth in section 4.4 of title 21, Code of Federal Regulations (or any successor regulations) or that the Secretary proposes can satisfy the requirements in section 4.4 through alternative or streamlined mechanisms. The Secretary shall identify such types, variations from such requirements, and such mechanisms, in a proposed list published in the Federal Register. After a public comment period regarding the appropriate good manufacturing practices for such types, the Secretary shall publish a final list in the Federal Register, notwithstanding section 553 of title 5, United States Code. The Secretary shall evaluate such types, variations, and mechanisms using a risk-based approach. The Secretary shall periodically review such final list.

Subtitle E—Antimicrobial Innovation and Stewardship

SEC. 3041. ANTIMICROBIAL RESISTANCE MONITORING.

(a) IN GENERAL.—Section 319E of the Public Health Service Act (42 U.S.C. 247d–5) is amended—

(1) by redesignating subsections (f) and (g) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (e), the following:

"(f) MONITORING AT FEDERAL HEALTH CARE FACILITIES.—The Secretary shall encourage reporting on aggregate antimicrobial drug use and antimicrobial resistance to antimicrobial drugs and the implementation of antimicrobial stewardship programs by health care facilities of the Department of Defense, the Department of Veterans Affairs, and the Indian Health Service and shall provide technical assistance to the Secretary of Defense and the Secretary of Veterans Affairs, as appropriate and upon request.

"(g) REPORT ON ANTIMICROBIAL RESISTANCE IN HUMANS AND USE OF ANTIMICROBIAL DRUGS.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, and annually thereafter, the Secretary shall prepare and make publicly available data and information concerning—

"(1) aggregate national and regional trends of antimicrobial resistance in humans to antimicrobial drugs, including such drugs approved under section 506(h) of the Federal Food, Drug, and Cosmetic Act;

"(2) antimicrobial stewardship, which may include summaries of State efforts to address antimicrobial resistance in humans to antimicrobial drugs and antimicrobial stewardship; and

"(3) coordination between the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs with respect to the monitoring of—

"(A) any applicable resistance under paragraph (1); and

"(B) drugs approved under section 506(h) of the Federal Food, Drug, and Cosmetic Act.

"(h) INFORMATION RELATED TO ANTIMICROBIAL STEWARDSHIP PROGRAMS.—The Secretary shall, as appropriate, disseminate guidance, educational materials, or other appropriate materials related to the development and implementation of evidence-based antimicrobial stewardship programs or practices at health care facilities, such as nursing homes and other long-term care facilities, ambulatory surgical centers, dialysis centers, outpatient clinics, and hospitals, including community and rural hospitals.

"(i) SUPPORTING STATE-BASED ACTIVITIES TO COMBAT ANTIMICROBIAL RESISTANCE.—The Secretary shall continue to work with State and local public health departments on statewide or regional programs related to antimicrobial resistance. Such efforts may include activities to related to—

"(1) identifying patterns of bacterial and fungal resistance in humans to antimicrobial drugs;

"(2) preventing the spread of bacterial and fungal infections that are resistant to antimicrobial drugs; and

"(3) promoting antimicrobial stewardship.

"(j) ANTIMICROBIAL RESISTANCE AND STEWARDSHIP ACTIVITIES.—

"(1) IN GENERAL.—For the purposes of supporting stewardship activities, examining changes in antimicrobial resistance, and evaluating the effectiveness of section 506(h) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall—

"(A) provide a mechanism for facilities to report data related to their antimicrobial stewardship activities (including analyzing the outcomes of such activities); and

"(B) evaluate—

"(i) antimicrobial resistance data using a standardized approach; and

"(ii) trends in the utilization of drugs approved under such section 506(h) with respect to patient populations.

"(2) USE OF SYSTEMS.—The Secretary shall use available systems, including the National Healthcare Safety Network or other systems identified by the Secretary, to fulfill the requirements or conduct activities under this section.

"(k) ANTIMICROBIAL.—For purposes of subsections (f) through (j), the term 'antimicrobial' includes any antibacterial or antifungal drugs, and may include drugs that eliminate or inhibit the growth of other microorganisms, as appropriate.".

42 USC 247d–5 note.

(b) AVAILABILITY OF DATA.—The Secretary shall make the data collected pursuant to this subsection public. Nothing in this subsection shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

SEC. 3042. LIMITED POPULATION PATHWAY.

Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356), as amended by section 3033, is further amended by adding at the end the following:

"(h) LIMITED POPULATION PATHWAY FOR ANTIBACTERIAL AND ANTIFUNGAL DRUGS.—

"(1) IN GENERAL.—The Secretary may approve an antibacterial or antifungal drug, alone or in combination with one or more other drugs, as a limited population drug pursuant to this subsection only if—

"(A) the drug is intended to treat a serious or life-threatening infection in a limited population of patients with unmet needs;

"(B) the standards for approval under section 505(c) and (d), or the standards for licensure under section 351 of the Public Health Service Act, as applicable, are met; and

"(C) the Secretary receives a written request from the sponsor to approve the drug as a limited population drug pursuant to this subsection.

"(2) BENEFIT-RISK CONSIDERATION.—The Secretary's determination of safety and effectiveness of an antibacterial or antifungal drug shall reflect the benefit-risk profile of such drug in the intended limited population, taking into account the severity, rarity, or prevalence of the infection the drug is intended to treat and the availability or lack of alternative treatment in such limited population. Such drug may be

approved under this subsection notwithstanding a lack of evidence to fully establish a favorable benefit-risk profile in a population that is broader than the intended limited population.

"(3) ADDITIONAL REQUIREMENTS.—A drug approved under this subsection shall be subject to the following requirements, in addition to any other applicable requirements of this Act:

"(A) LABELING.—To indicate that the safety and effectiveness of a drug approved under this subsection has been demonstrated only with respect to a limited population—

"(i) all labeling and advertising of an antibacterial or antifungal drug approved under this subsection shall contain the statement 'Limited Population' in a prominent manner and adjacent to, and not more prominent than—

"(I) the proprietary name of such drug, if any; or

"(II) if there is no proprietary name, the established name of the drug, if any, as defined in section 503(e)(3), or, in the case of a drug that is a biological product, the proper name, as defined by regulation; and

"(ii) the prescribing information for the drug required by section 201.57 of title 21, Code of Federal Regulations (or any successor regulation) shall also include the following statement: 'This drug is indicated for use in a limited and specific population of patients.'.

"(B) PROMOTIONAL MATERIAL.—The sponsor of an antibacterial or antifungal drug subject to this subsection shall submit to the Secretary copies of all promotional materials related to such drug at least 30 calendar days prior to dissemination of the materials.

"(4) OTHER PROGRAMS.—A sponsor of a drug that seeks approval of a drug under this subsection may also seek designation or approval, as applicable, of such drug under other applicable sections or subsections of this Act or the Public Health Service Act.

"(5) GUIDANCE.—Not later than 18 months after the date of enactment of the 21st Century Cures Act, the Secretary shall issue draft guidance describing criteria, processes, and other general considerations for demonstrating the safety and effectiveness of limited population antibacterial and antifungal drugs. The Secretary shall publish final guidance within 18 months of the close of the public comment period on such draft guidance. The Secretary may approve antibacterial and antifungal drugs under this subsection prior to issuing guidance under this paragraph.

"(6) ADVICE.—The Secretary shall provide prompt advice to the sponsor of a drug for which the sponsor seeks approval under this subsection to enable the sponsor to plan a development program to obtain the necessary data for such approval, and to conduct any additional studies that would be required to gain approval of such drug for use in a broader population.

"(7) TERMINATION OF LIMITATIONS.—If, after approval of a drug under this subsection, the Secretary approves a broader indication for such drug under section 505(b) or section 351(a) of the Public Health Service Act, the Secretary may remove

any postmarketing conditions, including requirements with respect to labeling and review of promotional materials under paragraph (3), applicable to the approval of the drug under this subsection.

"(8) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter the authority of the Secretary to approve drugs pursuant to this Act or section 351 of the Public Health Service Act, including the standards of evidence and applicable conditions for approval under such Acts, the standards of approval of a drug under such Acts, or to alter the authority of the Secretary to monitor drugs pursuant to such Acts.

"(9) REPORTING AND ACCOUNTABILITY.—

"(A) BIENNIAL REPORTING.—The Secretary shall report to Congress not less often than once every 2 years on the number of requests for approval, and the number of approvals, of an antibacterial or antifungal drug under this subsection.

"(B) GAO REPORT.—Not later than December 2021, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on the coordination of activities required under section 319E of the Public Health Service Act. Such report shall include a review of such activities, and the extent to which the use of the pathway established under this subsection has streamlined premarket approval for antibacterial or antifungal drugs for limited populations, if such pathway has functioned as intended, if such pathway has helped provide for safe and effective treatment for patients, if such premarket approval would be appropriate for other categories of drugs, and if the authorities under this subsection have affected antibacterial or antifungal resistance.".

21 USC 356 note.

SEC. 3043. PRESCRIBING AUTHORITY.

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed to restrict the prescribing of antimicrobial drugs or other products, including drugs approved under subsection (h) of section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) (as added by section 3042), by health care professionals, or to limit the practice of health care.

SEC. 3044. SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA FOR MICROORGANISMS; ANTIMICROBIAL SUSCEPTIBILITY TESTING DEVICES.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 511 the following:

21 USC 360a–2.

"SEC. 511A. SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA FOR MICROORGANISMS.

"(a) PURPOSE; IDENTIFICATION OF CRITERIA.—

"(1) PURPOSE.—The purpose of this section is to clarify the Secretary's authority to—

"(A) efficiently update susceptibility test interpretive criteria for antimicrobial drugs when necessary for public

health, due to, among other things, the constant evolution of microorganisms that leads to the development of resistance to drugs that have been effective in decreasing morbidity and mortality for patients, which warrants unique management of antimicrobial drugs that is inappropriate for most other drugs in order to delay or prevent the development of further resistance to existing therapies;

"(B) provide for public notice of the availability of recognized interpretive criteria and interpretive criteria standards; and

"(C) clear under section 510(k), classify under section 513(f)(2), or approve under section 515, antimicrobial susceptibility testing devices utilizing updated, recognized susceptibility test interpretive criteria to characterize the in vitro susceptibility of particular bacteria, fungi, or other microorganisms, as applicable, to antimicrobial drugs.

"(2) IDENTIFICATION OF CRITERIA.—The Secretary shall identify appropriate susceptibility test interpretive criteria with respect to antimicrobial drugs—

"(A) if such criteria are available on the date of approval of the drug under section 505 of this Act or licensure of the drug under section 351 of the Public Health Service Act (as applicable), upon such approval or licensure; or

"(B) if such criteria are unavailable on such date, on the date on which such criteria are available for such drug.

"(3) BASES FOR INITIAL IDENTIFICATION.—The Secretary shall identify appropriate susceptibility test interpretive criteria under paragraph (2), based on the Secretary's review of, to the extent available and relevant—

"(A) preclinical and clinical data, including pharmacokinetic, pharmacodynamic, and epidemiological data;

"(B) the relationship of susceptibility test interpretive criteria to morbidity and mortality associated with the disease or condition for which such drug is used; and

"(C) such other evidence and information as the Secretary considers appropriate.

"(b) SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA WEBSITE.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the 21st Century Cures Act, the Secretary shall establish, and maintain thereafter, on the website of the Food and Drug Administration, a dedicated website that contains a list of any appropriate new or updated susceptibility test interpretive criteria standards and interpretive criteria in accordance with paragraph (2) (referred to in this section as the 'Interpretive Criteria Website').

"(2) LISTING OF SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA STANDARDS AND INTERPRETIVE CRITERIA.—

"(A) IN GENERAL.—The list described in paragraph (1) shall consist of any new or updated susceptibility test interpretive criteria standards that are—

"(i) established by a nationally or internationally recognized standard development organization that—

"(I) establishes and maintains procedures to address potential conflicts of interest and ensure transparent decisionmaking;

"(II) holds open meetings to ensure that there is an opportunity for public input by interested parties, and establishes and maintains processes to ensure that such input is considered in decision-making; and

"(III) permits its standards to be made publicly available, through the National Library of Medicine or another similar source acceptable to the Secretary; and

"(ii) recognized in whole, or in part, by the Secretary under subsection (c).

"(B) OTHER LIST.—The Interpretive Criteria Website shall, in addition to the list described in subparagraph (A), include a list of interpretive criteria, if any, that the Secretary has determined to be appropriate with respect to legally marketed antimicrobial drugs, where—

"(i) the Secretary does not recognize, in whole or in part, an interpretive criteria standard described under subparagraph (A) otherwise applicable to such a drug;

"(ii) the Secretary withdraws under subsection (c)(1)(A) recognition of a standard, in whole or in part, otherwise applicable to such a drug;

"(iii) the Secretary approves an application under section 505 of this Act or section 351 of the Public Health Service Act, as applicable, with respect to marketing of such a drug for which there are no relevant interpretive criteria included in a standard recognized by the Secretary under subsection (c); or

"(iv) because the characteristics of such a drug differ from other drugs with the same active ingredient, the interpretive criteria with respect to such drug—

"(I) differ from otherwise applicable interpretive criteria included in a standard listed under subparagraph (A) or interpretive criteria otherwise listed under this subparagraph; and

"(II) are determined by the Secretary to be appropriate for the drug.

"(C) REQUIRED STATEMENTS.—The Interpretive Criteria Website shall include statements conveying—

"(i) that the website provides information about the in vitro susceptibility of bacteria, fungi, or other microorganisms, as applicable to a certain drug (or drugs);

"(ii) that—

"(I) the safety and efficacy of such drugs in treating clinical infections due to such bacteria, fungi, or other microorganisms, as applicable, may or may not have been established in adequate and well-controlled clinical trials in order for the susceptibility information described in clause (i) to be included on the website; and

"(II) the clinical significance of such susceptibility information in such instances is unknown;

"(iii) that the approved product labeling for specific drugs provides the uses for which the Secretary has approved the product; and

"(iv) any other information that the Secretary determines appropriate to adequately convey the meaning of the data supporting the recognition or listing of susceptibility test interpretive criteria standards or susceptibility test interpretive criteria included on the website.

"(3) NOTICE.—Not later than the date on which the Interpretive Criteria Website is established, the Secretary shall publish a notice of that establishment in the Federal Register.

"(4) INAPPLICABILITY OF MISBRANDING PROVISION.—The inclusion in the approved labeling of an antimicrobial drug of a reference or hyperlink to the Interpretive Criteria Website, in and of itself, shall not cause the drug to be misbranded in violation of section 502.

"(5) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

"(c) RECOGNITION OF SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA.—

"(1) EVALUATION AND PUBLICATION.—

"(A) IN GENERAL.—Beginning on the date of the establishment of the Interpretive Criteria Website, and at least every 6 months thereafter, the Secretary shall—

"(i) evaluate any appropriate new or updated susceptibility test interpretive criteria standards established by a nationally or internationally recognized standard development organization described in subsection (b)(2)(A)(i); and

"(ii) publish on the public website of the Food and Drug Administration a notice—

"(I) withdrawing recognition of any different susceptibility test interpretive criteria standard, in whole or in part;

"(II) recognizing the new or updated standards;

"(III) recognizing one or more parts of the new or updated interpretive criteria specified in such a standard and declining to recognize the remainder of such standard; and

"(IV) making any necessary updates to the lists under subsection (b)(2).

"(B) UPON APPROVAL OF A DRUG.—Upon the approval of an initial or supplemental application for an antimicrobial drug under section 505 of this Act or section 351 of the Public Health Service Act, as applicable, where such approval is based on susceptibility test interpretive criteria which differ from those contained in a standard recognized, or from those otherwise listed, by the Secretary pursuant to this subsection, or for which there are no relevant interpretive criteria standards recognized, or interpretive criteria otherwise listed, by the Secretary pursuant to this subsection, the Secretary shall update the lists under subparagraphs (A) and (B) of subsection (b)(2) to include the susceptibility test interpretive criteria upon which such approval was based.

"(2) BASES FOR UPDATING INTERPRETIVE CRITERIA STANDARDS.—In evaluating new or updated susceptibility test interpretive criteria standards under paragraph (1)(A), the Secretary may consider—

"(A) the Secretary's determination that such a standard is not applicable to a particular drug because the characteristics of the drug differ from other drugs with the same active ingredient;

"(B) information provided by interested third parties, including public comment on the annual compilation of notices published under paragraph (3);

"(C) any bases used to identify susceptibility test interpretive criteria under subsection (a)(2); and

"(D) such other information or factors as the Secretary determines appropriate.

"(3) ANNUAL COMPILATION OF NOTICES.—Each year, the Secretary shall compile the notices published under paragraph (1)(A) and publish such compilation in the Federal Register and provide for public comment. If the Secretary receives comments, the Secretary shall review such comments and, if the Secretary determines appropriate, update pursuant to this subsection susceptibility test interpretive criteria standards or criteria—

"(A) recognized by the Secretary under this subsection; or

"(B) otherwise listed on the Interpretive Criteria Website under subsection (b)(2).

"(4) RELATION TO SECTION 514(c).—Any susceptibility test interpretive standard recognized under this subsection or any criteria otherwise listed under subsection (b)(2)(B) shall be deemed to be recognized as a standard by the Secretary under section 514(c)(1).

"(5) VOLUNTARY USE OF INTERPRETIVE CRITERIA.—Nothing in this section prohibits a person from seeking approval or clearance of a drug or device, or changes to the drug or the device, on the basis of susceptibility test interpretive criteria which differ from those contained in a standard recognized, or from those otherwise listed, by the Secretary pursuant to subsection (b)(2).

"(d) ANTIMICROBIAL DRUG LABELING.—

"(1) DRUGS MARKETED PRIOR TO ESTABLISHMENT OF INTERPRETIVE CRITERIA WEBSITE.—

"(A) IN GENERAL.—With respect to an antimicrobial drug lawfully introduced or delivered for introduction into interstate commerce for commercial distribution before the establishment of the Interpretive Criteria Website, a holder of an approved application under section 505 of this Act or section 351 of the Public Health Service Act, as applicable, for each such drug, not later than 1 year after establishment of the Interpretive Criteria Website described in subsection (b)(1), shall remove susceptibility test interpretive criteria, if any, and related information from the approved drug labeling and replace it with a reference to the Interpretive Criteria Website.

"(B) LABELING CHANGES.—The labeling changes required by this section shall be considered a minor change

under section 314.70 of title 21, Code of Federal Regulations (or any successor regulations) that may be implemented through documentation in the next applicable annual report.

"(2) DRUGS MARKETED SUBSEQUENT TO ESTABLISHMENT OF INTERPRETIVE CRITERIA WEBSITE.—With respect to antimicrobial drugs approved on or after the date of the establishment of the Interpretive Criteria Website described in subsection (b)(1), the labeling for such a drug shall include, in lieu of susceptibility test interpretive criteria and related information, a reference to such Website.

"(e) SPECIAL CONDITION FOR MARKETING OF ANTIMICROBIAL SUSCEPTIBILITY TESTING DEVICES.—

"(1) IN GENERAL.—Notwithstanding sections 501, 502, 505, 510, 513, and 515, if the conditions specified in paragraph (2) are met (in addition to other applicable provisions under this chapter) with respect to an antimicrobial susceptibility testing device described in subsection (f)(1), the Secretary may authorize the marketing of such device for a use described in such subsection.

"(2) CONDITIONS APPLICABLE TO ANTIMICROBIAL SUSCEPTIBILITY TESTING DEVICES.—The conditions specified in this paragraph are the following:

"(A) The device is used to make a determination of susceptibility using susceptibility test interpretive criteria that are—

"(i) included in a standard recognized by the Secretary under subsection (c); or

"(ii) otherwise listed on the Interpretive Criteria Website under subsection (b)(2).

"(B) The labeling of such device includes statements conveying—

"(i) that the device provides information about the in vitro susceptibility of bacteria, fungi, or other microorganisms, as applicable to antimicrobial drugs;

"(ii) that—

"(I) the safety and efficacy of such drugs in treating clinical infections due to such bacteria, fungi, or other microorganisms, as applicable, may or may not have been established in adequate and well-controlled clinical trials in order for the device to report the susceptibility of such bacteria, fungi, or other microorganisms, as applicable, to such drugs; and

"(II) the clinical significance of such susceptibility information in those instances is unknown;

"(iii) that the approved labeling for drugs tested using such a device provides the uses for which the Secretary has approved such drugs; and

"(iv) any other information the Secretary determines appropriate to adequately convey the meaning of the data supporting the recognition or listing of susceptibility test interpretive criteria standards or susceptibility test interpretive criteria described in subparagraph (A).

"(C) The antimicrobial susceptibility testing device meets all other requirements to be cleared under section

510(k), classified under section 513(f)(2), or approved under section 515.

"(f) DEFINITIONS.—In this section:

"(1) The term 'antimicrobial susceptibility testing device' means a device that utilizes susceptibility test interpretive criteria to determine and report the in vitro susceptibility of certain microorganisms to a drug (or drugs).

"(2) The term 'qualified infectious disease product' means a qualified infectious disease product designated under section 505E(d).

"(3) The term 'susceptibility test interpretive criteria' means—

"(A) one or more specific numerical values which characterize the susceptibility of bacteria or other microorganisms to the drug tested; and

"(B) related categorizations of such susceptibility, including categorization of the drug as susceptible, intermediate, resistant, or such other term as the Secretary determines appropriate.

"(4)(A) The term 'antimicrobial drug' means, subject to subparagraph (B), a systemic antibacterial or antifungal drug that—

"(i) is intended for human use in the treatment of a disease or condition caused by a bacterium or fungus;

"(ii) may include a qualified infectious disease product designated under section 505E(d); and

"(iii) is subject to section 503(b)(1).

"(B) If provided by the Secretary through regulations, such term may include—

"(i) drugs other than systemic antibacterial and antifungal drugs; and

"(ii) biological products (as such term is defined in section 351 of the Public Health Service Act) to the extent such products exhibit antimicrobial activity.

"(5) The term 'interpretive criteria standard' means a compilation of susceptibility test interpretive criteria developed by a standard development organization that meets the criteria set forth in subsection (b)(2)(A)(i).

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) alter the standards of evidence under subsection (c) or (d) of section 505 (including the substantial evidence standard under section 505(d)) or under section 351 of the Public Health Service Act (as applicable); or

"(2) with respect to clearing devices under section 510(k), classifying devices under section 513(f)(2), or approving devices under section 515—

"(A) apply with respect to any drug, device, or biological product, in any context other than an antimicrobial drug and an antimicrobial susceptibility testing device that uses susceptibility test interpretive criteria to characterize and report the susceptibility of certain bacteria, fungi, or other microorganisms, as applicable, to such drug to reflect patient morbidity and mortality in accordance with this section; or

"(B) unless specifically stated, have any effect on authorities provided under other sections of this Act, including any regulations issued under such sections.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF PRIOR RELATED AUTHORITY.—Section 1111 of the Food and Drug Administration Amendments Act of 2007 (42 U.S.C. 247d–5a), relating to identification of clinically susceptible concentrations of antimicrobials, is repealed.

(2) ADDITION TO CATEGORIES OF MISBRANDED DRUGS.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(dd) If it is an antimicrobial drug, as defined in section 511A(f), and its labeling fails to conform with the requirements under section 511A(d).".

(3) RECOGNITION OF INTERPRETIVE CRITERIA STANDARD AS DEVICE STANDARD.—Section 514(c)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(c)(1)(A)) is amended by inserting after "the Secretary shall, by publication in the Federal Register" the following: "(or, with respect to a susceptibility test interpretive criteria standard under section 511A, by posting on the Interpretive Criteria Website in accordance with such section)".

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the progress made in implementing section 511A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a), as added by subsection (a).

(d) REQUESTS FOR UPDATES TO INTERPRETIVE CRITERIA WEBSITE.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information from interested parties regarding updating the lists established under section 511A(b) of the Federal Food, Drug, and Cosmetic Act and posted on the Interpretive Criteria Website established under section 511A(c) of such Act. 21 USC 360a–2 note.

Subtitle F—Medical Device Innovations

SEC. 3051. BREAKTHROUGH DEVICES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515B, as added by section 3034(b), the following:

"SEC. 515C. BREAKTHROUGH DEVICES. 21 USC 360e–3.

"(a) PURPOSE.—The purpose of this section is to encourage the Secretary, and provide the Secretary with sufficient authority, to apply efficient and flexible approaches to expedite the development of, and prioritize the Food and Drug Administration's review of, devices that represent breakthrough technologies.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to expedite the development of, and provide for the priority review for, devices, as determined by the Secretary—

"(1) that provide for more effective treatment or diagnosis of life-threatening or irreversibly debilitating human disease or conditions; and

"(2)(A) that represent breakthrough technologies;

"(B) for which no approved or cleared alternatives exist;

"(C) that offer significant advantages over existing approved or cleared alternatives, including the potential, compared to existing approved alternatives, to reduce or eliminate the need for hospitalization, improve patient quality of life, facilitate patients' ability to manage their own care (such as through self-directed personal assistance), or establish long-term clinical efficiencies; or

"(D) the availability of which is in the best interest of patients.

"(c) REQUEST FOR DESIGNATION.—A sponsor of a device may request that the Secretary designate such device for expedited development and priority review under this section. Any such request for designation may be made at any time prior to the submission of an application under section 515(c), a notification under section 510(k), or a petition for classification under section 513(f)(2).

"(d) DESIGNATION PROCESS.—

"(1) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under subsection (c), the Secretary shall determine whether the device that is the subject of the request meets the criteria described in subsection (b). If the Secretary determines that the device meets the criteria, the Secretary shall designate the device for expedited development and priority review.

"(2) REVIEW.—Review of a request under subsection (c) shall be undertaken by a team that is composed of experienced staff and senior managers of the Food and Drug Administration.

"(3) WITHDRAWAL.—The Secretary may not withdraw a designation granted under this section on the basis of the criteria under subsection (b) no longer applying because of the subsequent clearance or approval of another device that—

"(A) was designated under this section; or

"(B) was given priority review under section 515(d)(5), as in effect prior to the date of enactment of the 21st Century Cures Act.

"(e) EXPEDITED DEVELOPMENT AND PRIORITY REVIEW.—

"(1) ACTIONS.—For purposes of expediting the development and review of devices designated under subsection (d) the Secretary shall—

"(A) assign a team of staff, including a team leader with appropriate subject matter expertise and experience, for each device for which a request is submitted under subsection (c);

"(B) provide for oversight of the team by senior agency personnel to facilitate the efficient development of the device and the efficient review of any submission described in subsection (c) for the device;

"(C) adopt an efficient process for timely dispute resolution;

"(D) provide for interactive and timely communication with the sponsor of the device during the development program and review process;

"(E) expedite the Secretary's review of manufacturing and quality systems compliance, as applicable;

"(F) disclose to the sponsor, not less than 5 business days in advance, the topics of any consultation the Secretary intends to undertake with external experts or an advisory committee concerning the sponsor's device and provide the sponsor the opportunity to recommend such external experts;

"(G) provide for advisory committee input, as the Secretary determines appropriate (including in response to the request of the sponsor) for applications submitted under section 515(c); and

"(H) assign staff to be available within a reasonable time to address questions by institutional review committees concerning the conditions and clinical testing requirements applicable to the investigational use of the device pursuant to an exemption under section 520(g).

"(2) ADDITIONAL ACTIONS.—In addition to the actions described in paragraph (1), for purposes of expediting the development and review of devices designated under subsection (d), the Secretary, in collaboration with the device sponsor, may, as appropriate—

"(A) coordinate with the sponsor regarding early agreement on a data development plan;

"(B) take steps to ensure that the design of clinical trials is as efficient and flexible as practicable, when scientifically appropriate;

"(C) facilitate, when scientifically appropriate, expedited and efficient development and review of the device through utilization of timely postmarket data collection with regard to application for approval under section 515(c); and

"(D) agree in writing to clinical protocols that the Secretary will consider binding on the Secretary and the sponsor, subject to—

"(i) changes to such protocols agreed to in writing by the sponsor and the Secretary; or

"(ii) a decision, made by the director of the office responsible for reviewing the device submission, that a substantial scientific issue essential to determining the safety or effectiveness of such device exists, provided that such decision is in writing, and is made only after the Secretary provides to the device sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant are present and at which the director documents the substantial scientific issue.

"(f) PRIORITY REVIEW GUIDANCE.—

"(1) CONTENT.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary shall issue guidance on the implementation of this section. Such guidance shall—

"(A) set forth the process by which a person may seek a designation under subsection (d);

"(B) provide a template for requests under subsection (c);

"(C) identify the criteria the Secretary will use in evaluating a request for designation under this section; and

"(D) identify the criteria and processes the Secretary will use to assign a team of staff, including team leaders, to review devices designated for expedited development and priority review, including any training required for such personnel to ensure effective and efficient review.

"(2) PROCESS.—Prior to finalizing the guidance under paragraph (1), the Secretary shall seek public comment on a proposed guidance.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect—

"(1) the criteria and standards for evaluating an application pursuant to section 515(c), a report and request for classification under section 513(f)(2), or a report under section 510(k), including the recognition of valid scientific evidence as described in section 513(a)(3)(B) and consideration and application of the least burdensome means of evaluating device effectiveness or demonstrating substantial equivalence between devices with differing technological characteristics, as applicable;

"(2) the authority of the Secretary with respect to clinical holds under section 520(g)(8)(A);

"(3) the authority of the Secretary to act on an application pursuant to section 515(d) before completion of an establishment inspection, as the Secretary determines appropriate; or

"(4) the authority of the Secretary with respect to postmarket surveillance under sections 519(h) and 522.".

(b) DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS.—Section 517A(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g–1(a)(1)) is amended by inserting "a request for designation under section 515C," after "application under section 515,".

(c) TERMINATION OF PREVIOUS PROGRAM.—

(1) IN GENERAL.—Section 515(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraph (6) as paragraph (5).

(2) CONFORMING AMENDMENT.—Section 737(5) of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 379i(5)) is amended by striking "515(d)(6)" and inserting "515(d)(5)".

(d) REPORT.—On January 1, 2019, the Secretary of Health and Human Services shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) on the program under section 515C of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in bringing safe and effective devices included in such program to patients as soon as possible; and

(2) that includes recommendations, if any, to strengthen the program to better meet patient device needs in a manner as timely as possible.

SEC. 3052. HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended—

(1) in paragraph (1) by striking "fewer than 4,000" and inserting "not more than 8,000";

(2) in paragraph (2)(A) by striking "fewer than 4,000" and inserting "not more than 8,000"; and

(3) in paragraph (6)(A)(ii), by striking "4,000" and inserting "8,000".

(b) GUIDANCE DOCUMENT ON PROBABLE BENEFIT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish a draft guidance that defines the criteria for establishing "probable benefit" as that term is used in section 520(m)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)(C)). 21 USC 360j note.

SEC. 3053. RECOGNITION OF STANDARDS.

(a) IN GENERAL.—Section 514(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(c)) is amended—

(1) in paragraph (1), by inserting after subparagraph (B) the following new subparagraphs:

"(C)(i) Any person may submit a request for recognition under subparagraph (A) of all or part of an appropriate standard established by a nationally or internationally recognized standard organization.

"(ii) Not later than 60 calendar days after the Secretary receives such a request, the Secretary shall—

"(I) make a determination to recognize all, part, or none of the standard that is the subject of the request; and

"(II) issue to the person who submitted such request a response in writing that states the Secretary's rationale for that determination, including the scientific, technical, regulatory, or other basis for such determination.

"(iii) The Secretary shall make a response issued under clause (ii)(II) publicly available, in such a manner as the Secretary determines appropriate.

"(iv) The Secretary shall take such actions as may be necessary to implement all or part of a standard recognized under clause (ii)(I), in accordance with subparagraph (A).

"(D) The Secretary shall make publicly available, in such manner as the Secretary determines appropriate, the rationale for recognition under subparagraph (A) of all, part, or none of a standard, including the scientific, technical, regulatory, or other basis for the decision regarding such recognition."; and

(2) by adding at the end the following:

"(4) The Secretary shall provide to all employees of the Food and Drug Administration who review premarket submissions for devices periodic training on the concept and use of recognized standards for purposes of meeting a premarket submission requirement or other applicable requirement under this Act, including standards relevant to an employee's area of device review.".

(b) GUIDANCE.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and update, if necessary, previously published guidance and standard operating procedures identifying the principles for recognizing standards, and for withdrawing the recognition of standards, under section 514(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(c)), taking into account the experience with and reliance on a standard by foreign regulatory authorities and the 21 USC 360d note.

device industry, and whether recognition of a standard will promote harmonization among regulatory authorities in the regulation of devices.

SEC. 3054. CERTAIN CLASS I AND CLASS II DEVICES.

(a) CLASS I DEVICES.—Section 510(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(l)) is amended—

(1) by striking "A report under subsection (k)" and inserting "(1) A report under subsection (k)"; and

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

"(2) Not later than 120 calendar days after the date of enactment of the 21st Century Cures Act and at least once every 5 years thereafter, as the Secretary determines appropriate, the Secretary shall identify, through publication in the Federal Register, any type of class I device that the Secretary determines no longer requires a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Upon such publication—

"(A) each type of class I device so identified shall be exempt from the requirement for a report under subsection (k); and

"(B) the classification regulation applicable to each such type of device shall be deemed amended to incorporate such exemption.".

(b) CLASS II DEVICES.—Section 510(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)) is amended—

(1) by striking "(m)(1)" and all that follows through "by the Secretary." and inserting the following:

"(m)(1) The Secretary shall—

"(A) not later than 90 days after the date of enactment of the 21st Century Cures Act and at least once every 5 years thereafter, as the Secretary determines appropriate—

"(i) publish in the Federal Register a notice that contains a list of each type of class II device that the Secretary determines no longer requires a report under subsection (k) to provide reasonable assurance of safety and effectiveness; and

"(ii) provide for a period of not less than 60 calendar days for public comment beginning on the date of the publication of such notice; and

"(B) not later than 210 calendar days after the date of enactment of the 21st Century Cures Act, publish in the Federal Register a list representing the Secretary's final determination with respect to the devices contained in the list published under subparagraph (A).";

(2) in paragraph (2)—

(A) by striking "1 day after the date of publication of a list under this subsection," and inserting "1 calendar day after the date of publication of the final list under paragraph (1)(B),"; and

(B) by striking "30-day period" and inserting "60-calendar-day period"; and

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

"(3) Upon the publication of the final list under paragraph (1)(B)—

"(A) each type of class II device so listed shall be exempt from the requirement for a report under subsection (k); and

"(B) the classification regulation applicable to each such type of device shall be deemed amended to incorporate such exemption.".

SEC. 3055. CLASSIFICATION PANELS.

(a) CLASSIFICATION PANELS.—Paragraph (5) of section 513(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)) is amended—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) When a device is specifically the subject of review by a classification panel, the Secretary shall—

"(i) ensure that adequate expertise is represented on the classification panel to assess—

"(I) the disease or condition which the device is intended to cure, treat, mitigate, prevent, or diagnose; and

"(II) the technology of the device; and

"(ii) provide an opportunity for the person whose device is specifically the subject of panel review to provide recommendations on the expertise needed among the voting members of the panel.

"(C) For purposes of subparagraph (B)(i), the term 'adequate expertise' means that the membership of the classification panel includes—

"(i) two or more voting members, with a specialty or other expertise clinically relevant to the device under review; and

"(ii) at least one voting member who is knowledgeable about the technology of the device.

"(D) The Secretary shall provide an annual opportunity for patients, representatives of patients, and sponsors of medical device submissions to provide recommendations for individuals with appropriate expertise to fill voting member positions on classification panels.".

(b) PANEL REVIEW PROCESS.—Section 513(b)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(6)) is amended—

(1) in subparagraph (A)(iii), by inserting before the period at the end ", including, subject to the discretion of the panel chairperson, by designating a representative who will be provided a time during the panel meeting to address the panel for the purpose of correcting misstatements of fact or providing clarifying information, and permitting the person or representative to call on experts within the person's organization to address such specific issues in the time provided"; and

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

"(B)(i) Any meeting of a classification panel with respect to the review of a device shall—

"(I) provide adequate time for initial presentations by the person whose device is specifically the subject of such review and by the Secretary; and

"(II) encourage free and open participation by all interested persons.

"(ii) Following the initial presentations described in clause (i), the panel may—

"(I) pose questions to a designated representative described in subparagraph (A)(iii); and

"(II) consider the responses to such questions in the panel's review of the device.".

SEC. 3056. INSTITUTIONAL REVIEW BOARD FLEXIBILITY.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended—

(1) in subsection (g)(3)—

(A) in subparagraph (A)(i)—

(i) by striking "local"; and

(ii) by striking "which has been"; and

(B) in subparagraph (B), by striking "a local institutional" and inserting "an institutional"; and

(2) in subsection (m)(4)—

(A) by striking subparagraph (A) and inserting the following:

"(A) in facilities in which clinical testing of devices is supervised by an institutional review committee established in accordance with the regulations of the Secretary; and";

(B) in subparagraph (B), by striking "a local institutional" and inserting "an institutional"; and

(C) in the matter following subparagraph (B), by striking "local".

42 USC 263a note.

SEC. 3057. CLIA WAIVER IMPROVEMENTS.

(a) DRAFT REVISED GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish a draft guidance that—

(1) revises "Section V. Demonstrating Insignificant Risk of an Erroneous Result – Accuracy" of the guidance entitled "Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices" and dated January 30, 2008; and

(2) includes the appropriate use of comparable performance between a waived user and a moderately complex laboratory user to demonstrate accuracy.

(b) FINAL REVISED GUIDANCE.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall finalize the draft guidance published under subsection (a) not later than 1 year after the comment period for such draft guidance closes.

SEC. 3058. LEAST BURDENSOME DEVICE REVIEW.

(a) IN GENERAL.—Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended by adding at the end the following:

"(j) TRAINING AND OVERSIGHT OF LEAST BURDENSOME REQUIREMENTS.—

"(1) The Secretary shall—

"(A) ensure that each employee of the Food and Drug Administration who is involved in the review of premarket submissions, including supervisors, receives training regarding the meaning and implementation of the least burdensome requirements under subsections (a)(3)(D) and (i)(1)(D) of this section and section 515(c)(5); and

"(B) periodically assess the implementation of the least burdensome requirements, including the employee training

under subparagraph (A), to ensure that the least burdensome requirements are fully and consistently applied.

"(2) Not later than 18 months after the date of enactment of the 21st Century Cures Act, the ombudsman for any organizational unit of the Food and Drug Administration responsible for the premarket review of devices shall—

"(A) conduct an audit of the training described in paragraph (1)(A), including the effectiveness of such training in implementing the least burdensome requirements;

"(B) include in such audit interviews of persons who are representatives of the device industry regarding their experiences in the device premarket review process, including with respect to the application of least burdensome concepts to premarket review and decisionmaking;

"(C) include in such audit a list of the measurement tools the Secretary uses to assess the implementation of the least burdensome requirements, including under paragraph (1)(B) and section 517A(a)(3), and may also provide feedback on the effectiveness of such tools in the implementation of the least burdensome requirements;

"(D) summarize the findings of such audit in a final audit report; and

"(E) within 30 calendar days of completion of such final audit report, make such final audit report available—

"(i) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

"(ii) on the Internet website of the Food and Drug Administration.".

(b) PREMARKET APPLICATIONS.—Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended by adding at the end the following:

"(5)(A) In requesting additional information with respect to an application under this section, the Secretary shall consider the least burdensome appropriate means necessary to demonstrate a reasonable assurance of device safety and effectiveness.

"(B) For purposes of subparagraph (A), the term 'necessary' means the minimum required information that would support a determination by the Secretary that an application provides a reasonable assurance of the safety and effectiveness of the device.

"(C) For purposes of this paragraph, the Secretary shall consider the role of postmarket information in determining the least burdensome means of demonstrating a reasonable assurance of device safety and effectiveness.

"(D) Nothing in this paragraph alters the standards for premarket approval of a device.".

(c) RATIONALE FOR SIGNIFICANT DECISIONS REGARDING DEVICES.—Section 517A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g–1(a)) is amended by adding at the end the following:

"(3) APPLICATION OF LEAST BURDENSOME REQUIREMENTS.—The substantive summary required under this subsection shall include a brief statement regarding how the least burdensome requirements were considered and applied consistent with section 513(i)(1)(D), section 513(a)(3)(D), and section 515(c)(5), as applicable.".

SEC. 3059. CLEANING INSTRUCTIONS AND VALIDATION DATA REQUIREMENT.

(a) IN GENERAL.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:

"(q) REUSABLE MEDICAL DEVICES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the 21st Century Cures Act, the Secretary shall identify and publish a list of reusable device types for which reports under subsection (k) are required to include—

"(A) instructions for use, which have been validated in a manner specified by the Secretary; and

"(B) validation data, the types of which shall be specified by the Secretary;

regarding cleaning, disinfection, and sterilization, and for which a substantial equivalence determination may be based.

"(2) REVISION OF LIST.—The Secretary shall revise the list under paragraph (2), as the Secretary determines appropriate, with notice in the Federal Register.

"(3) CONTENT OF REPORTS.—Reports under subsection (k) that are submitted after the publication of the list described in paragraph (1), for devices or types of devices included on such list, shall include such instructions for use and validation data.".

21 USC 360 note.

(b) DEVICE MODIFICATIONS.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue final guidance regarding when a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) is required to be submitted for a modification or change to a legally marketed device. Such final guidance shall be issued not later than 1 year after the date on which the comment period closes for the draft guidance on such subject.

SEC. 3060. CLARIFYING MEDICAL SOFTWARE REGULATION.

(a) IN GENERAL.—Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following:

"(o) REGULATION OF MEDICAL AND CERTAIN DECISIONS SUPPORT SOFTWARE.—

"(1) The term device, as defined in section 201(h), shall not include a software function that is intended—

"(A) for administrative support of a health care facility, including the processing and maintenance of financial records, claims or billing information, appointment schedules, business analytics, information about patient populations, admissions, practice and inventory management, analysis of historical claims data to predict future utilization or cost-effectiveness, determination of health benefit eligibility, population health management, and laboratory workflow;

"(B) for maintaining or encouraging a healthy lifestyle and is unrelated to the diagnosis, cure, mitigation, prevention, or treatment of a disease or condition;

"(C) to serve as electronic patient records, including patient-provided information, to the extent that such records are intended to transfer, store, convert formats,

or display the equivalent of a paper medical chart, so long as—

"(i) such records were created, stored, transferred, or reviewed by health care professionals, or by individuals working under supervision of such professionals;

"(ii) such records are part of health information technology that is certified under section 3001(c)(5) of the Public Health Service Act; and

"(iii) such function is not intended to interpret or analyze patient records, including medical image data, for the purpose of the diagnosis, cure, mitigation, prevention, or treatment of a disease or condition;

"(D) for transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results, findings by a health care professional with respect to such data and results, general information about such findings, and general background information about such laboratory test or other device, unless such function is intended to interpret or analyze clinical laboratory test or other device data, results, and findings; or

"(E) unless the function is intended to acquire, process, or analyze a medical image or a signal from an in vitro diagnostic device or a pattern or signal from a signal acquisition system, for the purpose of—

"(i) displaying, analyzing, or printing medical information about a patient or other medical information (such as peer-reviewed clinical studies and clinical practice guidelines);

"(ii) supporting or providing recommendations to a health care professional about prevention, diagnosis, or treatment of a disease or condition; and

"(iii) enabling such health care professional to independently review the basis for such recommendations that such software presents so that it is not the intent that such health care professional rely primarily on any of such recommendations to make a clinical diagnosis or treatment decision regarding an individual patient.

"(2) In the case of a product with multiple functions that contains—

"(A) at least one software function that meets the criteria under paragraph (1) or that otherwise does not meet the definition of device under section 201(h); and

"(B) at least one function that does not meet the criteria under paragraph (1) and that otherwise meets the definition of a device under section 201(h),

the Secretary shall not regulate the software function of such product described in subparagraph (A) as a device. Notwithstanding the preceding sentence, when assessing the safety and effectiveness of the device function or functions of such product described in subparagraph (B), the Secretary may assess the impact that the software function or functions described in subparagraph (A) have on such device function or functions.

"(3)(A) Notwithstanding paragraph (1), a software function described in subparagraph (C), (D), or (E) of paragraph (1)

shall not be excluded from the definition of device under section 201(h) if—

"(i) the Secretary makes a finding that use of such software function would be reasonably likely to have serious adverse health consequences; and

"(ii) the software function has been identified in a final order issued by the Secretary under subparagraph (B).

"(B) Subparagraph (A) shall apply only if the Secretary—

"(i) publishes a notification and proposed order in the Federal Register;

"(ii) includes in such notification the Secretary's finding, including the rationale and identification of the evidence on which such finding was based, as described in subparagraph (A)(i); and

"(iii) provides for a period of not less than 30 calendar days for public comment before issuing a final order or withdrawing such proposed order.

"(C) In making a finding under subparagraph (A)(i) with respect to a software function, the Secretary shall consider—

"(i) the likelihood and severity of patient harm if the software function were to not perform as intended;

"(ii) the extent to which the software function is intended to support the clinical judgment of a health care professional;

"(iii) whether there is a reasonable opportunity for a health care professional to review the basis of the information or treatment recommendation provided by the software function; and

"(iv) the intended user and user environment, such as whether a health care professional will use a software function of a type described in subparagraph (E) of paragraph (1).

"(4) Nothing in this subsection shall be construed as limiting the authority of the Secretary to—

"(A) exercise enforcement discretion as to any device subject to regulation under this Act;

"(B) regulate software used in the manufacture and transfusion of blood and blood components to assist in the prevention of disease in humans; or

"(C) regulate software as a device under this Act if such software meets the criteria under section 513(a)(1)(C).".

21 USC 360j note.

(b) REPORTS.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), after consultation with agencies and offices of the Department of Health and Human Services involved in health information technology, shall publish a report, not later than 2 years after the date of enactment of this Act and every 2 years thereafter, that—

(1) includes input from outside experts, such as representatives of patients, consumers, health care providers, startup companies, health plans or other third-party payers, venture capital investors, information technology vendors, health information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary;

(2) examines information available to the Secretary on any risks and benefits to health associated with software functions described in section 520(o)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) (as amended by subsection (a)); and

(3) summarizes findings regarding the impact of such software functions on patient safety, including best practices to promote safety, education, and competency related to such functions.

(c) CLASSIFICATION OF ACCESSORIES.—Section 513(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)) is amended by adding at the end the following:

"(9) The Secretary shall classify an accessory under this section based on the intended use of the accessory, notwithstanding the classification of any other device with which such accessory is intended to be used.".

(d) CONFORMING AMENDMENT.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended by adding at the end the following: "The term 'device' does not include software functions excluded pursuant to section 520(o).".

Subtitle G—Improving Scientific Expertise and Outreach at FDA

SEC. 3071. SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH AND BIOMEDICAL PRODUCT ASSESSMENT SERVICE.

(a) HIRING AND RETENTION AUTHORITY.—Section 228 of the Public Health Service Act (42 U.S.C. 237) is amended—

(1) in the section heading, by inserting "**AND BIOMEDICAL PRODUCT ASSESSMENT**" after "**RESEARCH**";

(2) in subsection (a)—

(A) in paragraph (1), by striking "Silvio O. Conte Senior Biomedical Research Service, not to exceed 500 members" and inserting "Silvio O. Conte Senior Biomedical Research and Biomedical Product Assessment Service (in this section referred to as the 'Service'), not to exceed 2,000 members, the purpose of which is to recruit and retain outstanding and qualified scientific and technical experts in the fields of biomedical research, clinical research evaluation, and biomedical product assessment";

(B) by amending paragraph (2) to read as follows:

"(2) The authority established in paragraph (1) may not be construed to require the Secretary to reduce the number of employees serving under any other employment system in order to offset the number of members serving in the Service."; and

(C) by adding at the end the following:

"(3) The Secretary shall assign experts under this section to agencies within the Department of Health and Human Services taking into account the need for the expertise of such expert.";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "or clinical research evaluation" and inserting ", clinical research evaluation, or biomedical product assessment"; and

(B) in paragraph (1), by inserting "or a doctoral or master's level degree in engineering, bioinformatics, or a related or emerging field," after the comma;

(4) in subsection (d)(2), by striking "and shall not exceed the rate payable for level I of the Executive Schedule unless approved by the President under section 5377(d)(2) of title 5, United States Code" and inserting "and shall not exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code";

(5) by striking subsection (e); and

(6) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the amendments to section 228 of the Public Health Service Act (42 U.S.C. 237) made by subsection (a) and the impact of such amendments, if any, on all agencies or departments of the Department of Health and Human Services, and, not later than 4 years after the date of enactment of this Act, shall submit a report based on such study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) CONTENT OF STUDY AND REPORT.—The study and report under paragraph (1) shall include an examination of the extent to which recruitment and retention of outstanding and qualified scientific, medical, or technical experts in the fields of biomedical research, clinical research evaluation, and biomedical product assessment have improved or otherwise have been affected by the amendments to section 228 of the Public Health Service Act (42 U.S.C. 237) made by subsection (a), including by determining, during the period between the date of enactment of this Act and the completion of the study—

(A) the total number of members recruited and retained under the Senior Biomedical Research and Biomedical Product Assessment Service under such section 228, and the effect of increasing the number of members eligible for such Service;

(B) the number of members of such Senior Biomedical Research and Biomedical Product Assessment Service hired with a doctoral level degree in biomedicine or a related field, and the number of such members hired with a doctoral or master's level degree in engineering, bioinformatics, or a related or emerging field; and

(C) the number of Senior Biomedical Research and Biomedical Product Assessment Service members that have been hired by each agency or department of the Department of Health and Human Services, and how such Department assigns such members to each agency or department.

SEC. 3072. HIRING AUTHORITY FOR SCIENTIFIC, TECHNICAL, AND PROFESSIONAL PERSONNEL.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 714 (21 U.S.C. 379d–3) the following:

"SEC. 714A. HIRING AUTHORITY FOR SCIENTIFIC, TECHNICAL, AND PROFESSIONAL PERSONNEL. 21 USC 379d–3a.

"(a) IN GENERAL.—The Secretary may, notwithstanding title 5, United States Code, governing appointments in the competitive service, appoint outstanding and qualified candidates to scientific, technical, or professional positions that support the development, review, and regulation of medical products. Such positions shall be within the competitive service.

"(b) COMPENSATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, including any requirement with respect to General Schedule pay rates under subchapter III of chapter 53 of title 5, United States Code, and consistent with the requirements of paragraph (2), the Commissioner of Food and Drugs may determine and set—

"(A) the annual rate of pay of any individual appointed under subsection (a); and

"(B) for purposes of retaining qualified employees, the annual rate of pay for any qualified scientific, technical, or professional personnel appointed to a position described in subsection (a) before the date of enactment of the 21st Century Cures Act.

"(2) LIMITATION.—The annual rate of pay established pursuant to paragraph (1) may not exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code.

"(3) PUBLIC AVAILABILITY.—The annual rate of pay provided to an individual in accordance with this section shall be publicly available information.

"(c) RULE OF CONSTRUCTION.—The authorities under this section shall not be construed to affect the authority provided under section 714.

"(d) REPORT ON WORKFORCE PLANNING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the 21st Century Cures Act, the Secretary shall submit a report on workforce planning to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that examines the extent to which the Food and Drug Administration has a critical need for qualified individuals for scientific, technical, or professional positions, including—

"(A) an analysis of the workforce needs at the Food and Drug Administration and the Secretary's strategic plan for addressing such needs, including through use of the authority under this section; and

"(B) a recruitment and retention plan for hiring qualified scientific, technical, and professional candidates, which may include the use of—

"(i) recruitment through nongovernmental recruitment or placement agencies;

"(ii) recruitment through academic institutions;

"(iii) recruitment or hiring bonuses, if applicable;

"(iv) recruitment using targeted direct hiring authorities; and

"(v) retention of qualified scientific, technical, and professional employees using the authority under this section, or other applicable authorities of the Secretary.

"(2) RECOMMENDATIONS.—The report under paragraph (1) may include the recommendations of the Commissioner of Food and Drugs that would help the Food and Drug Administration to better recruit and retain qualified individuals for scientific, technical, or professional positions at the agency.".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the ability of the Food and Drug Administration to hire, train, and retain qualified scientific, technical, and professional staff, not including contractors, necessary to fulfill the mission of the Food and Drug Administration to protect and promote public health. Not later than January 1, 2022, the Comptroller General shall submit a report on such study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) CONTENTS OF STUDY.—The Comptroller General shall include in the study and report under paragraph (1)—

(A) information about the progress of the Food and Drug Administration in recruiting and retaining qualified scientific, technical, and professional staff outstanding in the field of biomedical research, clinical research evaluation, and biomedical product assessment;

(B) the extent to which critical staffing needs exist at the Food and Drug Administration, and barriers to hiring, training, and retaining qualified staff, if any;

(C) an examination of the recruitment and retention strategies of the Food and Drug Administration, including examining any strategic workforce plan, focused on improving scientific, technical, and professional staff recruitment and retention; and

(D) recommendations for potential improvements that would address staffing needs of the Food and Drug Administration.

SEC. 3073. ESTABLISHMENT OF FOOD AND DRUG ADMINISTRATION INTERCENTER INSTITUTES.

(a) IN GENERAL.—Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

21 USC 399g.

"SEC. 1014. FOOD AND DRUG ADMINISTRATION INTERCENTER INSTITUTES.

"(a) IN GENERAL.—The Secretary shall establish one or more Intercenter Institutes within the Food and Drug Administration (referred to in this section as an 'Institute') for a major disease area or areas. With respect to the major disease area of focus of an Institute, such Institute shall develop and implement processes for coordination of activities, as applicable to such major disease area or areas, among the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health (for the purposes of this section, referred to as the 'Centers'). Such activities may include—

"(1) coordination of staff from the Centers with diverse product expertise in the diagnosis, cure, mitigation, treatment, or prevention of the specific diseases relevant to the major disease area of focus of the Institute;

"(2) streamlining, where appropriate, the review of medical products to diagnose, cure, mitigate, treat, or prevent the specific diseases relevant to the major disease area of focus of the Institute, applying relevant standards under sections 505, 510(k), 513(f)(2), and 515 of this Act and section 351 of the Public Health Service Act, and other applicable authorities;

"(3) promotion of scientific programs within the Centers related to the major disease area of focus of the Institute;

"(4) development of programs and enhancement of strategies to recruit, train, and provide continuing education opportunities for the personnel of the Centers with expertise related to the major disease area of focus of the Institute;

"(5) enhancement of the interactions of the Centers with patients, sponsors, and the external biomedical community regarding the major disease area of focus of the Institute; and

"(6) facilitation of the collaborative relationships of the Centers with other agencies within the Department of Health and Human Services regarding the major disease area of focus of the Institute.

"(b) PUBLIC PROCESS.—The Secretary shall provide a period for public comment during the time that each Institute is being implemented.

"(c) TIMING.—The Secretary shall establish at least one Institute under subsection (a) before the date that is 1 year after the date of enactment of the 21st Century Cures Act.

"(d) TERMINATION OF INSTITUTES.—The Secretary may terminate any Institute established pursuant to this section if the Secretary determines such Institute is no longer benefitting the public health. Not less than 60 days prior to so terminating an Institute, the Secretary shall provide public notice, including the rationale for such termination.".

(b) TECHNICAL AMENDMENTS.—Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended—

(1) by redesignating section 1012 as section 1013; and

(2) by redesignating the second section 1011 (with respect to improving the training of State, local, territorial, and tribal food safety officials), as added by section 209(a) of the FDA Food Safety Modernization Act (Public Law 111–353), as section 1012.

SEC. 3074. SCIENTIFIC ENGAGEMENT. 42 USC 3506a.

(a) IN GENERAL.—Scientific meetings that are attended by scientific or medical personnel, or other professionals, of the Department of Health and Human Services for whom attendance at such meeting is directly related to their professional duties and the mission of the Department—

(1) shall not be considered conferences for the purposes of complying with Federal reporting requirements contained in annual appropriations Acts or in this section; and

(2) shall not be considered conferences for purposes of a restriction contained in an annual appropriations Act, based on Office of Management and Budget Memorandum M-12-12 or any other regulation restricting travel to such meeting.

(b) LIMITATION.—Nothing in this section shall be construed to exempt travel for scientific meetings from Federal regulations relating to travel.

(c) REPORTS.—Not later than 90 days after the end of the fiscal year, each operating division of the Department of Health and Human Services shall prepare, and post on an Internet website of the operating division, an annual report on scientific meeting attendance and related travel spending for each fiscal year. Such report shall include—

(1) general information concerning the scientific meeting activities involved;

(2) information concerning the total amount expended for such meetings;

(3) a description of all such meetings that were attended by scientific or medical personnel, or other professionals, of each such operating division where the total amount expended by the operating division associated with each such meeting were in excess of $30,000, including—

(A) the total amount of meeting expenses incurred by the operating division for such meeting;

(B) the location of such meeting;

(C) the date of such meeting;

(D) a brief explanation on how such meeting advanced the mission of the operating division; and

(E) the total number of individuals whose travel expenses or other scientific meeting expenses were paid by the operating division; and

(4) with respect to any such meeting where the total expenses to the operating division exceeded $150,000, a description of the exceptional circumstances that necessitated the expenditure of such amounts.

SEC. 3075. DRUG SURVEILLANCE.

(a) NEW DRUGS.—Section 505(k)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(k)(5)), as amended by section 2074, is further amended—

(1) in subparagraph (A), by striking ", bi-weekly screening" and inserting "screenings";

(2) in subparagraph (B), as redesignated by section 2074(1)(C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) make available on the Internet website of the Food and Drug Administration—

"(i) guidelines, developed with input from experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, that detail best practices for drug safety surveillance using the Adverse Event Reporting System; and

"(ii) criteria for public posting of adverse event signals.".

(b) FAERS REVISION.—Section 505(r)(2)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(r)(2)(D)) is amended by striking ", by 18 months" and all that follows through the semicolon at the end of the subparagraph and inserting "and making publicly available on the Internet website established under paragraph (1) best practices for drug safety surveillance activities for drugs approved under this section or section 351 of the Public Health Service Act;".

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1(f)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(f)(5)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "or other advisory committee" after "(or successor committee)"; and

(2) in subparagraph (B), by striking "at least annually," and inserting "periodically".

SEC. 3076. REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) BOARD OF DIRECTORS.—

(1) COMPOSITION AND SIZE.—Section 770(d)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(d)(1)(C)) is amended—

(A) by redesignating clause (ii) as clause (iii);

(B) by inserting after clause (i) the following:

"(ii) ADDITIONAL MEMBERS.—The Board, through amendments to the bylaws of the Foundation, may provide that the number of voting members of the Board shall be a number (to be specified in such amendment) greater than 14. Any Board positions that are established by any such amendment shall be appointed (by majority vote) by the individuals who, as of the date of such amendment, are voting members of the Board and persons so appointed may represent any of the categories specified in subclauses (I) through (V) of clause (i), so long as no more than 30 percent of the total voting members of the Board (including members whose positions are established by such amendment) are representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries."; and

(C) in clause (iii)(I), as redesignated by subparagraph (A), by striking "The ex officio members shall ensure" and inserting "The ex officio members, acting pursuant to clause (i), and the Board, acting pursuant to clause (ii), shall ensure".

(2) FEDERAL EMPLOYEES ALLOWED TO SERVE ON BOARD.—Clause (iii)(II) of section 770(d)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(d)(1)(C)), as redesignated by paragraph (1)(A), is amended by adding at the end the following: "For purposes of this section, the term 'employee of the Federal Government' does not include a special Government employee, as that term is defined in section 202(a) of title 18, United States Code.".

(3) STAGGERED TERMS.—Subparagraph (A) of section 770(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(d)(3)) is amended to read as follows:

"(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C)(i), and the term of office of any member of the Board whose position is established pursuant to paragraph (1)(C)(ii), shall be 4 years, except that—

"(i) the terms of offices for the members of the Board initially appointed under paragraph (1)(C)(i)

shall expire on a staggered basis as determined by the ex officio members; and

"(ii) the terms of office for the persons initially appointed to positions established pursuant to paragraph (1)(C)(ii) may be made to expire on a staggered basis, as determined by the individuals who, as of the date of the amendment establishing such positions, are members of the Board.".

(b) EXECUTIVE DIRECTOR COMPENSATION.—Section 770(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(g)(2)) is amended by striking "but shall not be greater than the compensation of the Commissioner".

(c) SEPARATION OF FUNDS.—Section 770(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(m)) is amended by striking "are held in separate accounts from funds received from entities under subsection (i)" and inserting "are managed as individual programmatic funds under subsection (i), according to best accounting practices".

Subtitle H—Medical Countermeasures Innovation

SEC. 3081. MEDICAL COUNTERMEASURE GUIDELINES.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) UTILIZATION GUIDELINES.—The Secretary shall ensure timely and accurate recommended utilization guidelines for qualified countermeasures (as defined in section 319F–1), qualified pandemic and epidemic products (as defined in section 319F–3), and security countermeasures (as defined in subsection (c)), including for such products in the stockpile."; and

(2) in subsection (g)—

(A) by amending paragraph (4) to read as follows:

"(4) REPORT ON SECURITY COUNTERMEASURE PROCUREMENT.—Not later than March 1 of each year in which the Secretary determines that the amount of funds available for procurement of security countermeasures is less than $1,500,000,000, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report detailing the amount of such funds available for procurement and the impact such amount of funding will have—

"(A) in meeting the security countermeasure needs identified under this section; and

"(B) on the annual Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).".

SEC. 3082. CLARIFYING BARDA CONTRACTING AUTHORITY.

(a) IN GENERAL.—Section 319F–2(g) of the Public Health Service Act (42 U.S.C. 247d–6b(g)) is amended by adding at the end the following:

"(5) CLARIFICATION ON CONTRACTING AUTHORITY.—The Secretary, acting through the Director of the Biomedical Advanced Research and Development Authority, shall carry out the programs funded by the special reserve fund (for the procurement of security countermeasures under subsection (c) and for carrying out section 319L), including the execution of procurement contracts, grants, and cooperative agreements pursuant to this section and section 319L.".

(b) BARDA CONTRACTING AUTHORITY.—Section 319L(c)(3) of the Public Health Service Act (42 U.S.C. 247d–7c) is amended by inserting ", including the execution of procurement contracts, grants, and cooperative agreements pursuant to this section" before the period.

SEC. 3083. COUNTERMEASURE BUDGET PLAN.

Section 2811(b)(7) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking the first sentence and inserting "Develop, and update not later than March 1 of each year, a coordinated 5-year budget plan based on the medical countermeasure priorities described in subsection (d), including with respect to chemical, biological, radiological, and nuclear agent or agents that may present a threat to the Nation, including such agents that are novel or emerging infectious diseases, and the corresponding efforts to develop qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) for each such threat.";

(2) in subparagraph (C), by striking "; and" and inserting a semicolon;

(3) in subparagraph (D), by striking "to the appropriate committees of Congress upon request." and inserting ", not later than March 15 of each year, to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives; and"; and

(4) by adding at the end the following:

"(E) not later than March 15 of each year, be made publicly available in a manner that does not compromise national security.".

SEC. 3084. MEDICAL COUNTERMEASURES INNOVATION.

Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended by adding at the end the following:

"(E) MEDICAL COUNTERMEASURES INNOVATION PARTNER.—

"(i) IN GENERAL.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, nonprofit entity to—

"(I) foster and accelerate the development and innovation of medical countermeasures and technologies that may assist advanced research and

the development of qualified countermeasures and qualified pandemic or epidemic products, including through the use of strategic venture capital practices and methods;

"(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;

"(III) address unmet public health needs that are directly related to medical countermeasure requirements, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

"(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

"(ii) ELIGIBILITY.—

"(I) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—

"(aa) be an independent, nonprofit entity;

"(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;

"(cc) have experience in promoting novel technology innovation;

"(dd) be problem-driven and solution-focused based on the needs, requirements, and problems identified by the Secretary under clause (iv);

"(ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products;

"(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures; and

"(gg) not be within the Department of Health and Human Services.

"(II) PARTNERING EXPERIENCE.—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of the entity in partnering with the Federal Government to meet identified strategic needs.

"(iii) NOT AGENCY.—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title 5, United States Code.

"(iv) DIRECTION.—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARDA, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARDA shall—

"(I) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;

"(II) develop a description of work to be performed by the entity under the agreement;

"(III) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;

"(IV) ensure fair consideration of products developed under the agreement in order to maintain competition to the maximum practical extent, as applicable and appropriate under applicable provisions of this section; and

"(V) ensure, as a condition of the agreement that the entity—

"(aa) has in place a comprehensive set of policies that demonstrate a commitment to transparency and accountability;

"(bb) protects against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, ethics, disclosure, and reporting requirements;

"(cc) provides monthly accounting on the use of funds provided under such agreement; and

"(dd) provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.

"(v) SUPPLEMENT NOT SUPPLANT.—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.

"(vi) NO ESTABLISHMENT OF ENTITY.—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services an entity for the purposes of carrying out this subparagraph.

"(vii) TRANSPARENCY AND OVERSIGHT.—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V)(dd).

"(viii) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the 21st Century Cures Act, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities

conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.

"(ix) SUNSET.—This subparagraph shall have no force or effect after September 30, 2022.".

SEC. 3085. STREAMLINING PROJECT BIOSHIELD PROCUREMENT.

Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(1) in paragraph (4)(A)(ii), by striking "make a recommendation under paragraph (6) that the special reserve fund as defined in subsection (h) be made available for the procurement of such countermeasure" and inserting "and subject to the availability of appropriations, make available the special reserve fund as defined in subsection (h) for procurement of such countermeasure, as applicable";

(2) in paragraph (6)—

(A) by striking subparagraphs (A), (B), and (E);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively;

(C) by amending subparagraph (A), as so redesignated, to read as follows:

"(A) NOTICE TO APPROPRIATE CONGRESSIONAL COMMITTEES.—The Secretary shall notify the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives of each decision to make available the special reserve fund as defined in subsection (h) for procurement of a security countermeasure, including, where available, the number of, the nature of, and other information concerning potential suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons for each such rejection."; and

(D) in the heading, by striking "RECOMMENDATION FOR PRESIDENT'S APPROVAL" and inserting "RECOMMENDATIONS FOR PROCUREMENT"; and

(3) in paragraph (7)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

"(A) PAYMENTS FROM SPECIAL RESERVE FUND.—The special reserve fund as defined in subsection (h) shall be available for payments made by the Secretary to a vendor for procurement of a security countermeasure in accordance with the provisions of this paragraph."; and

(B) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3086. ENCOURAGING TREATMENTS FOR AGENTS THAT PRESENT A NATIONAL SECURITY THREAT.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 565 the following:

"SEC. 565A. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR AGENTS THAT PRESENT NATIONAL SECURITY THREATS. 21 USC 360bbb–4a.

"(a) DEFINITIONS.—In this section:

"(1) HUMAN DRUG APPLICATION.—The term 'human drug application' has the meaning given such term in section 735(1).

"(2) PRIORITY REVIEW.—The term 'priority review', with respect to a human drug application, means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures in the Food and Drug Administration and goals identified in the letters described in section 101(b) of the Food and Drug Administration Safety and Innovation Act.

"(3) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a material threat medical countermeasure application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or section 351(a) of the Public Health Service Act after the date of approval of the material threat medical countermeasure application.

"(4) MATERIAL THREAT MEDICAL COUNTERMEASURE APPLICATION.—The term 'material threat medical countermeasure application' means an application that—

"(A) is a human drug application for a drug intended for use—

"(i) to prevent, or treat harm from a biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii) of the Public Health Service Act; or

"(ii) to mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, or biological product against such agent; and

"(B) the Secretary determines eligible for priority review;

"(C) is approved after the date of enactment of the 21st Century Cures Act; and

"(D) is for a human drug, no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under section 505(b)(1) or section 351(a) of the Public Health Service Act.

"(b) PRIORITY REVIEW VOUCHER.—

"(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a material threat medical countermeasure application upon approval by the Secretary of such material threat medical countermeasure application.

"(2) TRANSFERABILITY.—The sponsor of a material threat medical countermeasure application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a human drug for which an application under section 505(b)(1) or section 351(a) of the Public Health Service Act will be submitted after the date of the approval of the material threat medical countermeasure application. There is no limit on the number of times

a priority review voucher may be transferred before such voucher is used.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 calendar days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

"(B) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

"(c) PRIORITY REVIEW USER FEE.—

"(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

"(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the average cost incurred by the agency in the review of a human drug application subject to priority review in the previous fiscal year.

"(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2016, for that fiscal year, the amount of the priority review user fee.

"(4) PAYMENT.—

"(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the submission of a human drug application under section 505(b)(1) or section 351(a) of the Public Health Service Act for which the priority review voucher is used.

"(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary's procedures for paying such fees.

"(C) NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

"(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

"(6) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(d) NOTICE OF ISSUANCE OF VOUCHER AND APPROVAL OF PRODUCTS UNDER VOUCHER.—The Secretary shall publish a notice in the Federal Register and on the Internet website of the Food and Drug Administration not later than 30 calendar days after the occurrence of each of the following:

"(1) The Secretary issues a priority review voucher under this section.

"(2) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for which the sponsor of the application used a priority review voucher issued under this section.

"(e) ELIGIBILITY FOR OTHER PROGRAMS.—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act, except that no sponsor of a material threat medical countermeasure application may receive more than one priority review voucher issued under any section of this Act with respect to such drug.

"(f) RELATION TO OTHER PROVISIONS.—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of medical countermeasures.

"(g) SUNSET.—The Secretary may not award any priority review vouchers under subsection (b) after October 1, 2023.".

SEC. 3087. PAPERWORK REDUCTION ACT WAIVER DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(f) DETERMINATION WITH RESPECT TO PAPERWORK REDUCTION ACT WAIVER DURING A PUBLIC HEALTH EMERGENCY.—

"(1) DETERMINATION.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

"(A)(i) the criteria set forth for a public health emergency under paragraph (1) or (2) of subsection (a) has been met; or

"(ii) a disease or disorder, including a novel and emerging public health threat, is significantly likely to become a public health emergency; and

"(B) the circumstances of such public health emergency, or potential for such significantly likely public health emergency, including the specific preparation for and response to such public health emergency or threat, necessitate a waiver from the requirements of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act),

then the requirements of such subchapter I with respect to voluntary collection of information shall not be applicable during the immediate investigation of, and response to, such public health emergency during the period of such public health emergency or the period of time necessary to determine if a disease or disorder, including a novel and emerging public

health threat, will become a public health emergency as provided for in this paragraph. The requirements of such subchapter I with respect to voluntary collection of information shall not be applicable during the immediate postresponse review regarding such public health emergency if such immediate postresponse review does not exceed a reasonable length of time.

"(2) TRANSPARENCY.—If the Secretary determines that a waiver is necessary under paragraph (1), the Secretary shall promptly post on the Internet website of the Department of Health and Human Services a brief justification for such waiver, the anticipated period of time such waiver will be in effect, and the agencies and offices within the Department of Health and Human Services to which such waiver shall apply, and update such information posted on the Internet website of the Department of Health and Human Services, as applicable.

"(3) EFFECTIVENESS OF WAIVER.—Any waiver under this subsection shall take effect on the date on which the Secretary posts information on the Internet website as provided for in this subsection.

"(4) TERMINATION OF WAIVER.—Upon determining that the circumstances necessitating a waiver under paragraph (1) no longer exist, the Secretary shall promptly update the Internet website of the Department of Health and Human Services to reflect the termination of such waiver.

"(5) LIMITATIONS.—

"(A) PERIOD OF WAIVER.—The period of a waiver under paragraph (1) shall not exceed the period of time for the related public health emergency, including a public health emergency declared pursuant to subsection (a), and any immediate postresponse review regarding the public health emergency consistent with the requirements of this subsection.

"(B) SUBSEQUENT COMPLIANCE.—An initiative subject to a waiver under paragraph (1) that is ongoing after the date on which the waiver expires, shall be subject to the requirements of subchapter I of chapter 35 of title 44, United States Code, and the Secretary shall ensure that compliance with such requirements occurs in as timely a manner as possible based on the applicable circumstances, but not to exceed 30 calendar days after the expiration of the applicable waiver.".

SEC. 3088. CLARIFYING FOOD AND DRUG ADMINISTRATION EMERGENCY USE AUTHORIZATION.

(a) AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking "or 515" and inserting "512, or 515"; and

(ii) by inserting "or conditionally approved under section 571 of this Act" after "Public Health Service Act"; and

(B) in subparagraph (B), by inserting "conditionally approved under section 571," after "approved," each place the term appears;

(2) in subsection (b)(4), by striking the second comma after "determination";

(3) in subsection (e)(3)(B), by striking "section 503(b)" and inserting "subsection (b) or (f) of section 503 or under section 504";

(4) in subsection (f)(2)—

(A) by inserting ", or an animal to which," after "to a patient to whom"; and

(B) by inserting "or by the veterinarian caring for such animal, as applicable" after "attending physician";

(5) in subsection (g)(1), by inserting "conditional approval under section 571," after "approval,";

(6) in subsection (h)(1), by striking "or section 520(g)"and inserting "512(j), or 520(g)"; and

(7) in subsection (k), by striking "section 520(g),"and inserting "512(j), or 520(g)".

(b) NEW ANIMAL DRUGS.—Section 512(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (C) the following:

"(D) there is in effect an authorization pursuant to section 564 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to any conditions of such authorization.".

(c) EMERGENCY USE OF MEDICAL PRODUCTS.—Section 564A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a) is amended—

(1) in subsection (a)(1)(A), by inserting ", conditionally approved under section 571," after "chapter"; and

(2) in subsection (d), by striking "sections 503(b) and 520(e)" and inserting "subsections (b) and (f) of section 503, section 504, and section 520(e)".

(d) PRODUCTS HELD FOR EMERGENCY USE.—Section 564B(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3b(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "or conditionally approved under section 571 of this Act" after "Public Health Service Act"; and

(B) by striking "or 515" and inserting "512, or 515"; and

(2) in subparagraph (B), by striking "or 520" and inserting "512, or 520".

Subtitle I—Vaccine Access, Certainty, and Innovation

SEC. 3091. PREDICTABLE REVIEW TIMELINES OF VACCINES BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.

21 USC 360bbb–4 note.

(a) CONSIDERATION OF NEW VACCINES.—Upon the licensure of any vaccine or any new indication for a vaccine, the Advisory

Committee on Immunization Practices (in this section referred to as the "Advisory Committee") shall, as appropriate, consider the use of the vaccine at its next regularly scheduled meeting.

(b) ADDITIONAL INFORMATION.—If the Advisory Committee does not make a recommendation with respect to the use of a vaccine at the Advisory Committee's first regularly scheduled meeting after the licensure of the vaccine or any new indication for the vaccine, the Advisory Committee shall provide an update on the status of such committee's review.

(c) CONSIDERATION FOR BREAKTHROUGH THERAPIES AND FOR POTENTIAL USE DURING PUBLIC HEALTH EMERGENCY.—The Advisory Committee shall make recommendations with respect to the use of certain vaccines in a timely manner, as appropriate, including vaccines that—

(1) are designated as a breakthrough therapy under section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) and licensed under section 351 of the Public Health Service Act (42 U.S.C. 262); or

(2) could be used in a public health emergency.

(d) DEFINITION.—In this section, the terms "Advisory Committee on Immunization Practices" and "Advisory Committee" mean the Advisory Committee on Immunization Practices established by the Secretary pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a), acting through the Director of the Centers for Disease Control and Prevention.".

SEC. 3092. REVIEW OF PROCESSES AND CONSISTENCY OF ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES RECOMMENDATIONS.

(a) REVIEW.—The Director of the Centers for Disease Control and Prevention shall conduct a review of the processes used by the Advisory Committee on Immunization Practices in formulating and issuing recommendations pertaining to vaccines, including with respect to consistency.

(b) CONSIDERATIONS.—The review under subsection (a) shall include an assessment of—

(1) the criteria used to evaluate new and existing vaccines, including the identification of any areas for which flexibility in evaluating such criteria is necessary and the reason for such flexibility;

(2) the Grading of Recommendations, Assessment, Development, and Evaluation (GRADE) approach to the review and analysis of scientific and economic data, including the scientific basis for such approach; and

(3) the extent to which the processes used by the work groups of the Advisory Committee on Immunization Practices are consistent among such groups, including the identification of reasons for any variation.

(c) STAKEHOLDERS.—In carrying out the review under subsection (a), the Director of the Centers for Disease Control and Prevention shall solicit input from vaccine stakeholders.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of the Congress, and make publicly available, a report on the results of the review under subsection (a), including any recommendations

on improving the consistency of the processes described in such subsection.

(e) DEFINITION.—In this section, the term "Advisory Committee on Immunization Practices" means the Advisory Committee on Immunization Practices established by the Secretary of Health and Human Services pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a), acting through the Director of the Centers for Disease Control and Prevention.

SEC. 3093. ENCOURAGING VACCINE INNOVATION.

42 USC 300aa–2 note.

(a) VACCINE MEETINGS.—The Director of the Centers for Disease Control and Prevention shall ensure that appropriate staff within the relevant centers and divisions of the Office of Infectious Diseases, and others, as appropriate, coordinate with respect to the public health needs, epidemiology, and program planning and implementation considerations related to immunization, including with regard to meetings with stakeholders related to such topics.

(b) REPORT ON VACCINE INNOVATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), in collaboration with appropriate agencies or offices within the Department of Health and Human Services, including the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Biomedical Advanced Research and Development Authority, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post publicly on the Internet website of the Department of Health and Human Services, a report on ways to promote innovation in the development of vaccines that minimize the burden of infectious disease.

(2) CONTENTS.—The report described in paragraph (1) shall review the current status of vaccine development and, as appropriate—

(A) consider the optimal process to determine which vaccines would be beneficial to public health and how information on such vaccines is disseminated to key stakeholders;

(B) examine and identify whether obstacles exist that inhibit the development of beneficial vaccines; and

(C) make recommendations about how best to remove any obstacles identified under subparagraph (B) in order to promote and incentivize vaccine innovation and development.

(3) CONSULTATION.—In preparing the report under this subsection, the Secretary may consult with—

(A) representatives of relevant Federal agencies and departments, including the Department of Defense and the Department of Veterans Affairs;

(B) academic researchers;

(C) developers and manufacturers of vaccines;

(D) medical and public health practitioners;

(E) representatives of patient, policy, and advocacy organizations; and

(F) representatives of other entities, as the Secretary determines appropriate.

(c) UPDATES RELATED TO MATERNAL IMMUNIZATION.—

(1) ADDITIONAL VACCINES.—Section 2114(e) of the Public Health Service Act (42 U.S.C. 300aa–14(e)) is amended by adding at the end the following:

"(3) VACCINES RECOMMENDED FOR USE IN PREGNANT WOMEN.—The Secretary shall revise the Vaccine Injury Table included in subsection (a), through the process described in subsection (c), to include vaccines recommended by the Centers for Disease Control and Prevention for routine administration in pregnant women and the information described in subparagraphs (B) and (C) of paragraph (2) with respect to such vaccines.".

(2) PETITION CONTENT.—Section 2111 of the Public Health Service Act (42 U.S.C. 300aa–11) is amended by adding at the end the following:

"(f) MATERNAL IMMUNIZATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle, both a woman who received a covered vaccine while pregnant and any child who was in utero at the time such woman received the vaccine shall be considered persons to whom the covered vaccine was administered and persons who received the covered vaccine.

"(2) DEFINITION.—As used in this subsection, the term 'child' shall have the meaning given that term by subsections (a) and (b) of section 8 of title 1, United States Code, except that, for purposes of this subsection, such section 8 shall be applied as if the term 'include' in subsection (a) of such section were replaced with the term 'mean'.".

(3) PETITIONERS.—Section 2111(b)(2) of the Public Health Service Act (42 U.S.C. 300aa–11(b)(2)) is amended by adding "A covered vaccine administered to a pregnant woman shall constitute more than one administration, one to the mother and one to each child (as such term is defined in subsection (f)(2)) who was in utero at the time such woman was administered the vaccine." at the end.

Subtitle J—Technical Corrections

SEC. 3101. TECHNICAL CORRECTIONS.

(a) FFDCA.—

(1) REFERENCES.—Except as otherwise expressly provided, whenever in this subsection an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(2) AMENDMENTS.—

(A) PROHIBITED ACTS.—Section 301(r) (21 U.S.C. 331(r)) is amended by inserting ", drug," after "device" each place the term appears.

(B) NEW DRUGS.—Section 505 (21 U.S.C. 355) is amended—

(i) in subsection (d), in the last sentence, by striking "premarket approval" and inserting "marketing approval"; and

(ii) in subsection (q)(5)(A), by striking "subsection (b)(2) or (j) of the Act or 351(k)" and inserting "subsection (b)(2) or (j) of this section or section 351(k)".

(C) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1(h)(21 U.S.C. 355–1(h)) is amended—

(i) in paragraph (2)(A)(iii)—

(I) in the clause heading, by striking "LABEL" and inserting "LABELING";

(II) by striking "label" each place the term appears and inserting "labeling"; and

(III) by striking "sponsor" and inserting "responsible person"; and

(ii) in paragraph (8), by striking "and (7)." and inserting "and (7)".

(D) PEDIATRIC STUDY PLANS.—Section 505B (21 U.S.C. 355c) is amended—

(i) in subsection (e)—

(I) in paragraph (2)—

(aa) in subparagraph (A), by inserting "study" after "initial pediatric" each place the term appears; and

(bb) in subparagraph (B), in the subparagraph heading, by striking "INITIAL PLAN" and inserting "INITIAL PEDIATRIC STUDY PLAN";

(II) in paragraph (5), in the paragraph heading, by inserting "AGREED INITIAL PEDIATRIC STUDY" before "PLAN"; and

(III) in paragraph (6), by striking "agreed initial pediatric plan" and inserting "agreed initial pediatric study plan"; and

(ii) in subsection (f)(1), by inserting "and any significant amendments to such plans," after "agreed initial pediatric study plans,".

(E) DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIVE-SAVING DRUGS.—Section 506C (21 U.S.C. 356c) is amended—

(i) in subsection (c), by striking "discontinuation" and inserting "discontinuance"; and

(ii) in subsection (g)(1), by striking "section 505(j) that could help" and inserting "section 505(j), that could help".

(F) ANNUAL REPORTING ON DRUG SHORTAGES.—Section 506C–1(a) (21 U.S.C. 331(a)) is amended, in the matter before paragraph (1)—

(i) by striking "Not later than the end of calendar year 2013, and not later than the end of each calendar year thereafter," and inserting "Not later than March 31 of each calendar year,"; and

(ii) by inserting ", with respect to the preceding calendar year," after "a report".

(G) DRUG SHORTAGE LIST.—Section 506E(b)(3)(E) (21 U.S.C. 356e(b)(3)(E)) is amended by striking "discontinuation" and inserting "discontinuance".

(H) INSPECTIONS OF ESTABLISHMENTS.—Section 510(h) (21 U.S.C. 360(h)) is amended—

(i) in paragraph (4), in the matter preceding subparagraph (A), by striking "establishing the risk-based scheduled" and inserting "establishing a risk-based schedule"; and

(ii) in paragraph (6)—

(I) in subparagraph (A), by striking "fiscal" and inserting "calendar" each place the term appears; and

(II) in subparagraph (B), by striking "an active ingredient of a drug, a finished drug product, or an excipient of a drug" and inserting "an active ingredient of a drug or a finished drug product".

(I) CLASSIFICATION OF DEVICES INTENDED FOR HUMAN USE.—Section 513(f)(2)(A) (21 U.S.C. 360c(f)(2)(A)) is amended—

(i) in clause (i), by striking "within 30 days"; and

(ii) in clause (iv), by striking "low-moderate" and inserting "low to moderate".

(J) PREMARKET APPROVAL.—Section 515(a)(1) (21 U.S.C. 360e(a)(1)) is amended by striking "subject to a an order" and inserting "subject to an order".

(K) PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.—Section 518A (21 U.S.C. 360h–1) is amended—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c).

(L) UNIQUE DEVICE IDENTIFIER.—Section 519(f) (21 U.S.C. 360i(f)) is amended by striking "and life sustaining" and inserting "or life sustaining".

(M) PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.—Section 524(c)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(c)(4)(A)) is amended by striking "Services Act" and inserting "Service Act".

(N) PRIORITY REVIEW FOR QUALIFIED INFECTIOUS DISEASE PRODUCTS.—Section 524A (21 U.S.C. 360n–1) is amended—

(i) by striking "If the Secretary" and inserting the following:

"(a) IN GENERAL.—If the Secretary";

(ii) by striking "any" and inserting "the first"; and

(iii) by adding at the end the following:

"(b) CONSTRUCTION.—Nothing in this section shall prohibit the Secretary from giving priority review to a human drug application or efficacy supplement submitted for approval under section 505(b) that otherwise meets the criteria for the Secretary to grant priority review.".

(O) CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.—Section 569(a)(2)(A) (21 U.S.C. 360bbb–8(a)(2)(A)) is amended, in the first sentence, by striking "subsection (c)" and inserting "subsection (b)".

(P) OPTIMIZING GLOBAL CLINICAL TRIALS.—Section 569A(c) (21 U.S.C. 360bbb–8a(c)) is amended by inserting "or under the Public Health Service Act" after "this Act".

(Q) USE OF CLINICAL INVESTIGATION DATA FROM OUTSIDE THE UNITED STATES.—Section 569B (21 U.S.C. 360bbb–8b) is amended by striking "drug or device" and inserting "drug, biological product, or device" each place the term appears.

(R) MEDICAL GASES DEFINITIONS.—Section 575(1)(H) (21 U.S.C. 360ddd(1)(H)) is amended—

(i) by inserting "for a new drug" after "any period of exclusivity"; and

(ii) by inserting "or any period of exclusivity for a new animal drug under section 512(c)(2)(F)," after "section 505A,".

(S) REGULATION OF MEDICAL GASES.—Section 576(a) (21 U.S.C. 360ddd–1(a)) is amended—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting "who seeks to initially introduce or deliver for introduction a designated medical gas into interstate commerce" after "any person"; and

(ii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (i)(VIII), by inserting "for a new drug" after "any period of exclusivity"; and

(bb) in clause (ii), in the matter preceding subclause (I), by inserting "the" before "final use"; and

(II) in subparagraph (B)—

(aa) in clause (i), by inserting "for a new drug" after "any period of exclusivity"; and

(bb) in clause (ii), by inserting a comma after "drug product".

(T) INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GASES.—Section 577 (21 U.S.C. 360ddd–2) is amended by inserting "or 740(a)" after "section 736(a)".

(U) CONFLICTS OF INTEREST.—Section 712(e)(1)(B) (21 U.S.C. 379d–1(e)(1)(B)) is amended by striking "services" and inserting "service".

(V) AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.—Section 744H(a) (21 U.S.C. 379j–52(a)) is amended—

(i) in paragraph (1)(A)(v), by striking "Biosimilars User Fee Act of 2012" and inserting "Biosimilar User Fee Act of 2012"; and

(ii) in paragraph (2)(B), by striking "Biosimilars User Fee Act of 2012" and inserting "Biosimilar User Fee Act of 2012".

(W) REGISTRATION OF COMMERCIAL IMPORTERS.—

(i) AMENDMENT.—Section 801(s)(2) (21 U.S.C. 381(s)(2)) is amended by adding at the end the following:

"(D) EFFECTIVE DATE.—In establishing the effective date of the regulations under subparagraph (A), the Secretary shall, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, as determined appropriate by the Secretary of Health and Human Services, provide a reasonable period of time for an importer of a drug to comply with good

importer practices, taking into account differences among importers and types of imports, including based on the level of risk posed by the imported product.".

(ii) CONFORMING AMENDMENT.—Section 714 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 1074) is amended by striking subsection (d).

(X) RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.—Section 809(a)(2) (21 U.S.C. 384e(a)(2)) is amended by striking "conduction" and inserting "conducting".

(b) FDASIA.—

(1) FINDINGS RELATING TO DRUG APPROVAL.—Section 901(a)(1)(A) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 21 U.S.C. 356 note) is amended by striking "serious and life-threatening diseases" and inserting "serious or life-threatening diseases".

(2) REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS.—Section 907 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 1092, 1093) is amended—

(A) in the section heading, by striking "**BIOLOGICS**" in the heading and inserting "**BIOLOGICAL PRODUCTS**"; and

(B) in subsection (a)(2)(B), by striking "applications for new drug applications" and inserting "new drug applications".

(3) COMBATING PRESCRIPTION DRUG ABUSE.—Section 1122 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 1112, 1113) is amended—

(A) in subsection (a)(2), by striking "dependance" and inserting "dependence"; and

(B) in subsection (c), by striking "promulgate" and inserting "issue".

SEC. 3102. COMPLETED STUDIES.

The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 505(k)(5) (21 U.S.C. 355(k)(5))—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in section 505A (21 U.S.C. 355a), by striking subsection (p);

(3) in section 505B (21 U.S.C. 355c)—

(A) by striking subsection (l); and

(B) by redesignating subsection (m) as subsection (l); and

(4) in section 523 (21 U.S.C. 360m), by striking subsection (d).

TITLE IV—DELIVERY

SEC. 4001. ASSISTING DOCTORS AND HOSPITALS IN IMPROVING QUALITY OF CARE FOR PATIENTS.

(a) IN GENERAL.—The Health Information Technology for Economic and Clinical Health Act (title XIII of division A of Public Law 111–5) is amended—

(1) by adding at the end of part 1 of subtitle A the following:

"SEC. 13103. ASSISTING DOCTORS AND HOSPITALS IN IMPROVING QUALITY OF CARE FOR PATIENTS.

42 USC 300jj–11 note.

"(a) REDUCTION IN BURDENS GOAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary'), in consultation with providers of health services, health care suppliers of services, health care payers, health professional societies, health information technology developers, health care quality organizations, health care accreditation organizations, public health entities, States, and other appropriate entities, shall, in accordance with subsection (b)—

"(1) establish a goal with respect to the reduction of regulatory or administrative burdens (such as documentation requirements) relating to the use of electronic health records;

"(2) develop a strategy for meeting the goal established under paragraph (1); and

"(3) develop recommendations for meeting the goal established under paragraph (1).

"(b) STRATEGY AND RECOMMENDATIONS.—

"(1) IN GENERAL.—To achieve the goal established under subsection (a)(1), the Secretary, in consultation with the entities described in such subsection, shall, not later than 1 year after the date of enactment of the 21st Century Cures Act, develop a strategy and recommendations to meet the goal in accordance with this subsection.

"(2) STRATEGY.—The strategy developed under paragraph (1) shall address the regulatory and administrative burdens (such as documentation requirements) relating to the use of electronic health records. Such strategy shall include broad public comment and shall prioritize—

"(A)(i) incentives for meaningful use of certified EHR technology for eligible professionals and hospitals under sections 1848(a)(7) and 1886(b)(3)(B)(ix), respectively, of the Social Security Act (42 U.S.C. 1395w–4(a)(7), 1395ww(b)(3)(B)(ix));

"(ii) the program for making payments under section 1903(a)(3)(F) of the Social Security Act (42 U.S.C. 1396b(a)(3)(F)) to encourage the adoption and use of certified EHR technology by Medicaid providers;

"(iii) the Merit-based Incentive Payment System under section 1848(q) of the Social Security Act (42 U.S.C. 1395w–4(q));

"(iv) alternative payment models (as defined in section 1833(z)(3)(C) of the Social Security Act (42 U.S.C. 1395l(z)(3)(C));

"(v) the Hospital Value-Based Purchasing Program under section 1886(o) of the Social Security Act (42 U.S.C. 1395ww(o)); and

"(vi) other value-based payment programs, as the Secretary determines appropriate;

"(B) health information technology certification;

"(C) standards and implementation specifications, as appropriate;

"(D) activities that provide individuals access to their electronic health information;

"(E) activities related to protecting the privacy of electronic health information;

"(F) activities related to protecting the security of electronic health information;

"(G) activities related to facilitating health and clinical research;

"(H) activities related to public health;

"(I) activities related to aligning and simplifying quality measures across Federal programs and other payers;

"(J) activities related to reporting clinical data for administrative purposes; and

"(K) other areas, as the Secretary determines appropriate.

"(3) RECOMMENDATIONS.—The recommendations developed under paragraph (1) shall address—

"(A) actions that improve the clinical documentation experience;

"(B) actions that improve patient care;

"(C) actions to be taken by the Secretary and by other entities; and

"(D) other areas, as the Secretary determines appropriate, to reduce the reporting burden required of health care providers.

"(4) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the development of the goal, strategies, or recommendations described in this section.

"(c) APPLICATION OF CERTAIN REGULATORY REQUIREMENTS.—A physician (as defined in section 1861(r)(1) of the Social Security Act), to the extent consistent with applicable State law, may delegate electronic medical record documentation requirements specified in regulations promulgated by the Centers for Medicare & Medicaid Services to a person performing a scribe function who is not such physician if such physician has signed and verified the documentation."; and

(2) in the table of contents in section 13001(b), by inserting after the item relating to section 13102 the following:

"13103. Assisting doctors and hospitals in improving the quality and care for patients.".

(b) CERTIFICATION OF HEALTH INFORMATION TECHNOLOGY FOR MEDICAL SPECIALTIES AND SITES OF SERVICE.—Section 3001(c)(5) of the Public Health Service Act (42 U.S.C. 300jj–11(c)(5)) is amended by adding at the end the following:

"(C) HEALTH INFORMATION TECHNOLOGY FOR MEDICAL SPECIALTIES AND SITES OF SERVICE.—

"(i) IN GENERAL.—The National Coordinator shall encourage, keep, or recognize, through existing authorities, the voluntary certification of health information technology under the program developed under

subparagraph (A) for use in medical specialties and sites of service for which no such technology is available or where more technological advancement or integration is needed.

"(ii) SPECIFIC MEDICAL SPECIALTIES.—The Secretary shall accept public comment on specific medical specialties and sites of service, in addition to those described in clause (i), for the purpose of selecting additional specialties and sites of service as necessary.

"(iii) HEALTH INFORMATION TECHNOLOGY FOR PEDIATRICS.—Not later than 18 months after the date of enactment of the 21st Century Cures Act, the Secretary, in consultation with relevant stakeholders, shall make recommendations for the voluntary certification of health information technology for use by pediatric health providers to support the health care of children. Not later than 2 years after the date of enactment of the 21st Century Cures Act, the Secretary shall adopt certification criteria under section 3004 to support the voluntary certification of health information technology for use by pediatric health providers to support the health care of children.".

(c) MEANINGFUL USE STATISTICS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the HIT Advisory Committee of the Office of the National Coordinator for Health Information Technology, a report concerning attestation statistics for the Medicare and Medicaid EHR Meaningful Use Incentive programs to assist in informing standards adoption and related practices. Such statistics shall include attestation information delineated by State, including, to the extent practicable, the number of providers who did not meet the minimum criteria necessary to attest for the Medicare and Medicaid EHR Meaningful Use Incentive programs for a calendar year, and shall be made publicly available on the Internet website of the Secretary on at least a quarterly basis.

(2) AUTHORITY TO ALTER FORMAT.—The Secretary of Health and Human Services may alter the format of the reports on the attestation of eligible health care professionals following the first performance year of the Merit-based Incentive Payment System to account for changes arising from the implementation of such payment system.

SEC. 4002. TRANSPARENT REPORTING ON USABILITY, SECURITY, AND FUNCTIONALITY.

(a) ENHANCEMENTS TO CERTIFICATION.—Section 3001(c)(5) of the Public Health Service Act (42 U.S.C. 300jj–11), as amended by section 4001(b), is further amended by adding at the end the following:

"(D) CONDITIONS OF CERTIFICATION.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary, through notice and comment rulemaking, shall require, as a condition of certification and maintenance of certification for programs maintained or recognized under this paragraph, consistent with other

conditions and requirements under this title, that the health information technology developer or entity—

"(i) does not take any action that constitutes information blocking as defined in section 3022(a);

"(ii) provides assurances satisfactory to the Secretary that such developer or entity, unless for legitimate purposes specified by the Secretary, will not take any action described in clause (i) or any other action that may inhibit the appropriate exchange, access, and use of electronic health information;

"(iii) does not prohibit or restrict communication regarding—

"(I) the usability of the health information technology;

"(II) the interoperability of the health information technology;

"(III) the security of the health information technology;

"(IV) relevant information regarding users' experiences when using the health information technology;

"(V) the business practices of developers of health information technology related to exchanging electronic health information; and

"(VI) the manner in which a user of the health information technology has used such technology;

"(iv) has published application programming interfaces and allows health information from such technology to be accessed, exchanged, and used without special effort through the use of application programming interfaces or successor technology or standards, as provided for under applicable law, including providing access to all data elements of a patient's electronic health record to the extent permissible under applicable privacy laws;

"(v) has successfully tested the real world use of the technology for interoperability (as defined in section 3000) in the type of setting in which such technology would be marketed;

"(vi) provides to the Secretary an attestation that the developer or entity—

"(I) has not engaged in any of the conduct described in clause (i);

"(II) has provided assurances satisfactory to the Secretary in accordance with clause (ii);

"(III) does not prohibit or restrict communication as described in clause (iii);

"(IV) has published information in accordance with clause (iv);

"(V) ensures that its technology allows for health information to be exchanged, accessed, and used, in the manner described in clause (iv); and

"(VI) has undertaken real world testing as described in clause (v); and

"(vii) submits reporting criteria in accordance with section 3009A(b).".

"(E) COMPLIANCE WITH CONDITIONS OF CERTIFICATION.—The Secretary may encourage compliance with the conditions of certification described in subparagraph (D) and take action to discourage noncompliance, as appropriate.".

(b) EHR SIGNIFICANT HARDSHIP EXCEPTION.—

(1) APPLICATION TO ELIGIBLE PROFESSIONALS.—

(A) IN CASE OF DECERTIFICATION.—Section 1848(a)(7)(B) of the Social Security Act (42 U.S.C. 1395w–4(a)(7)(B)) is amended by inserting after the first sentence the following new sentence: "The Secretary shall exempt an eligible professional from the application of the payment adjustment under subparagraph (A) with respect to a year, subject to annual renewal, if the Secretary determines that compliance with the requirement for being a meaningful EHR user is not possible because the certified EHR technology used by such professional has been decertified under a program kept or recognized pursuant to section 3001(c)(5) of the Public Health Service Act.".

(B) CONTINUED APPLICATION UNDER MIPS.—Section 1848(o)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(D)) is amended by adding at the end the following new sentence: "The provisions of subparagraphs (B) and (D) of subsection (a)(7), shall apply to assessments of MIPS eligible professionals under subsection (q) with respect to the performance category described in subsection (q)(2)(A)(iv) in an appropriate manner which may be similar to the manner in which such provisions apply with respect to payment adjustments made under subsection (a)(7)(A).".

(2) APPLICATION TO ELIGIBLE HOSPITALS.—Section 1886(b)(3)(B)(ix)(II) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(ix)(II)) is amended by inserting after the first sentence the following new sentence: "The Secretary shall exempt an eligible hospital from the application of the payment adjustment under subclause (I) with respect to a fiscal year, subject to annual renewal, if the Secretary determines that compliance with the requirement for being a meaningful EHR user is not possible because the certified EHR technology used by such hospital is decertified under a program kept or recognized pursuant to section 3001(c)(5) of the Public Health Service Act.".

(c) ELECTRONIC HEALTH RECORD REPORTING PROGRAM.—Subtitle A of title XXX of the Public Health Service Act (42 U.S.C. 300jj–11 et seq.) is amended by adding at the end the following:

"SEC. 3009A. ELECTRONIC HEALTH RECORD REPORTING PROGRAM. 42 USC 300jj–19a.

"(a) REPORTING CRITERIA.—

"(1) CONVENING OF STAKEHOLDERS.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary shall convene stakeholders, as described in paragraph (2), for the purpose of developing the reporting criteria in accordance with paragraph (3).

"(2) DEVELOPMENT OF REPORTING CRITERIA.—The reporting criteria under this subsection shall be developed through a public, transparent process that reflects input from relevant stakeholders, including—

"(A) health care providers, including primary care and specialty care health care professionals;

"(B) hospitals and hospital systems;

"(C) health information technology developers;

"(D) patients, consumers, and their advocates;

"(E) data sharing networks, such as health information exchanges;

"(F) authorized certification bodies and testing laboratories;

"(G) security experts;

"(H) relevant manufacturers of medical devices;

"(I) experts in health information technology market economics;

"(J) public and private entities engaged in the evaluation of health information technology performance;

"(K) quality organizations, including the consensus based entity described in section 1890 of the Social Security Act;

"(L) experts in human factors engineering and the measurement of user-centered design; and

"(M) other entities or individuals, as the Secretary determines appropriate.

"(3) CONSIDERATIONS FOR REPORTING CRITERIA.—The reporting criteria developed under this subsection—

"(A) shall include measures that reflect categories including—

"(i) security;

"(ii) usability and user-centered design;

"(iii) interoperability;

"(iv) conformance to certification testing; and

"(v) other categories, as appropriate to measure the performance of electronic health record technology;

"(B) may include categories such as—

"(i) enabling the user to order and view the results of laboratory tests, imaging tests, and other diagnostic tests;

"(ii) submitting, editing, and retrieving data from registries such as clinician-led clinical data registries;

"(iii) accessing and exchanging information and data from and through health information exchanges;

"(iv) accessing and exchanging information and data from medical devices;

"(v) accessing and exchanging information and data held by Federal, State, and local agencies and other applicable entities useful to a health care provider or other applicable user in the furtherance of patient care;

"(vi) accessing and exchanging information from other health care providers or applicable users;

"(vii) accessing and exchanging patient generated information;

"(viii) providing the patient or an authorized designee with a complete copy of their health information from an electronic record in a computable format;

"(ix) providing accurate patient information for the correct patient, including exchanging such information, and avoiding the duplication of patients records; and

"(x) other categories regarding performance, accessibility, as the Secretary determines appropriate; and

"(C) shall be designed to ensure that small and startup health information technology developers are not unduly disadvantaged by the reporting criteria.

"(4) MODIFICATIONS.—After the reporting criteria have been developed under paragraph (3), the Secretary may convene stakeholders and conduct a public comment period for the purpose of modifying the reporting criteria developed under such paragraph.

"(b) PARTICIPATION.—As a condition of maintaining certification under section 3001(c)(5)(D), a developer of certified electronic health records shall submit to an appropriate recipient of a grant, contract, or agreement under subsection (c)(1) responses to the criteria developed under subsection (a), with respect to all certified technology offered by such developer.

"(c) REPORTING PROGRAM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the 21st Century Cures Act, the Secretary shall award grants, contracts, or agreements to independent entities on a competitive basis to support the convening of stakeholders as described in subsection (a)(2), collect the information required to be reported in accordance with the criteria established as described subsection (a)(3), and develop and implement a process in accordance with paragraph (5) and report such information to the Secretary.

"(2) APPLICATIONS.—An independent entity that seeks a grant, contract, or agreement under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a description of—

"(A) the proposed method for reviewing and summarizing information gathered based on reporting criteria established under subsection (a);

"(B) if applicable, the intended focus on a specific subset of certified electronic health record technology users, such as health care providers, including primary care, specialty care, and care provided in rural settings; hospitals and hospital systems; and patients, consumers, and patients and consumer advocates;

"(C) the plan for widely distributing reports described in paragraph (6);

"(D) the period for which the grant, contract, or agreement is requested, which may be up to 2 years; and

"(E) the budget for reporting program participation, and whether the eligible independent entity intends to continue participation after the period of the grant, contract, or agreement.

"(3) CONSIDERATIONS FOR INDEPENDENT ENTITIES.—In awarding grants, contracts, and agreements under paragraph (1), the Secretary shall give priority to independent entities with appropriate expertise in health information technology usability, interoperability, and security (especially entities with such expertise in electronic health records) with respect to—

"(A) health care providers, including primary care, specialty care, and care provided in rural settings;

"(B) hospitals and hospital systems; and

"(C) patients, consumers, and patient and consumer advocates.

"(4) LIMITATIONS.—

"(A) ASSESSMENT AND REDETERMINATION.—Not later than 4 years after the date of enactment of the 21st Century Cures Act and every 2 years thereafter, the Secretary, in consultation with stakeholders, shall—

"(i) assess performance of the recipients of the grants, contracts, and agreements under paragraph (1) based on quality and usability of reports described in paragraph (6); and

"(ii) re-determine grants, contracts, and agreements as necessary.

"(B) PROHIBITIONS ON PARTICIPATION.—The Secretary may not award a grant, contract, or cooperative agreement under paragraph (1) to—

"(i) a proprietor of certified health information technology or a business affiliate of such a proprietor;

"(ii) a developer of certified health information technology; or

"(iii) a State or local government agency.

"(5) FEEDBACK.—Based on reporting criteria established under subsection (a), the recipients of grants, contracts, and agreements under paragraph (1) shall develop and implement a process to collect and verify confidential feedback on such criteria from—

"(A) health care providers, patients, and other users of certified electronic health record technology; and

"(B) developers of certified electronic health record technology.

"(6) REPORTS.—

"(A) DEVELOPMENT OF REPORTS.—Each recipient of a grant, contract, or agreement under paragraph (1) shall report on the information reported to such recipient pursuant to subsection (a) and the user feedback collected under paragraph (5) by preparing summary reports and detailed reports of such information.

"(B) DISTRIBUTION OF REPORTS.—Each recipient of a grant, contract, or agreement under paragraph (1) shall submit the reports prepared under subparagraph (A) to the Secretary for public distribution in accordance with subsection (d).

"(d) PUBLICATION.—The Secretary shall distribute widely, as appropriate, and publish, on the Internet website of the Office of the National Coordinator—

"(1) the reporting criteria developed under subsection (a); and

"(2) the summary and detailed reports under subsection (c)(6).

"(e) REVIEW.—Each recipient of a grant, contract, or agreement under paragraph (1) shall develop and implement a process through which participating electronic health record technology developers may review and recommend changes to the reports created under subsection (c)(6) for products developed by such developer prior to the publication of such report under subsection (d).

"(f) ADDITIONAL RESOURCES.—The Secretary may provide additional resources on the Internet website of the Office of the National

Coordinator to better inform consumers of health information technology. Such reports may be carried out through partnerships with private organizations with appropriate expertise.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for purposes of carrying out subparagraph (D) of section 3001(c)(5) of the Public Health Service Act (42 U.S.C. 300jj–11) (as added by subsection (a)) and section 3009A of the Public Health Service Act (as added by subsection (b)), including for purposes of administering any contracts, grants, or agreements, to remain available until expended.

SEC. 4003. INTEROPERABILITY.

(a) DEFINITION.—Section 3000 of the Public Health Service Act (42 U.S.C. 300jj) is amended—

(1) by redesignating paragraphs (10) through (14), as paragraphs (11) through (15), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) INTEROPERABILITY.—The term 'interoperability', with respect to health information technology, means such health information technology that—

"(A) enables the secure exchange of electronic health information with, and use of electronic health information from, other health information technology without special effort on the part of the user;

"(B) allows for complete access, exchange, and use of all electronically accessible health information for authorized use under applicable State or Federal law; and

"(C) does not constitute information blocking as defined in section 3022(a).".

(b) SUPPORT FOR INTEROPERABLE NETWORK EXCHANGE.—Section 3001(c) of the Public Health Service Act (42 U.S.C. 300jj–11(c)) is amended by adding at the end the following:

"(9) SUPPORT FOR INTEROPERABLE NETWORKS EXCHANGE.—

"(A) IN GENERAL.—The National Coordinator shall, in collaboration with the National Institute of Standards and Technology and other relevant agencies within the Department of Health and Human Services, for the purpose of ensuring full network-to-network exchange of health information, convene public-private and public-public partnerships to build consensus and develop or support a trusted exchange framework, including a common agreement among health information networks nationally. Such convention may occur at a frequency determined appropriate by the Secretary.

"(B) ESTABLISHING A TRUSTED EXCHANGE FRAMEWORK.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of the 21st Century Cures Act, the National Coordinator shall convene appropriate public and private stakeholders to develop or support a trusted exchange framework for trust policies and practices and for a common agreement for exchange between health information networks. The common agreement may include—

"(I) a common method for authenticating trusted health information network participants;

"(II) a common set of rules for trusted exchange;

"(III) organizational and operational policies to enable the exchange of health information among networks, including minimum conditions for such exchange to occur; and

"(IV) a process for filing and adjudicating noncompliance with the terms of the common agreement.

"(ii) TECHNICAL ASSISTANCE.—The National Coordinator, in collaboration with the National Institute of Standards and Technology, shall provide technical assistance on how to implement the trusted exchange framework and common agreement under this paragraph.

"(iii) PILOT TESTING.—The National Coordinator, in consultation with the National Institute of Standards and Technology, shall provide for the pilot testing of the trusted exchange framework and common agreement established or supported under this subsection (as authorized under section 13201 of the Health Information Technology for Economic and Clinical Health Act). The National Coordinator, in consultation with the National Institute of Standards and Technology, may delegate pilot testing activities under this clause to independent entities with appropriate expertise.

"(C) PUBLICATION OF A TRUSTED EXCHANGE FRAMEWORK AND COMMON AGREEMENT.—Not later than 1 year after convening stakeholders under subparagraph (A), the National Coordinator shall publish on its public Internet website, and in the Federal register, the trusted exchange framework and common agreement developed or supported under subparagraph (B). Such trusted exchange framework and common agreement shall be published in a manner that protects proprietary and security information, including trade secrets and any other protected intellectual property.

"(D) DIRECTORY OF PARTICIPATING HEALTH INFORMATION NETWORKS.—

"(i) IN GENERAL.—Not later than 2 years after convening stakeholders under subparagraph (A), and annually thereafter, the National Coordinator shall publish on its public Internet website a list of the health information networks that have adopted the common agreement and are capable of trusted exchange pursuant to the common agreement developed or supported under paragraph (B).

"(ii) PROCESS.—The Secretary shall, through notice and comment rulemaking, establish a process for health information networks that voluntarily elect to adopt the trusted exchange framework and common agreement to attest to such adoption of the framework and agreement.

"(E) APPLICATION OF THE TRUSTED EXCHANGE FRAMEWORK AND COMMON AGREEMENT.—As appropriate, Federal agencies contracting or entering into agreements with

health information exchange networks may require that as each such network upgrades health information technology or trust and operational practices, such network may adopt, where available, the trusted exchange framework and common agreement published under subparagraph (C).

"(F) RULE OF CONSTRUCTION.—

"(i) GENERAL ADOPTION.—Nothing in this paragraph shall be construed to require a health information network to adopt the trusted exchange framework or common agreement.

"(ii) ADOPTION WHEN EXCHANGE OF INFORMATION IS WITHIN NETWORK.—Nothing in this paragraph shall be construed to require a health information network to adopt the trusted exchange framework or common agreement for the exchange of electronic health information between participants of the same network.

"(iii) EXISTING FRAMEWORKS AND AGREEMENTS.—The trusted exchange framework and common agreement published under subparagraph (C) shall take into account existing trusted exchange frameworks and agreements used by health information networks to avoid the disruption of existing exchanges between participants of health information networks.

"(iv) APPLICATION BY FEDERAL AGENCIES.—Notwithstanding clauses (i), (ii), and (iii), Federal agencies may require the adoption of the trusted exchange framework and common agreement published under subparagraph (C) for health information exchanges contracting with or entering into agreements pursuant to subparagraph (E).

"(v) CONSIDERATION OF ONGOING WORK.—In carrying out this paragraph, the Secretary shall ensure the consideration of activities carried out by public and private organizations related to exchange between health information exchanges to avoid duplication of efforts.".

(c) PROVIDER DIGITAL CONTACT INFORMATION INDEX.— 42 USC 300jj–11 note.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall, directly or through a partnership with a private entity, establish a provider digital contact information index to provide digital contact information for health professionals and health facilities.

(2) USE OF EXISTING INDEX.—In establishing the initial index under paragraph (1), the Secretary may utilize an existing provider directory to make such digital contact information available.

(3) CONTACT INFORMATION.—An index established under this subsection shall ensure that contact information is available at the individual health care provider level and at the health facility or practice level.

(4) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—The purpose of this subsection is to encourage the exchange of electronic health information by providing the most useful, reliable, and comprehensive

index of providers possible. In furthering such purpose, the Secretary shall include all health professionals and health facilities applicable to provide a useful, reliable, and comprehensive index for use in the exchange of health information.

(B) LIMITATION.—In no case shall exclusion from the index of providers be used as a measure to achieve objectives other the objectives described in subparagraph (A).

(d) STANDARDS DEVELOPMENT ORGANIZATIONS.—Section 3004 of the Public Health Service Act (42 U.S.C. 300jj–14) is amended by adding at the end the following:

"(c) DEFERENCE TO STANDARDS DEVELOPMENT ORGANIZATIONS.—In adopting and implementing standards under this section, the Secretary shall give deference to standards published by standards development organizations and voluntary consensus-based standards bodies.".

(e) HEALTH INFORMATION TECHNOLOGY ADVISORY COMMITTEE.—

(1) IN GENERAL.—Title XXX of the Public Health Service Act (42 U.S.C. 300jj et seq.) is amended by striking sections 3002 (42 U.S.C. 300jj–12) and 3003 (42 U.S.C. 300jj–13) and inserting the following:

42 USC 300jj–12.

"SEC. 3002. HEALTH INFORMATION TECHNOLOGY ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—There is established a Health Information Technology Advisory Committee (referred to in this section as the 'HIT Advisory Committee') to recommend to the National Coordinator, consistent with the implementation of the strategic plan described in section 3001(c)(3), policies, and, for purposes of adoption under section 3004, standards, implementation specifications, and certification criteria, relating to the implementation of a health information technology infrastructure, nationally and locally, that advances the electronic access, exchange, and use of health information. Such Committee shall serve to unify the roles of, and replace, the HIT Policy Committee and the HIT Standards Committee, as in existence before the date of the enactment of the 21st Century Cures Act.

"(b) DUTIES.—

"(1) RECOMMENDATIONS ON POLICY FRAMEWORK TO ADVANCE AN INTEROPERABLE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—

"(A) IN GENERAL.—The HIT Advisory Committee shall recommend to the National Coordinator a policy framework for adoption by the Secretary consistent with the strategic plan under section 3001(c)(3) for advancing the target areas described in this subsection. Such policy framework shall seek to prioritize achieving advancements in the target areas specified in subparagraph (B) of paragraph (2) and may, to the extent consistent with this section, incorporate policy recommendations made by the HIT Policy Committee, as in existence before the date of the enactment of the 21st Century Cures Act.

"(B) UPDATES.—The HIT Advisory Committee shall propose updates to such recommendations to the policy framework and make new recommendations, as appropriate.

"(2) GENERAL DUTIES AND TARGET AREAS.—

"(A) IN GENERAL.—The HIT Advisory Committee shall recommend to the National Coordinator for purposes of adoption under section 3004, standards, implementation specifications, and certification criteria and an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria. Such recommendations shall include recommended standards, architectures, and software schemes for access to electronic individually identifiable health information across disparate systems including user vetting, authentication, privilege management, and access control.

"(B) PRIORITY TARGET AREAS.—For purposes of this section, the HIT Advisory Committee shall make recommendations under subparagraph (A) with respect to at least each of the following target areas:

"(i) Achieving a health information technology infrastructure, nationally and locally, that allows for the electronic access, exchange, and use of health information, including through technology that provides accurate patient information for the correct patient, including exchanging such information, and avoids the duplication of patient records.

"(ii) The promotion and protection of privacy and security of health information in health information technology, including technologies that allow for an accounting of disclosures and protections against disclosures of individually identifiable health information made by a covered entity for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of the regulation promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996), including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care.

"(iii) The facilitation of secure access by an individual to such individual's protected health information and access to such information by a family member, caregiver, or guardian acting on behalf of a patient, including due to age-related and other disability, cognitive impairment, or dementia.

"(iv) Subject to subparagraph (D), any other target area that the HIT Advisory Committee identifies as an appropriate target area to be considered under this subparagraph.

"(C) ADDITIONAL TARGET AREAS.—For purposes of this section, the HIT Advisory Committee may make recommendations under subparagraph (A), in addition to areas described in subparagraph (B), with respect to any of the following areas:

"(i) The use of health information technology to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, reducing medical errors, improving population health,

reducing chronic disease, and advancing research and education.

"(ii) The use of technologies that address the needs of children and other vulnerable populations.

"(iii) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including at a minimum, race, ethnicity, primary language, and gender information.

"(iv) The use of self-service, telemedicine, home health care, and remote monitoring technologies.

"(v) The use of technologies that meet the needs of diverse populations.

"(vi) The use of technologies that support—

"(I) data for use in quality and public reporting programs;

"(II) public health; or

"(III) drug safety.

"(vii) The use of technologies that allow individually identifiable health information to be rendered unusable, unreadable, or indecipherable to unauthorized individuals when such information is transmitted in a health information network or transported outside of the secure facilities or systems where the disclosing covered entity is responsible for security conditions.

"(viii) The use of a certified health information technology for each individual in the United States.

"(D) AUTHORITY FOR TEMPORARY ADDITIONAL PRIORITY TARGET AREAS.—For purposes of subparagraph (B)(iv), the HIT Advisory Committee may identify an area to be considered for purposes of recommendations under this subsection as a target area described in subparagraph (B) if—

"(i) the area is so identified for purposes of responding to new circumstances that have arisen in the health information technology community that affect the interoperability, privacy, or security of health information, or affect patient safety; and

"(ii) at least 30 days prior to treating such area as if it were a target area described in subparagraph (B), the National Coordinator provides adequate notice to Congress of the intent to treat such area as so described.

"(E) FOCUS OF COMMITTEE WORK.—It is the sense of Congress that the HIT Advisory Committee shall focus its work on the priority areas described in subparagraph (B) before proceeding to other work under subparagraph (C).

"(3) RULES RELATING TO RECOMMENDATIONS FOR STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—

"(A) IN GENERAL.—The HIT Advisory Committee shall recommend to the National Coordinator standards, implementation specifications, and certification criteria described in subsection (a), which may include standards, implementation specifications, and certification criteria that have been developed, harmonized, or recognized by the HIT Advisory Committee or predecessor committee.

The HIT Advisory Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(a)(2)(B). Such recommendations shall be consistent with the latest recommendations made by the Committee.

"(B) HARMONIZATION.—The HIT Advisory Committee may recognize harmonized or updated standards from an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specification.

"(C) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Advisory Committee for purposes of recommendations under paragraph (2)(B), shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 13201(a) of the Health Information Technology for Economic and Clinical Health Act.

"(D) CONSISTENCY.—The standards, implementation specifications, and certification criteria recommended under paragraph (2)(B) shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

"(E) SPECIAL RULE RELATED TO INTEROPERABILITY.—Any recommendation made by the HIT Advisory Committee after the date of the enactment of this subparagraph with respect to interoperability of health information technology shall be consistent with interoperability as described in section 3000.

"(4) FORUM.—The HIT Advisory Committee shall serve as a forum for the participation of a broad range of stakeholders with specific expertise in policies, including technical expertise, relating to the matters described in paragraphs (1), (2), and (3) to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of health information technology infrastructure nationally and locally that allows for the electronic access, exchange, and use of health information.

"(5) SCHEDULE.—Not later than 30 days after the date on which the HIT Advisory Committee first meets, such HIT Advisory Committee shall develop a schedule for the assessment of policy recommendations developed under paragraph (1). The HIT Advisory Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

"(6) PUBLIC INPUT.—The HIT Advisory Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (5) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

"(c) MEASURED PROGRESS IN ADVANCING PRIORITY AREAS.—

"(1) IN GENERAL.—For purposes of this section, the National Coordinator, in collaboration with the Secretary, shall establish, and update as appropriate, objectives and benchmarks for advancing and measuring the advancement of the priority target areas described in subsection (b)(2)(B).

"(2) ANNUAL PROGRESS REPORTS ON ADVANCING INTEROPERABILITY.—

"(A) IN GENERAL.—The HIT Advisory Committee, in consultation with the National Coordinator, shall annually submit to the Secretary and Congress a report on the progress made during the preceding fiscal year in—

"(i) achieving a health information technology infrastructure, nationally and locally, that allows for the electronic access, exchange, and use of health information; and

"(ii) meeting the objectives and benchmarks described in paragraph (1).

"(B) CONTENT.—Each such report shall include, for a fiscal year—

"(i) a description of the work conducted by the HIT Advisory Committee during the preceding fiscal year with respect to the areas described in subsection (b)(2)(B);

"(ii) an assessment of the status of the infrastructure described in subparagraph (A), including the extent to which electronic health information is appropriately and readily available to enhance the access, exchange, and the use of electronic health information between users and across technology offered by different developers;

"(iii) the extent to which advancements have been achieved with respect to areas described in subsection (b)(2)(B);

"(iv) an analysis identifying existing gaps in policies and resources for—

"(I) achieving the objectives and benchmarks established under paragraph (1); and

"(II) furthering interoperability throughout the health information technology infrastructure;

"(v) recommendations for addressing the gaps identified in clause (iii); and

"(vi) a description of additional initiatives as the HIT Advisory Committee and National Coordinator determine appropriate.

"(3) SIGNIFICANT ADVANCEMENT DETERMINATION.—The Secretary shall periodically, based on the reports submitted under this subsection, review the target areas described in subsection (b)(2)(B), and, based on the objectives and benchmarks established under paragraph (1), the Secretary shall determine if significant advancement has been achieved with respect to such an area. Such determination shall be taken into consideration by the HIT Advisory Committee when determining to what extent the Committee makes recommendations for an area other than an area described in subsection (b)(2)(B).

"(d) MEMBERSHIP AND OPERATIONS.—

"(1) IN GENERAL.—The National Coordinator shall take a leading position in the establishment and operations of the HIT Advisory Committee.

"(2) MEMBERSHIP.—The membership of the HIT Advisory Committee shall—

"(A) include at least 25 members, of which—

"(i) no fewer than 2 members are advocates for patients or consumers of health information technology;

"(ii) 3 members are appointed by the Secretary, 1 of whom shall be appointed to represent the Department of Health and Human Services and 1 of whom shall be a public health official;

"(iii) 2 members are appointed by the majority leader of the Senate;

"(iv) 2 members are appointed by the minority leader of the Senate;

"(v) 2 members are appointed by the Speaker of the House of Representatives;

"(vi) 2 members are appointed by the minority leader of the House of Representatives; and

"(vii) such other members are appointed by the Comptroller General of the United States; and

"(B) at least reflect providers, ancillary health care workers, consumers, purchasers, health plans, health information technology developers, researchers, patients, relevant Federal agencies, and individuals with technical expertise on health care quality, system functions, privacy, security, and on the electronic exchange and use of health information, including the use standards for such activity.

"(3) PARTICIPATION.—The members of the HIT Advisory Committee shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Committee.

"(4) TERMS.—

"(A) IN GENERAL.—The terms of the members of the HIT Advisory Committee shall be for 3 years, except that the Secretary shall designate staggered terms of the members first appointed.

"(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Advisory Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Advisory Committee shall be filled in the manner in which the original appointment was made.

"(C) LIMITS.—Members of the HIT Advisory Committee shall be limited to two 3-year terms, for a total of not to exceed 6 years of service on the Committee.

"(5) OUTSIDE INVOLVEMENT.—The HIT Advisory Committee shall ensure an opportunity for the participation in activities of the Committee of outside advisors, including individuals with expertise in the development of policies and standards for the electronic exchange and use of health information,

including in the areas of health information privacy and security.

"(6) QUORUM.—A majority of the members of the HIT Advisory Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

"(7) CONSIDERATION.—The National Coordinator shall ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

"(8) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Advisory Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not-for-profit entities that work in the public interest as a party of their mission.

"(e) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Advisory Committee.

"(f) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all policy recommendations made by the HIT Advisory Committee under this section.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Title XXX of the Public Health Service Act (42 U.S.C. 300jj et seq.) is amended—

(A) by striking—

(i) "HIT Policy Committee" and "HIT Standards Committee" each place that such terms appear (other than within the term "HIT Policy Committee and the HIT Standards Committee" or within the term "HIT Policy Committee or the HIT Standards Committee") and inserting "HIT Advisory Committee";

(ii) "HIT Policy Committee and the HIT Standards Committee" each place that such term appears and inserting "HIT Advisory Committee"; and

(iii) "HIT Policy Committee or the HIT Standards Committee" each place that such term appears and inserting "HIT Advisory Committee";

(B) in section 3000 (42 U.S.C. 300jj)—

(i) by striking paragraphs (7) and (8) and redesignating paragraphs (9) through (14) as paragraphs (8) through (13), respectively; and

(ii) by inserting after paragraph (6) the following paragraph:

"(7) HIT ADVISORY COMMITTEE.—The term 'HIT Advisory Committee' means such Committee established under section 3002(a).";

(C) in section 3001(c) (42 U.S.C. 300jj–11(c))—

(i) in paragraph (1)(A), by striking "under section 3003" and inserting "under section 3002";

(ii) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) HIT ADVISORY COMMITTEE.—The National Coordinator shall be a leading member in the establishment

and operations of the HIT Advisory Committee and shall serve as a liaison between that Committee and the Federal Government.";

(D) in section 3004(b)(3) (42 U.S.C. 300jj–14(b)(3)), by striking "3003(b)(2)" and inserting "3002(b)(4)";

(E) in section 3007(b) (42 U.S.C. 300jj–17(b)), by striking "3003(a)" and inserting "3002(a)(2)"; and

(F) in section 3008 (42 U.S.C. 300jj–18)—

(i) in subsection (b), by striking "or 3003"; and

(ii) in subsection (c), by striking "3003(b)(1)(A)" and inserting "3002(b)(2)".

(3) TRANSITION TO THE HIT ADVISORY COMMITTEE.—The Secretary of Health and Human Services shall provide for an orderly and timely transition to the HIT Advisory Committee established under amendments made by this section. 42 USC 300jj–12 note.

(f) PRIORITIES FOR ADOPTION OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—Title XXX of the Public Health Service Act (42 U.S.C. 300jj et seq.), as amended by subsection (e), is further amended by inserting after section 3002 the following:

"SEC. 3003. SETTING PRIORITIES FOR STANDARDS ADOPTION. 42 USC 300jj–13.

"(a) IDENTIFYING PRIORITIES.—

"(1) IN GENERAL.—Not later than 6 months after the date on which the HIT Advisory Committee first meets, the National Coordinator shall periodically convene the HIT Advisory Committee to—

"(A) identify priority uses of health information technology, focusing on priorities—

"(i) arising from the implementation of the incentive programs for the meaningful use of certified EHR technology, the Merit-based Incentive Payment System, Alternative Payment Models, the Hospital Value-Based Purchasing Program, and any other value-based payment program determined appropriate by the Secretary;

"(ii) related to the quality of patient care;

"(iii) related to public health;

"(iv) related to clinical research;

"(v) related to the privacy and security of electronic health information;

"(vi) related to innovation in the field of health information technology;

"(vii) related to patient safety;

"(viii) related to the usability of health information technology;

"(ix) related to individuals' access to electronic health information; and

"(x) other priorities determined appropriate by the Secretary;

"(B) identify existing standards and implementation specifications that support the use and exchange of electronic health information needed to meet the priorities identified in subparagraph (A); and

"(C) publish a report summarizing the findings of the analysis conducted under subparagraphs (A) and (B) and make appropriate recommendations.

"(2) PRIORITIZATION.—In identifying such standards and implementation specifications under paragraph (1)(B), the HIT Advisory Committee shall prioritize standards and implementation specifications developed by consensus-based standards development organizations.

"(3) GUIDELINES FOR REVIEW OF EXISTING STANDARDS AND SPECIFICATIONS.—In consultation with the consensus-based entity described in section 1890 of the Social Security Act and other appropriate Federal agencies, the analysis of existing standards under paragraph (1)(B) shall include an evaluation of the need for a core set of common data elements and associated value sets to enhance the ability of certified health information technology to capture, use, and exchange structured electronic health information.

"(b) REVIEW OF ADOPTED STANDARDS.—

"(1) IN GENERAL.—Beginning 5 years after the date of enactment of the 21st Century Cures Act and every 3 years thereafter, the National Coordinator shall convene stakeholders to review the existing set of adopted standards and implementation specifications and make recommendations with respect to whether to—

"(A) maintain the use of such standards and implementation specifications; or

"(B) phase out such standards and implementation specifications.

"(2) PRIORITIES.—The HIT Advisory Committee, in collaboration with the National Institute for Standards and Technology, shall annually and through the use of public input, review and publish priorities for the use of health information technology, standards, and implementation specifications to support those priorities.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the use or adoption of novel standards that improve upon the existing health information technology infrastructure and facilitate the secure exchange of health information.".

SEC. 4004. INFORMATION BLOCKING.

Subtitle C of title XXX of the Public Health Service Act (42 U.S.C. 300jj–51 et seq.) is amended by adding at the end the following:

42 USC 300jj–52.

"SEC. 3022. INFORMATION BLOCKING.

"(a) DEFINITION.—

"(1) IN GENERAL.—In this section, the term 'information blocking' means a practice that—

"(A) except as required by law or specified by the Secretary pursuant to rulemaking under paragraph (3), is likely to interfere with, prevent, or materially discourage access, exchange, or use of electronic health information; and

"(B)(i) if conducted by a health information technology developer, exchange, or network, such developer, exchange, or network knows, or should know, that such practice is likely to interfere with, prevent, or materially discourage the access, exchange, or use of electronic health information; or

"(ii) if conducted by a health care provider, such provider knows that such practice is unreasonable and is

likely to interfere with, prevent, or materially discourage access, exchange, or use of electronic health information.

"(2) PRACTICES DESCRIBED.—The information blocking practices described in paragraph (1) may include—

"(A) practices that restrict authorized access, exchange, or use under applicable State or Federal law of such information for treatment and other permitted purposes under such applicable law, including transitions between certified health information technologies;

"(B) implementing health information technology in nonstandard ways that are likely to substantially increase the complexity or burden of accessing, exchanging, or using electronic health information; and

"(C) implementing health information technology in ways that are likely to—

"(i) restrict the access, exchange, or use of electronic health information with respect to exporting complete information sets or in transitioning between health information technology systems; or

"(ii) lead to fraud, waste, or abuse, or impede innovations and advancements in health information access, exchange, and use, including care delivery enabled by health information technology.

"(3) RULEMAKING.—The Secretary, through rulemaking, shall identify reasonable and necessary activities that do not constitute information blocking for purposes of paragraph (1).

"(4) NO ENFORCEMENT BEFORE EXCEPTION IDENTIFIED.—The term 'information blocking' does not include any practice or conduct occurring prior to the date that is 30 days after the date of enactment of the 21st Century Cures Act.

"(5) CONSULTATION.—The Secretary may consult with the Federal Trade Commission in promulgating regulations under this subsection, to the extent that such regulations define practices that are necessary to promote competition and consumer welfare.

"(6) APPLICATION.—The term 'information blocking', with respect to an individual or entity, shall not include an act or practice other than an act or practice committed by such individual or entity.

"(7) CLARIFICATION.—In carrying out this section, the Secretary shall ensure that health care providers are not penalized for the failure of developers of health information technology or other entities offering health information technology to such providers to ensure that such technology meets the requirements to be certified under this title.

"(b) INSPECTOR GENERAL AUTHORITY.—

"(1) IN GENERAL.—The inspector general of the Department of Health and Human Services (referred to in this section as the 'Inspector General') may investigate any claim that—

"(A) a health information technology developer of certified health information technology or other entity offering certified health information technology—

"(i) submitted a false attestation under section 3001(c)(5)(D)(vii); or

"(ii) engaged in information blocking;

"(B) a health care provider engaged in information blocking; or

"(C) a health information exchange or network engaged in information blocking.

"(2) PENALTIES.—

"(A) DEVELOPERS, NETWORKS, AND EXCHANGES.—Any individual or entity described in subparagraph (A) or (C) of paragraph (1) that the Inspector General, following an investigation conducted under this subsection, determines to have committed information blocking shall be subject to a civil monetary penalty determined by the Secretary for all such violations identified through such investigation, which may not exceed $1,000,000 per violation. Such determination shall take into account factors such as the nature and extent of the information blocking and harm resulting from such information blocking, including, where applicable, the number of patients affected, the number of providers affected, and the number of days the information blocking persisted.

"(B) PROVIDERS.—Any individual or entity described in subparagraph (B) of paragraph (1) determined by the Inspector General to have committed information blocking shall be referred to the appropriate agency to be subject to appropriate disincentives using authorities under applicable Federal law, as the Secretary sets forth through notice and comment rulemaking.

"(C) PROCEDURE.—The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b) of such section) shall apply to a civil money penalty applied under this paragraph in the same manner as such provisions apply to a civil money penalty or proceeding under such section 1128A(a).

"(D) RECOVERED PENALTY FUNDS.—The amounts recovered under this paragraph shall be allocated as follows:

"(i) ANNUAL OPERATING EXPENSES.—Each year following the establishment of the authority under this subsection, the Office of the Inspector General shall provide to the Secretary an estimate of the costs to carry out investigations under this section. Such estimate may include reasonable reserves to account for variance in annual amounts recovered under this paragraph. There is authorized to be appropriated for purposes of carrying out this section an amount equal to the amount specified in such estimate for the fiscal year.

"(ii) APPLICATION TO OTHER PROGRAMS.—The amounts recovered under this paragraph and remaining after amounts are made available under clause (i) shall be transferred to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act, in such proportion as the Secretary determines appropriate.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of the Inspector General to carry out this section $10,000,000, to remain available until expended.

"(3) RESOLUTION OF CLAIMS.—

"(A) IN GENERAL.—The Office of the Inspector General, if such Office determines that a consultation regarding the health privacy and security rules promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) will resolve an information blocking claim, may refer such instances of information blocking to the Office for Civil Rights of the Department of Health and Human Services for resolution.

"(B) LIMITATION ON LIABILITY.—If a health care provider or health information technology developer makes information available based on a good faith reliance on consultations with the Office for Civil Rights of the Department of Health and Human Services pursuant to a referral under subparagraph (A), with respect to such information, the health care provider or developer shall not be liable for such disclosure or disclosures made pursuant to subparagraph (A).

"(c) IDENTIFYING BARRIERS TO EXCHANGE OF CERTIFIED HEALTH INFORMATION TECHNOLOGY.—

"(1) TRUSTED EXCHANGE DEFINED.—In this section, the term 'trusted exchange' with respect to certified electronic health records means that the certified electronic health record technology has the technical capability to enable secure health information exchange between users and multiple certified electronic health record technology systems.

"(2) GUIDANCE.—The National Coordinator, in consultation with the Office for Civil Rights of the Department of Health and Human Services, shall issue guidance on common legal, governance, and security barriers that prevent the trusted exchange of electronic health information.

"(3) REFERRAL.—The National Coordinator and the Office for Civil Rights of the Department of Health and Human Services may refer to the Inspector General instances or patterns of refusal to exchange health information with an individual or entity using certified electronic health record technology that is technically capable of trusted exchange and under conditions when exchange is legally permissible.

"(d) ADDITIONAL PROVISIONS.—

"(1) INFORMATION SHARING PROVISIONS.—The National Coordinator may serve as a technical consultant to the Inspector General and the Federal Trade Commission for purposes of carrying out this section. The National Coordinator may, notwithstanding any other provision of law, share information related to claims or investigations under subsection (b) with the Federal Trade Commission for purposes of such investigations and shall share information with the Inspector General, as required by law.

"(2) PROTECTION FROM DISCLOSURE OF INFORMATION.—Any information that is received by the National Coordinator in connection with a claim or suggestion of possible information blocking and that could reasonably be expected to facilitate identification of the source of the information—

"(A) shall not be disclosed by the National Coordinator except as may be necessary to carry out the purpose of this section;

"(B) shall be exempt from mandatory disclosure under section 552 of title 5, United States Code, as provided by subsection (b)(3) of such section; and

"(C) may be used by the Inspector General or Federal Trade Commission for reporting purposes to the extent that such information could not reasonably be expected to facilitate identification of the source of such information.

"(3) STANDARDIZED PROCESS.—

"(A) IN GENERAL.—The National Coordinator shall implement a standardized process for the public to submit reports on claims of—

"(i) health information technology products or developers of such products (or other entities offering such products to health care providers) not being interoperable or resulting in information blocking;

"(ii) actions described in subsection (b)(1) that result in information blocking as described in subsection (a); and

"(iii) any other act described in subsection (a).

"(B) COLLECTION OF INFORMATION.—The standardized process implemented under subparagraph (A) shall provide for the collection of such information as the originating institution, location, type of transaction, system and version, timestamp, terminating institution, locations, system and version, failure notice, and other related information.

"(4) NONDUPLICATION OF PENALTY STRUCTURES.—In carrying out this subsection, the Secretary shall, to the extent possible, ensure that penalties do not duplicate penalty structures that would otherwise apply with respect to information blocking and the type of individual or entity involved as of the day before the date of the enactment of this section.".

42 USC 300jj–14 note.

SEC. 4005. LEVERAGING ELECTRONIC HEALTH RECORDS TO IMPROVE PATIENT CARE.

(a) REQUIREMENT RELATING TO REGISTRIES.—

(1) IN GENERAL.—To be certified in accordance with title XXX of the Public Health Service Act (42 U.S.C. 300jj et seq.), electronic health records shall be capable of transmitting to, and where applicable, receiving and accepting data from, registries in accordance with standards recognized by the Office of the National Coordinator for Health Information Technology, including clinician-led clinical data registries, that are also certified to be technically capable of receiving and accepting from, and where applicable, transmitting data to certified electronic health record technology in accordance with such standards.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the certification of registries beyond the technical capability to exchange data in accordance with applicable recognized standards.

(b) DEFINITION.—For purposes of this Act, the term "clinician-led clinical data registry" means a clinical data repository—

(1) that is established and operated by a clinician-led or controlled, tax-exempt (pursuant to section 501(c) of the Internal Revenue Code of 1986), professional society or other similar clinician-led or -controlled organization, or such

organization's controlled affiliate, devoted to the care of a population defined by a particular disease, condition, exposure or therapy;

(2) that is designed to collect detailed, standardized data on an ongoing basis for medical procedures, services, or therapies for particular diseases, conditions, or exposures;

(3) that provides feedback to participants who submit reports to the repository;

(4) that meets standards for data quality including—

(A) systematically collecting clinical and other health care data, using standardized data elements and having procedures in place to verify the completeness and validity of those data; and

(B) being subject to regular data checks or audits to verify completeness and validity; and

(5) that provides ongoing participant training and support.

(c) TREATMENT OF HEALTH INFORMATION TECHNOLOGY DEVELOPERS WITH RESPECT TO PATIENT SAFETY ORGANIZATIONS.—

(1) IN GENERAL.—In applying part C of title IX of the Public Health Service Act (42 U.S.C. 299b–21 et seq.), a health information technology developer shall be treated as a provider (as defined in section 921 of such Act) for purposes of reporting and conducting patient safety activities concerning improving clinical care through the use of health information technology that could result in improved patient safety, health care quality, or health care outcomes.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning best practices and current trends voluntarily provided, without identifying individual providers or disclosing or using protected health information or individually identifiable information, by patient safety organizations to improve the integration of health information technology into clinical practice.

SEC. 4006. EMPOWERING PATIENTS AND IMPROVING PATIENT ACCESS TO THEIR ELECTRONIC HEALTH INFORMATION.

(a) USE OF HEALTH INFORMATION EXCHANGES FOR PATIENT ACCESS.—Section 3009 of the Public Health Service Act (42 U.S.C. 300jj–19) is amended by adding at the end the following:

"(c) PROMOTING PATIENT ACCESS TO ELECTRONIC HEALTH INFORMATION THROUGH HEALTH INFORMATION EXCHANGES .—

"(1) IN GENERAL.—The Secretary shall use existing authorities to encourage partnerships between health information exchange organizations and networks and health care providers, health plans, and other appropriate entities with the goal of offering patients access to their electronic health information in a single, longitudinal format that is easy to understand, secure, and may be updated automatically.

"(2) EDUCATION OF PROVIDERS.—The Secretary, in coordination with the Office for Civil Rights of the Department of Health and Human Services, shall—

"(A) educate health care providers on ways of leveraging the capabilities of health information exchanges

(or other relevant platforms) to provide patients with access to their electronic health information;

"(B) clarify misunderstandings by health care providers about using health information exchanges (or other relevant platforms) for patient access to electronic health information; and

"(C) to the extent practicable, educate providers about health information exchanges (or other relevant platforms) that employ some or all of the capabilities described in paragraph (1).

"(3) REQUIREMENTS.—In carrying out paragraph (1), the Secretary, in coordination with the Office for Civil Rights, shall issue guidance to health information exchanges related to best practices to ensure that the electronic health information provided to patients is—

"(A) private and secure;

"(B) accurate;

"(C) verifiable; and

"(D) where a patient's authorization to exchange information is required by law, easily exchanged pursuant to such authorization.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preempt State laws applicable to patient consent for the access of information through a health information exchange (or other relevant platform) that provide protections to patients that are greater than the protections otherwise provided for under applicable Federal law.

"(d) EFFORTS TO PROMOTE ACCESS TO HEALTH INFORMATION.—The National Coordinator and the Office for Civil Rights of the Department of Health and Human Services shall jointly promote patient access to health information in a manner that would ensure that such information is available in a form convenient for the patient, in a reasonable manner, without burdening the health care provider involved.

"(e) ACCESSIBILITY OF PATIENT RECORDS.—

"(1) ACCESSIBILITY AND UPDATING OF INFORMATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the National Coordinator, shall promote policies that ensure that a patient's electronic health information is accessible to that patient and the patient's designees, in a manner that facilitates communication with the patient's health care providers and other individuals, including researchers, consistent with such patient's consent.

"(B) UPDATING EDUCATION ON ACCESSING AND EXCHANGING PERSONAL HEALTH INFORMATION.—To promote awareness that an individual has a right of access to inspect, obtain a copy of, and transmit to a third party a copy of such individual's protected health information pursuant to the Health Information Portability and Accountability Act, Privacy Rule (subpart E of part 164 of title 45, Code of Federal Regulations), the Director of the Office for Civil Rights, in consultation with the National Coordinator, shall assist individuals and health care providers in understanding a patient's rights to access and protect personal health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), including providing best practices

for requesting personal health information in a computable format, including using patient portals or third-party applications and common cases when a provider is permitted to exchange and provide access to health information.".

"(2) CERTIFYING USABILITY FOR PATIENTS.—In carrying out certification programs under section 3001(c)(5), the National Coordinator may require that—

"(A) the certification criteria support—

"(i) patient access to their electronic health information, including in a single longitudinal format that is easy to understand, secure, and may be updated automatically;

"(ii) the patient's ability to electronically communicate patient-reported information (such as family history and medical history); and

"(iii) patient access to their personal electronic health information for research at the option of the patient; and

"(B) the HIT Advisory Committee develop and prioritize standards, implementation specifications, and certification criteria required to help support patient access to electronic health information, patient usability, and support for technologies that offer patients access to their electronic health information in a single, longitudinal format that is easy to understand, secure, and may be updated automatically.".

(b) ACCESS TO INFORMATION IN AN ELECTRONIC FORMAT.—Section 13405(e) of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17935) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

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

"(2) if the individual makes a request to a business associate for access to, or a copy of, protected health information about the individual, or if an individual makes a request to a business associate to grant such access to, or transmit such copy directly to, a person or entity designated by the individual, a business associate may provide the individual with such access or copy, which may be in an electronic form, or grant or transmit such access or copy to such person or entity designated by the individual; and".

SEC. 4007. GAO STUDY ON PATIENT MATCHING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to—

(1) review the policies and activities of the Office of the National Coordinator for Health Information Technology and other relevant stakeholders, which may include standards development organizations, experts in the technical aspects of health information technology, health information technology developers, providers of health services, health care suppliers, health care payers, health care quality organizations, States, health information technology policy experts, and other appropriate entities, to ensure appropriate patient matching to protect patient privacy and security with respect to electronic

health records and the exchange of electronic health information; and

(2) survey ongoing efforts related to the policies and activities described in paragraph (1) and the effectiveness of such efforts occurring in the private sector.

(b) AREAS OF CONCENTRATION.—In conducting the study under subsection (a), the Comptroller General shall—

(1) evaluate current methods used in certified electronic health records for patient matching based on performance related to factors such as—

(A) the privacy of patient information;

(B) the security of patient information;

(C) improving matching rates;

(D) reducing matching errors; and

(E) reducing duplicate records; and

(2) determine whether the Office of the National Coordinator for Health Information Technology could improve patient matching by taking steps including—

(A) defining additional data elements to assist in patient data matching;

(B) agreeing on a required minimum set of elements that need to be collected and exchanged;

(C) requiring electronic health records to have the ability to make certain fields required and use specific standards; and

(D) other options recommended by the relevant stakeholders consulted pursuant to subsection (a).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report concerning the findings of the study conducted under subsection (a).

SEC. 4008. GAO STUDY ON PATIENT ACCESS TO HEALTH INFORMATION.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall build on prior Government Accountability Office studies and other literature review and conduct a study to review patient access to their own protected health information, including barriers to such patient access and complications or difficulties providers experience in providing access to patients. In conducting such study, the Comptroller General shall consider the increase in adoption of health information technology and the increasing prevalence of protected health information that is maintained electronically.

(2) AREAS OF CONCENTRATION.—In conducting the review under paragraph (1), the Comptroller General shall consider—

(A) instances when covered entities charge individuals, including patients, third parties, and health care providers, for record requests, including records that are requested in an electronic format;

(B) examples of the amounts and types of fees charged to individuals for record requests, including instances when the record is requested to be transmitted to a third party;

(C) the extent to which covered entities are unable to provide the access requested by individuals in the form

and format requested by the individual, including examples of such instances;

(D) instances in which third parties may request protected health information through patients' individual right of access, including instances where such requests may be used to circumvent appropriate fees that may be charged to third parties;

(E) opportunities that permit covered entities to charge appropriate fees to third parties for patient records while providing patients with access to their protected health information at low or no cost;

(F) the ability of providers to distinguish between requests originating from an individual that require limitation to a cost-based fee and requests originating from third parties that may not be limited to cost-based fees; and

(G) other circumstances that may inhibit the ability of providers to provide patients with access to their records, and the ability of patients to gain access to their records.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the findings of the study conducted under subsection (a).

SEC. 4009. IMPROVING MEDICARE LOCAL COVERAGE DETERMINATIONS.

(a) IN GENERAL.—Section 1862(l)(5) of the Social Security Act (42 U.S.C. 1395y(l)(5)) is amended by adding at the end the following new subparagraph:

"(D) LOCAL COVERAGE DETERMINATIONS.—The Secretary shall require each Medicare administrative contractor that develops a local coverage determination to make available on the Internet website of such contractor and on the Medicare Internet website, at least 45 days before the effective date of such determination, the following information:

"(i) Such determination in its entirety.

"(ii) Where and when the proposed determination was first made public.

"(iii) Hyperlinks to the proposed determination and a response to comments submitted to the contractor with respect to such proposed determination.

"(iv) A summary of evidence that was considered by the contractor during the development of such determination and a list of the sources of such evidence.

"(v) An explanation of the rationale that supports such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to local coverage determinations that are proposed or revised on or after the date that is 180 days after the date of enactment of this Act. 42 USC 1395y note.

SEC. 4010. MEDICARE PHARMACEUTICAL AND TECHNOLOGY OMBUDSMAN.

Section 1808 of the Social Security Act (42 U.S.C. 1395b–9) is amended by adding at the end the following new subsection:

"(d) PHARMACEUTICAL AND TECHNOLOGY OMBUDSMAN.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this paragraph, the Secretary shall provide

for a pharmaceutical and technology ombudsman within the Centers for Medicare & Medicaid Services who shall receive and respond to complaints, grievances, and requests that—

"(A) are from entities that manufacture pharmaceutical, biotechnology, medical device, or diagnostic products that are covered or for which coverage is being sought under this title; and

"(B) are with respect to coverage, coding, or payment under this title for such products.

"(2) APPLICATION.—The second sentence of subsection (c)(2) shall apply to the ombudsman under subparagraph (A) in the same manner as such sentence applies to the Medicare Beneficiary Ombudsman under subsection (c).".

SEC. 4011. MEDICARE SITE-OF-SERVICE PRICE TRANSPARENCY.

Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(t) SITE-OF-SERVICE PRICE TRANSPARENCY.—

"(1) IN GENERAL.—In order to facilitate price transparency with respect to items and services for which payment may be made either to a hospital outpatient department or to an ambulatory surgical center under this title, the Secretary shall, for 2018 and each year thereafter, make available to the public via a searchable Internet website, with respect to an appropriate number of such items and services—

"(A) the estimated payment amount for the item or service under the outpatient department fee schedule under subsection (t) of section 1833 and the ambulatory surgical center payment system under subsection (i) of such section; and

"(B) the estimated amount of beneficiary liability applicable to the item or service.

"(2) CALCULATION OF ESTIMATED BENEFICIARY LIABILITY.—For purposes of paragraph (1)(B), the estimated amount of beneficiary liability, with respect to an item or service, is the amount for such item or service for which an individual who does not have coverage under a Medicare supplemental policy certified under section 1882 or any other supplemental insurance coverage is responsible.

"(3) IMPLEMENTATION.—In carrying out this subsection, the Secretary—

"(A) shall include in the notice described in section 1804(a) a notification of the availability of the estimated amounts made available under paragraph (1); and

"(B) may utilize mechanisms in existence on the date of enactment of this subsection, such as the portion of the Internet website of the Centers for Medicare & Medicaid Services on which information comparing physician performance is posted (commonly referred to as the Physician Compare Internet website), to make available such estimated amounts under such paragraph.

"(4) FUNDING.—For purposes of implementing this subsection, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $6,000,000 for fiscal year 2017, to remain available until expended.".

SEC. 4012. TELEHEALTH SERVICES IN MEDICARE.

(a) PROVISION OF INFORMATION BY CENTERS FOR MEDICARE & MEDICAID SERVICES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services shall provide to the committees of jurisdiction of the House of Representatives and the Senate information on the following:

(1) The populations of Medicare beneficiaries, such as those who are dually eligible for the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.) and those with chronic conditions, whose care may be improved most in terms of quality and efficiency by the expansion, in a manner that meets or exceeds the existing in-person standard of care under the Medicare program under such title XVIII, of telehealth services under section 1834(m)(4) of such Act (42 U.S.C. 1395m(m)(4)).

(2) Activities by the Center for Medicare and Medicaid Innovation which examine the use of telehealth services in models, projects, or initiatives funded through section 1115A of such Act (42 U.S.C. 1315a).

(3) The types of high-volume services (and related diagnoses) under such title XVIII which might be suitable to be furnished using telehealth.

(4) Barriers that might prevent the expansion of telehealth services under section 1834(m)(4) of the Social Security Act (42 U.S.C. 1395m(m)(4)) beyond such services that are in effect as of the date of enactment of this Act.

(b) PROVISION OF INFORMATION BY MEDPAC.—Not later than March 15, 2018, the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) shall, using quantitative and qualitative research methods, provide information to the committees of jurisdiction of the House of Representatives and the Senate that identifies—

(1) the telehealth services for which payment can be made, as of the date of enactment of this Act, under the fee-for-service program under parts A and B of title XVIII of such Act;

(2) the telehealth services for which payment can be made, as of such date, under private health insurance plans; and

(3) with respect to services identified under paragraph (2) but not under paragraph (1), ways in which payment for such services might be incorporated into such fee-for-service program (including any recommendations for ways to accomplish this incorporation).

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

(1) eligible originating sites should be expanded beyond those originating sites described in section 1834(m)(4)(C) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)); and

(2) any expansion of telehealth services under the Medicare program under title XVIII of such Act should—

(A) recognize that telemedicine is the delivery of safe, effective, quality health care services, by a health care provider, using technology as the mode of care delivery;

(B) meet or exceed the conditions of coverage and payment with respect to the Medicare program if the service

was furnished in person, including standards of care, unless specifically addressed in subsequent legislation; and

(C) involve clinically appropriate means to furnish such services.

TITLE V—SAVINGS

SEC. 5001. SAVINGS IN THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)), as amended by section 704(h) of the Comprehensive Addiction and Recovery Act of 2016, is amended by striking "$140,000,000" and inserting "$270,000,000".

SEC. 5002. MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT.

Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is amended by striking "January 1, 2019" and inserting "January 1, 2018".

SEC. 5003. PENALTIES FOR VIOLATIONS OF GRANTS, CONTRACTS, AND OTHER AGREEMENTS.

(a) IN GENERAL.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended by adding at the end the following new subsections:

"(o) Any person (including an organization, agency, or other entity, but excluding a program beneficiary, as defined in subsection (q)(4)) that, with respect to a grant, contract, or other agreement for which the Secretary provides funding—

"(1) knowingly presents or causes to be presented a specified claim (as defined in subsection (r)) under such grant, contract, or other agreement that the person knows or should know is false or fraudulent;

"(2) knowingly makes, uses, or causes to be made or used any false statement, omission, or misrepresentation of a material fact in any application, proposal, bid, progress report, or other document that is required to be submitted in order to directly or indirectly receive or retain funds provided in whole or in part by such Secretary pursuant to such grant, contract, or other agreement;

"(3) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent specified claim under such grant, contract, or other agreement;

"(4) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation (as defined in subsection (s)) to pay or transmit funds or property to such Secretary with respect to such grant, contract, or other agreement, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit funds or property to such Secretary with respect to such grant, contract, or other agreement; or

"(5) fails to grant timely access, upon reasonable request (as defined by such Secretary in regulations), to the Inspector General of the Department, for the purpose of audits, investigations, evaluations, or other statutory functions of such Inspector General in matters involving such grants, contracts, or other agreements;

shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty in cases under paragraph (1), of not more than $10,000 for each specified claim; in cases under paragraph (2), not more than $50,000 for each false statement, omission, or misrepresentation of a material fact; in cases under paragraph (3), not more than $50,000 for each false record or statement; in cases under paragraph (4), not more than $50,000 for each false record or statement or $10,000 for each day that the person knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay; or in cases under paragraph (5), not more than $15,000 for each day of the failure described in such paragraph. In addition, in cases under paragraphs (1) and (3), such a person shall be subject to an assessment of not more than 3 times the amount claimed in the specified claim described in such paragraph in lieu of damages sustained by the United States or a specified State agency because of such specified claim, and in cases under paragraphs (2) and (4), such a person shall be subject to an assessment of not more than 3 times the total amount of the funds described in paragraph (2) or (4), respectively (or, in the case of an obligation to transmit property to the Secretary described in paragraph (4), of the value of the property described in such paragraph) in lieu of damages sustained by the United States or a specified State agency because of such case. In addition, the Secretary may make a determination in the same proceeding to exclude the person from participation in the Federal health care programs (as defined in section 1128B(f)(1)) and to direct the appropriate State agency to exclude the person from participation in any State health care program.

"(p) The provisions of subsections (c), (d), (g), and (h) shall apply to a civil money penalty or assessment under subsection (o) in the same manner as such provisions apply to a penalty, assessment, or proceeding under subsection (a). In applying subsection (d), each reference to a claim under such subsection shall be treated as including a reference to a specified claim (as defined in subsection (r)).

"(q) For purposes of this subsection and subsections (o) and (p):

"(1) The term 'Department' means the Department of Health and Human Services.

"(2) The term 'material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

"(3) The term 'other agreement' includes a cooperative agreement, scholarship, fellowship, loan, subsidy, payment for a specified use, donation agreement, award, or subaward (regardless of whether one or more of the persons entering into the agreement is a contractor or subcontractor).

"(4) The term 'program beneficiary' means, in the case of a grant, contract, or other agreement designed to accomplish the objective of awarding or otherwise furnishing benefits or assistance to individuals and for which the Secretary provides funding, an individual who applies for, or who receives, such benefits or assistance from such grant, contract, or other agreement. Such term does not include, with respect to such grant, contract, or other agreement, an officer, employee, or agent of a person or entity that receives such grant or that enters into such contract or other agreement.

"(5) The term 'recipient' includes a subrecipient or subcontractor.

"(6) The term 'specified State agency' means an agency of a State government established or designated to administer or supervise the administration of a grant, contract, or other agreement funded in whole or in part by the Secretary.

"(r) For purposes of this section, the term 'specified claim' means any application, request, or demand under a grant, contract, or other agreement for money or property, whether or not the United States or a specified State agency has title to the money or property, that is not a claim (as defined in subsection (i)(2)) and that—

"(1) is presented or caused to be presented to an officer, employee, or agent of the Department or agency thereof, or of any specified State agency; or

"(2) is made to a contractor, grantee, or any other recipient if the money or property is to be spent or used on the Department's behalf or to advance a Department program or interest, and if the Department—

"(A) provides or has provided any portion of the money or property requested or demanded; or

"(B) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

"(s) For purposes of subsection (o), the term 'obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, for a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.".

(b) CONFORMING AMENDMENTS.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (e), by inserting "or specified claim" after "claim" in the first sentence; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "or specified claim (as defined in subsection (r))" after "district where the claim"; and

(ii) by inserting "(or, with respect to a person described in subsection (o), the person)" after "claimant"; and

(B) in the matter following paragraph (4), by inserting "(or, in the case of a penalty or assessment under subsection (o), by a specified State agency (as defined in subsection (q)(6)),' after "or a State agency".

SEC. 5004. REDUCING OVERPAYMENTS OF INFUSION DRUGS.

(a) TREATMENT OF INFUSION DRUGS FURNISHED THROUGH DURABLE MEDICAL EQUIPMENT.—Section 1842(o)(1) of the Social Security Act (42 U.S.C. 1395u(o)(1)) is amended—

(1) in subparagraph (C), by inserting "(and including a drug or biological described in subparagraph (D)(i) furnished on or after January 1, 2017)" after "2005"; and

(2) in subparagraph (D)—

(A) by striking "infusion drugs" and inserting "infusion drugs or biologicals" each place it appears; and

(B) in clause (i)—

(i) by striking "2004" and inserting "2004, and before January 1, 2017"; and

(ii) by striking "for such drug".

(b) NONINCLUSION OF DME INFUSION DRUGS UNDER DME COMPETITIVE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Section 1847(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)(A)) is amended—

(A) by striking "and excluding" and inserting ", excluding"; and

(B) by inserting before the period at the end the following: ", and excluding drugs and biologicals described in section 1842(o)(1)(D)".

(2) CONFORMING AMENDMENT.—Section 1842(o)(1)(D)(ii) of the Social Security Act (42 U.S.C. 1395u(o)(1)(D)(ii)) is amended by striking "2007" and inserting "2007, and before the date of the enactment of the 21st Century Cures Act.".

SEC. 5005. INCREASING OVERSIGHT OF TERMINATION OF MEDICAID PROVIDERS.

(a) INCREASED OVERSIGHT AND REPORTING.—

(1) STATE REPORTING REQUIREMENTS.—Section 1902(kk) of the Social Security Act (42 U.S.C. 1396a(kk)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) PROVIDER TERMINATIONS.—

"(A) IN GENERAL.—Beginning on July 1, 2018, in the case of a notification under subsection (a)(41) with respect to a termination for a reason specified in section 455.101 of title 42, Code of Federal Regulations (as in effect on November 1, 2015) or for any other reason specified by the Secretary, of the participation of a provider of services or any other person under the State plan (or under a waiver of the plan), the State, not later than 30 days after the effective date of such termination, submits to the Secretary with respect to any such provider or person, as appropriate—

"(i) the name of such provider or person;

"(ii) the provider type of such provider or person;

"(iii) the specialty of such provider's or person's practice;

"(iv) the date of birth, Social Security number, national provider identifier (if applicable), Federal taxpayer identification number, and the State license or certification number of such provider or person (if applicable);

"(v) the reason for the termination;

"(vi) a copy of the notice of termination sent to the provider or person;

"(vii) the date on which such termination is effective, as specified in the notice; and

"(viii) any other information required by the Secretary.

"(B) EFFECTIVE DATE DEFINED.—For purposes of this paragraph, the term 'effective date' means, with respect

to a termination described in subparagraph (A), the later of—

"(i) the date on which such termination is effective, as specified in the notice of such termination; or

"(ii) the date on which all appeal rights applicable to such termination have been exhausted or the timeline for any such appeal has expired.".

(2) CONTRACT REQUIREMENT FOR MANAGED CARE ENTITIES.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)) is amended by adding at the end the following new paragraph:

"(5) CONTRACT REQUIREMENT FOR MANAGED CARE ENTITIES.—With respect to any contract with a managed care entity under section 1903(m) or 1905(t)(3) (as applicable), no later than July 1, 2018, such contract shall include a provision that providers of services or persons terminated (as described in section 1902(kk)(8)) from participation under this title, title XVIII, or title XXI shall be terminated from participating under this title as a provider in any network of such entity that serves individuals eligible to receive medical assistance under this title.".

(3) TERMINATION NOTIFICATION DATABASE.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(ll) TERMINATION NOTIFICATION DATABASE.—In the case of a provider of services or any other person whose participation under this title or title XXI is terminated (as described in subsection (kk)(8)), the Secretary shall, not later than 30 days after the date on which the Secretary is notified of such termination under subsection (a)(41) (as applicable), review such termination and, if the Secretary determines appropriate, include such termination in any database or similar system developed pursuant to section 6401(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395cc note; Public Law 111–148).".

(4) NO FEDERAL FUNDS FOR ITEMS AND SERVICES FURNISHED BY TERMINATED PROVIDERS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(2)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking "or" at the end; and

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

"(D) beginning on July 1, 2018, under the plan by any provider of services or person whose participation in the State plan is terminated (as described in section 1902(kk)(8)) after the date that is 60 days after the date on which such termination is included in the database or other system under section 1902(ll); or"; and

(B) in subsection (m), by inserting after paragraph (2) the following new paragraph:

"(3) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by a managed care entity (as defined under section 1932(a)(1)) under the State plan under this title (or under a waiver of the plan) unless the State—

"(A) beginning on July 1, 2018, has a contract with such entity that complies with the requirement specified in section 1932(d)(5); and

"(B) beginning on January 1, 2018, complies with the requirement specified in section 1932(d)(6)(A).".

(5) DEVELOPMENT OF UNIFORM TERMINOLOGY FOR REASONS FOR PROVIDER TERMINATION.—Not later than July 1, 2017, the Secretary of Health and Human Services shall, in consultation with the heads of State agencies administering State Medicaid plans (or waivers of such plans), issue regulations establishing uniform terminology to be used with respect to specifying reasons under subparagraph (A)(v) of paragraph (8) of section 1902(kk) of the Social Security Act (42 U.S.C. 1396a(kk)), as added by paragraph (1), for the termination (as described in such paragraph (8)) of the participation of certain providers in the Medicaid program under title XIX of such Act or the Children's Health Insurance Program under title XXI of such Act. 42 USC 1396a note.

(6) CONFORMING AMENDMENT.—Section 1902(a)(41) of the Social Security Act (42 U.S.C. 1396a(a)(41)) is amended by striking "provide that whenever" and inserting "provide, in accordance with subsection (kk)(8) (as applicable), that whenever".

(b) INCREASING AVAILABILITY OF MEDICAID PROVIDER INFORMATION.—

(1) FFS PROVIDER ENROLLMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by inserting after paragraph (77) the following new paragraph:

"(78) provide that, not later than January 1, 2017, in the case of a State that pursuant to its State plan or waiver of the plan for medical assistance pays for medical assistance on a fee-for-service basis, the State shall require each provider furnishing items and services to, or ordering, prescribing, referring, or certifying eligibility for, services for individuals eligible to receive medical assistance under such plan to enroll with the State agency and provide to the State agency the provider's identifying information, including the name, specialty, date of birth, Social Security number, national provider identifier (if applicable), Federal taxpayer identification number, and the State license or certification number of the provider (if applicable);".

(2) MANAGED CARE PROVIDER ENROLLMENT.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(6) ENROLLMENT OF PARTICIPATING PROVIDERS.—

"(A) IN GENERAL.—Beginning not later than January 1, 2018, a State shall require that, in order to participate as a provider in the network of a managed care entity that provides services to, or orders, prescribes, refers, or certifies eligibility for services for, individuals who are eligible for medical assistance under the State plan under this title (or under a waiver of the plan) and who are enrolled with the entity, the provider is enrolled consistent with section 1902(kk) with the State agency administering the State plan under this title. Such enrollment shall

include providing to the State agency the provider's identifying information, including the name, specialty, date of birth, Social Security number, national provider identifier, Federal taxpayer identification number, and the State license or certification number of the provider.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as requiring a provider described in such subparagraph to provide services to individuals who are not enrolled with a managed care entity under this title.".

(c) COORDINATION WITH CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), and (O) as subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (O), (P), (Q), and (R), respectively;

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

"(B) Section 1902(a)(39) (relating to termination of participation of certain providers).

"(C) Section 1902(a)(78) (relating to enrollment of providers participating in State plans providing medical assistance on a fee-for-service basis).";

(C) by inserting after subparagraph (K) (as redesignated by subparagraph (A)) the following new subparagraph:

"(L) Section 1903(m)(3) (relating to limitation on payment with respect to managed care).''; and

(D) in subparagraph (P) (as redesignated by subparagraph (A)), by striking "(a)(2)(C) and (h)" and inserting "(a)(2)(C) (relating to Indian enrollment), (d)(5) (relating to contract requirement for managed care entities), (d)(6) (relating to enrollment of providers participating with a managed care entity), and (h) (relating to special rules with respect to Indian enrollees, Indian health care providers, and Indian managed care entities)".

(2) EXCLUDING FROM MEDICAID PROVIDERS EXCLUDED FROM CHIP.—Section 1902(a)(39) of the Social Security Act (42 U.S.C. 1396a(a)(39)) is amended by striking "title XVIII or any other State plan under this title" and inserting "title XVIII, any other State plan under this title (or waiver of the plan), or any State child health plan under title XXI (or waiver of the plan) and such termination is included by the Secretary in any database or similar system developed pursuant to section 6401(b)(2) of the Patient Protection and Affordable Care Act".

42 USC 1396a note.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as changing or limiting the appeal rights of providers or the process for appeals of States under the Social Security Act.

(e) OIG REPORT.—Not later than March 31, 2020, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the implementation of the amendments made by this section. Such report shall include the following:

(1) An assessment of the extent to which providers who are included under subsection (ll) of section 1902 of the Social Security Act (42 U.S.C. 1396a) (as added by subsection (a)(3))

in the database or similar system referred to in such subsection are terminated (as described in paragraph (8) of subsection (kk) of such section, as added by subsection (a)(1)) from participation in all State plans under title XIX of such Act (or waivers of such plans).

(2) Information on the amount of Federal financial participation paid to States under section 1903 of such Act in violation of the limitation on such payment specified in subparagraph (D) of subsection (i)(2) of such section and paragraph (3) of subsection (m) of such section, as added by subsection (a)(4).

(3) An assessment of the extent to which contracts with managed care entities under title XIX of such Act comply with the requirement specified in paragraph (5) of section 1932(d) of such Act, as added by subsection (a)(2).

(4) An assessment of the extent to which providers have been enrolled under section 1902(a)(78) or 1932(d)(6)(A) of such Act (42 U.S.C. 1396a(a)(78), 1396u–2(d)(6)(A)) with State agencies administering State plans under title XIX of such Act (or waivers of such plans).

SEC. 5006. REQUIRING PUBLICATION OF FEE-FOR-SERVICE PROVIDER DIRECTORY.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (81), by striking "and" at the end;

(2) in paragraph (82), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (82) the following new paragraph:

"(83) provide that, not later than January 1, 2017, in the case of a State plan (or waiver of the plan) that provides medical assistance on a fee-for-service basis or through a primary care case-management system described in section 1915(b)(1) (other than a primary care case management entity (as defined by the Secretary)), the State shall publish (and update on at least an annual basis) on the public website of the State agency administering the State plan, a directory of the physicians described in subsection (mm) and, at State option, other providers described in such subsection that—

"(A) includes—

"(i) with respect to each such physician or provider—

"(I) the name of the physician or provider;

"(II) the specialty of the physician or provider;

"(III) the address at which the physician or provider provides services; and

"(IV) the telephone number of the physician or provider; and

"(ii) with respect to any such physician or provider participating in such a primary care case-management system, information regarding—

"(I) whether the physician or provider is accepting as new patients individuals who receive medical assistance under this title; and

"(II) the physician's or provider's cultural and linguistic capabilities, including the languages spoken by the physician or provider or by the

skilled medical interpreter providing interpretation services at the physician's or provider's office; and

"(B) may include, at State option, with respect to each such physician or provider—

"(i) the Internet website of such physician or provider; or

"(ii) whether the physician or provider is accepting as new patients individuals who receive medical assistance under this title.".

(b) DIRECTORY PHYSICIAN OR PROVIDER DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 5005(a)(3), is further amended by adding at the end the following new subsection:

"(mm) DIRECTORY PHYSICIAN OR PROVIDER DESCRIBED.—A physician or provider described in this subsection is—

"(1) in the case of a physician or provider of a provider type for which the State agency, as a condition on receiving payment for items and services furnished by the physician or provider to individuals eligible to receive medical assistance under the State plan, requires the enrollment of the physician or provider with the State agency, a physician or a provider that—

"(A) is enrolled with the agency as of the date on which the directory is published or updated (as applicable) under subsection (a)(83); and

"(B) received payment under the State plan in the 12-month period preceding such date; and

"(2) in the case of a physician or provider of a provider type for which the State agency does not require such enrollment, a physician or provider that received payment under the State plan (or a waiver of the plan) in the 12-month period preceding the date on which the directory is published or updated (as applicable) under subsection (a)(83).".

42 USC 1396a note.

(c) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not be construed to apply in the case of a State (as defined for purposes of title XIX of the Social Security Act) in which all the individuals enrolled in the State plan under such title (or under a waiver of such plan), other than individuals described in paragraph (2), are enrolled with a medicaid managed care organization (as defined in section 1903(m)(1)(A) of such Act (42 U.S.C. 1396b(m)(1)(A))), including prepaid inpatient health plans and prepaid ambulatory health plans (as defined by the Secretary of Health and Human Services).

(2) INDIVIDUALS DESCRIBED.—An individual described in this paragraph is an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) or an Alaska Native.

42 USC 1396a note.

(d) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of such title

solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 5007. FAIRNESS IN MEDICAID SUPPLEMENTAL NEEDS TRUSTS.

(a) IN GENERAL.—Section 1917(d)(4)(A) of the Social Security Act (42 U.S.C. 1396p(d)(4)(A)) is amended by inserting "the individual," after "for the benefit of such individual by".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to trusts established on or after the date of the enactment of this Act. 42 USC 1396p note.

SEC. 5008. ELIMINATING FEDERAL FINANCIAL PARTICIPATION WITH RESPECT TO EXPENDITURES UNDER MEDICAID FOR AGENTS USED FOR COSMETIC PURPOSES OR HAIR GROWTH.

(a) IN GENERAL.—Section 1903(i)(21) of the Social Security Act (42 U.S.C. 1396b(i)(21)) is amended by inserting "section 1927(d)(2)(C) (relating to drugs when used for cosmetic purposes or hair growth), except where medically necessary, and" after "drugs described in".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to calendar quarters beginning on or after the date of the enactment of this Act. 42 USC 1396b note.

SEC. 5009. AMENDMENT TO THE PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (3), by striking "$1,250,000,000" and inserting "$900,000,000";

(2) in paragraph (4), by striking "$1,500,000,000" and inserting "$1,000,000,000"; and

(3) by striking paragraph (5) and inserting the following:

"(5) for fiscal year 2022, $1,500,000,000;

"(6) for fiscal year 2023, $1,000,000,000;

"(7) for fiscal year 2024, $1,700,000,000; and

"(8) for fiscal year 2025 and each fiscal year thereafter, $2,000,000,000.".

SEC. 5010. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) DRAWDOWN AND SALE.— 42 USC 6241 note.

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) 10,000,000 barrels of crude oil during fiscal year 2017;

(B) 9,000,000 barrels of crude oil during fiscal year 2018; and

(C) 6,000,000 barrels of crude oil during fiscal year 2019.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

42 USC 6241 note.

(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.

(c) STRATEGIC PETROLEUM DRAWDOWN LIMITATIONS.—Subparagraphs (C) and (D) of section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)(C) and (D)) are both amended by striking "500,000,000" and inserting "450,000,000".

SEC. 5011. RESCISSION OF PORTION OF ACA TERRITORY FUNDING.

Of the unobligated amounts available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), $464,000,000 is rescinded immediately upon the date of the enactment of this Act.

SEC. 5012. MEDICARE COVERAGE OF HOME INFUSION THERAPY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking "and" at the end of subparagraph (EE);

(B) by inserting "and" at the end of subparagraph (FF); and

(C) by inserting at the end the following new subparagraph:

"(GG) home infusion therapy (as defined in subsection (iii)(1));"; and

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

"(iii) HOME INFUSION THERAPY.—(1) The term 'home infusion therapy' means the items and services described in paragraph (2) furnished by a qualified home infusion therapy supplier (as defined in paragraph (3)(D)) which are furnished in the individual's home (as defined in paragraph (3)(B)) to an individual—

"(A) who is under the care of an applicable provider (as defined in paragraph (3)(A)); and

"(B) with respect to whom a plan prescribing the type, amount, and duration of infusion therapy services that are to be furnished such individual has been established by a physician (as defined in subsection (r)(1)) and is periodically reviewed by a physician (as so defined) in coordination with the furnishing of home infusion drugs (as defined in paragraph (3)(C)) under part B.

"(2) The items and services described in this paragraph are the following:

"(A) Professional services, including nursing services, furnished in accordance with the plan.

"(B) Training and education (not otherwise paid for as durable medical equipment (as defined in subsection (n)), remote monitoring, and monitoring services for the provision of home infusion therapy and home infusion drugs furnished by a qualified home infusion therapy supplier.

"(3) For purposes of this subsection:

"(A) The term 'applicable provider' means—

"(i) a physician;

"(ii) a nurse practitioner; and

"(iii) a physician assistant.

"(B) The term 'home' means a place of residence used as the home of an individual (as defined for purposes of subsection (n)).

"(C) The term 'home infusion drug' means a parenteral drug or biological administered intravenously, or subcutaneously for an administration period of 15 minutes or more, in the home of an individual through a pump that is an item of durable medical equipment (as defined in subsection (n)). Such term does not include the following:

"(i) Insulin pump systems.

"(ii) A self-administered drug or biological on a self-administered drug exclusion list.

"(D)(i) The term 'qualified home infusion therapy supplier' means a pharmacy, physician, or other provider of services or supplier licensed by the State in which the pharmacy, physician, or provider or services or supplier furnishes items or services and that—

"(I) furnishes infusion therapy to individuals with acute or chronic conditions requiring administration of home infusion drugs;

"(II) ensures the safe and effective provision and administration of home infusion therapy on a 7-day-a-week, 24-hour-a-day basis;

"(III) is accredited by an organization designated by the Secretary pursuant to section 1834(u)(5); and

"(IV) meets such other requirements as the Secretary determines appropriate, taking into account the standards of care for home infusion therapy established by Medicare Advantage plans under part C and in the private sector.

"(ii) A qualified home infusion therapy supplier may subcontract with a pharmacy, physician, provider of services, or supplier to meet the requirements of this subparagraph.".

(b) PAYMENT AND RELATED REQUIREMENTS FOR HOME INFUSION THERAPY.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 4011, is further amended by adding at the end the following new subsection:

"(u) PAYMENT AND RELATED REQUIREMENTS FOR HOME INFUSION THERAPY.—

"(1) PAYMENT.—

"(A) SINGLE PAYMENT.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraphs (B) and (C), the Secretary shall implement a payment system under which a single payment is made under this title to a qualified home infusion therapy supplier for items and services described in subparagraphs (A) and (B) of section 1861(iii)(2)) furnished by a qualified home infusion therapy supplier (as defined in section 1861(iii)(3)(D)) in coordination with the furnishing of home infusion drugs (as defined in section 1861(iii)(3)(C)) under this part.

"(ii) UNIT OF SINGLE PAYMENT.—A unit of single payment under the payment system implemented under this subparagraph is for each infusion drug administration calendar day in the individual's home. The Secretary shall, as appropriate, establish single

payment amounts for types of infusion therapy, including to take into account variation in utilization of nursing services by therapy type.

"(iii) LIMITATION.—The single payment amount determined under this subparagraph after application of subparagraph (B) and paragraph (3) shall not exceed the amount determined under the fee schedule under section 1848 for infusion therapy services furnished in a calendar day if furnished in a physician office setting, except such single payment shall not reflect more than 5 hours of infusion for a particular therapy in a calendar day.

"(B) REQUIRED ADJUSTMENTS.—The Secretary shall adjust the single payment amount determined under subparagraph (A) for home infusion therapy services under section 1861(iii)(1) to reflect other factors such as—

"(i) a geographic wage index and other costs that may vary by region; and

"(ii) patient acuity and complexity of drug administration.

"(C) DISCRETIONARY ADJUSTMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may adjust the single payment amount determined under subparagraph (A) (after application of subparagraph (B)) to reflect outlier situations and other factors as the Secretary determines appropriate.

"(ii) REQUIREMENT OF BUDGET NEUTRALITY.—Any adjustment under this subparagraph shall be made in a budget neutral manner.

"(2) CONSIDERATIONS.—In developing the payment system under this subsection, the Secretary may consider the costs of furnishing infusion therapy in the home, consult with home infusion therapy suppliers, consider payment amounts for similar items and services under this part and part A, and consider payment amounts established by Medicare Advantage plans under part C and in the private insurance market for home infusion therapy (including average per treatment day payment amounts by type of home infusion therapy).

"(3) ANNUAL UPDATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall update the single payment amount under this subsection from year to year beginning in 2022 by increasing the single payment amount from the prior year by the percentage increase in the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year.

"(B) ADJUSTMENT.—For each year, the Secretary shall reduce the percentage increase described in subparagraph (A) by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in a percentage being less than 0.0 for a year, and may result in payment being less than such payment rates for the preceding year.

"(4) AUTHORITY TO APPLY PRIOR AUTHORIZATION.—The Secretary may, as determined appropriate by the Secretary, apply

prior authorization for home infusion therapy services under section 1861(iii)(1).

"(5) ACCREDITATION OF QUALIFIED HOME INFUSION THERAPY SUPPLIERS.—

"(A) FACTORS FOR DESIGNATION OF ACCREDITATION ORGANIZATIONS.—The Secretary shall consider the following factors in designating accreditation organizations under subparagraph (B) and in reviewing and modifying the list of accreditation organizations designated pursuant to subparagraph (C):

"(i) The ability of the organization to conduct timely reviews of accreditation applications.

"(ii) The ability of the organization to take into account the capacities of suppliers located in a rural area (as defined in section 1886(d)(2)(D)).

"(iii) Whether the organization has established reasonable fees to be charged to suppliers applying for accreditation.

"(iv) Such other factors as the Secretary determines appropriate.

"(B) DESIGNATION.—Not later than January 1, 2021, the Secretary shall designate organizations to accredit suppliers furnishing home infusion therapy. The list of accreditation organizations so designated may be modified pursuant to subparagraph (C).

"(C) REVIEW AND MODIFICATION OF LIST OF ACCREDITATION ORGANIZATIONS.—

"(i) IN GENERAL.—The Secretary shall review the list of accreditation organizations designated under subparagraph (B) taking into account the factors under subparagraph (A). Taking into account the results of such review, the Secretary may, by regulation, modify the list of accreditation organizations designated under subparagraph (B).

"(ii) SPECIAL RULE FOR ACCREDITATIONS DONE PRIOR TO REMOVAL FROM LIST OF DESIGNATED ACCREDITATION ORGANIZATIONS.—In the case where the Secretary removes an organization from the list of accreditation organizations designated under subparagraph (B), any supplier that is accredited by the organization during the period beginning on the date on which the organization is designated as an accreditation organization under subparagraph (B) and ending on the date on which the organization is removed from such list shall be considered to have been accredited by an organization designated by the Secretary under subparagraph (B) for the remaining period such accreditation is in effect.

"(D) RULE FOR ACCREDITATIONS MADE PRIOR TO DESIGNATION.—In the case of a supplier that is accredited before January 1, 2021, by an accreditation organization designated by the Secretary under subparagraph (B) as of January 1, 2019, such supplier shall be considered to have been accredited by an organization designated by the Secretary under such paragraph as of January 1, 2023, for the remaining period such accreditation is in effect.

"(6) NOTIFICATION OF INFUSION THERAPY OPTIONS AVAILABLE PRIOR TO FURNISHING HOME INFUSION THERAPY.—Prior to the furnishing of home infusion therapy to an individual, the physician who establishes the plan described in section 1861(iii)(1) for the individual shall provide notification (in a form, manner, and frequency determined appropriate by the Secretary) of the options available (such as home, physician's office, hospital outpatient department) for the furnishing of infusion therapy under this part.".

(c) CONFORMING AMENDMENTS.—

(1) PAYMENT REFERENCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and" before "(AA)"; and

(B) by inserting before the semicolon at the end the following: ", and (BB) with respect to home infusion therapy, the amount paid shall be an amount equal to 80 percent of the lesser of the actual charge for the services or the amount determined under section 1834(u)".

(2) DIRECT PAYMENT.—The first sentence of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking "and" before "(H)"; and

(B) by inserting before the period at the end the following: ", and (I) in the case of home infusion therapy, payment shall be made to the qualified home infusion therapy supplier".

(3) EXCLUSION FROM HOME HEALTH SERVICES.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended, in the first sentence, by inserting the following before the period at the end: "and home infusion therapy (as defined in subsection (iii)(i))".

42 USC 13951 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2021.

Helping Families in Mental Health Crisis Reform Act of 2016.

DIVISION B—HELPING FAMILIES IN MENTAL HEALTH CRISIS

42 USC 201 note.

SEC. 6000. SHORT TITLE.

This division may be cited as the "Helping Families in Mental Health Crisis Reform Act of 2016".

TITLE VI—STRENGTHENING LEADERSHIP AND ACCOUNTABILITY

Subtitle A—Leadership

SEC. 6001. ASSISTANT SECRETARY FOR MENTAL HEALTH AND SUBSTANCE USE.

(a) ASSISTANT SECRETARY.—Section 501(c) of the Public Health Service Act (42 U.S.C. 290aa(c)) is amended to read as follows:

"(c) ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY.—

"(1) ASSISTANT SECRETARY.—The Administration shall be headed by an official to be known as the Assistant Secretary for Mental Health and Substance Use (hereinafter in this title referred to as the 'Assistant Secretary') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DEPUTY ASSISTANT SECRETARY.—The Assistant Secretary, with the approval of the Secretary, may appoint a Deputy Assistant Secretary and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.".

42 USC 290aa note.

(b) TRANSFER OF AUTHORITIES.—The Secretary of Health and Human Services shall delegate to the Assistant Secretary for Mental Health and Substance Use all duties and authorities that—

(1) as of the day before the date of enactment of this Act, were vested in the Administrator of the Substance Abuse and Mental Health Services Administration; and

(2) are not terminated by this Act.

(c) CONFORMING AMENDMENTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by the previous provisions of this section, is further amended—

(1) by striking "Administrator of the Substance Abuse and Mental Health Services Administration" each place it appears and inserting "Assistant Secretary for Mental Health and Substance Use"; and

(2) by striking "Administrator" or "ADMINISTRATOR" each place it appears (including in any headings) and inserting "Assistant Secretary" or "ASSISTANT SECRETARY", respectively, except where the term "Administrator" appears—

(A) in each of subsections (e) and (f) of section 501 of such Act (42 U.S.C. 290aa), including the headings of such subsections, within the term "Associate Administrator";

(B) in section 507(b)(6) of such Act (42 U.S.C. 290bb(b)(6)), within the term "Administrator of the Health Resources and Services Administration";

(C) in section 507(b)(6) of such Act (42 U.S.C. 290bb(b)(6)), within the term "Administrator of the Centers for Medicare & Medicaid Services";

(D) in section 519B(c)(1)(B) of such Act (42 U.S.C. 290bb–25b(c)(1)(B)), within the term "Administrator of the National Highway Traffic Safety Administration"; or

(E) in each of sections 519B(c)(1)(B), 520C(a), and 520D(a) of such Act (42 U.S.C. 290bb–25b(c)(1)(B), 290bb–34(a), 290bb–35(a)), within the term "Administrator of the Office of Juvenile Justice and Delinquency Prevention".

42 USC 290aa note.

(d) REFERENCES.—After executing subsections (a), (b), and (c), any reference in statute, regulation, or guidance to the Administrator of the Substance Abuse and Mental Health Services Administration shall be construed to be a reference to the Assistant Secretary for Mental Health and Substance Use.

SEC. 6002. STRENGTHENING THE LEADERSHIP OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa), as amended by section 6001, is further amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "AGENCIES" and inserting "CENTERS"; and

(B) in the matter preceding paragraph (1), by striking "entities" and inserting "Centers";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "agencies" each place the term appears and inserting "Centers"; and

(ii) by striking "such agency" and inserting "such Center";

(B) in paragraph (2)—

(i) by striking "agencies" and inserting "Centers";

(ii) by striking "with respect to substance abuse" and inserting "with respect to substance use disorders"; and

(iii) by striking "and individuals who are substance abusers" and inserting "and individuals with substance use disorders";

(C) in paragraph (5), by striking "substance abuse" and inserting "substance use disorder";

(D) in paragraph (6)—

(i) by striking "the Centers for Disease Control" and inserting "the Centers for Disease Control and Prevention,";

(ii) by striking "Administration develop" and inserting "Administration, develop";

(iii) by striking "HIV or tuberculosis among substance abusers and individuals with mental illness" and inserting "HIV, hepatitis, tuberculosis, and other communicable diseases among individuals with mental or substance use disorders,"; and

(iv) by striking "illnesses" at the end and inserting "diseases or disorders";

(E) in paragraph (7), by striking "abuse utilizing anti-addiction medications, including methadone" and inserting "use disorders, including services that utilize drugs or devices approved or cleared by the Food and Drug Administration for the treatment of substance use disorders";

(F) in paragraph (8)—

(i) by striking "Agency for Health Care Policy Research" and inserting "Agency for Healthcare Research and Quality"; and

(ii) by striking "treatment and prevention" and inserting "prevention and treatment";

(G) in paragraph (9)—

(i) by inserting "and maintenance" after "development";

(ii) by striking "Agency for Health Care Policy Research" and inserting "Agency for Healthcare Research and Quality"; and

(iii) by striking "treatment and prevention services" and inserting "prevention, treatment, and recovery support services and are appropriately incorporated into programs carried out by the Administration";

(H) in paragraph (10), by striking "abuse" and inserting "use disorder";

(I) by striking paragraph (11) and inserting the following:

"(11) work with relevant agencies of the Department of Health and Human Services on integrating mental health promotion and substance use disorder prevention with general health promotion and disease prevention and integrating mental and substance use disorders treatment services with physical health treatment services;";

(J) in paragraph (13)—

(i) in the matter preceding subparagraph (A), by striking "this title, assure that" and inserting "this title or part B of title XIX, or grant programs otherwise funded by the Administration";

(ii) in subparagraph (A)—

(I) by inserting "require that" before "all grants"; and

(II) by striking "and" at the end;

(iii) by redesignating subparagraph (B) as subparagraph (C);

(iv) by inserting after subparagraph (A) the following:

"(B) ensure that the director of each Center of the Administration consistently documents the application of criteria when awarding grants and the ongoing oversight of grantees after such grants are awarded;";

(v) in subparagraph (C), as so redesignated—

(I) by inserting "require that" before "all grants"; and

(II) in clause (ii), by inserting "and" after the semicolon at the end; and

(vi) by adding at the end the following:

"(D) inform a State when any funds are awarded through such a grant to any entity within such State;";

(K) in paragraph (16), by striking "abuse and mental health information" and inserting "use disorder information, including evidence-based and promising best practices for prevention, treatment, and recovery support services for individuals with mental and substance use disorders,";

(L) in paragraph (17)—

(i) by striking "substance abuse" and inserting "substance use disorder"; and

(ii) by striking "and" at the end;

(M) in paragraph (18), by striking the period and inserting a semicolon; and

(N) by adding at the end the following:

"(19) consult with State, local, and tribal governments, nongovernmental entities, and individuals with mental illness, particularly adults with a serious mental illness, children with a serious emotional disturbance, and the family members of

such adults and children, with respect to improving community-based and other mental health services;

"(20) collaborate with the Secretary of Defense and the Secretary of Veterans Affairs to improve the provision of mental and substance use disorder services provided by the Department of Defense and the Department of Veterans Affairs to members of the Armed Forces, veterans, and the family members of such members and veterans, including through the provision of services using the telehealth capabilities of the Department of Defense and the Department of Veterans Affairs;

"(21) collaborate with the heads of relevant Federal agencies and departments, States, communities, and nongovernmental experts to improve mental and substance use disorders services for chronically homeless individuals, including by designing strategies to provide such services in supportive housing;

"(22) work with States and other stakeholders to develop and support activities to recruit and retain a workforce addressing mental and substance use disorders;

"(23) collaborate with the Attorney General and representatives of the criminal justice system to improve mental and substance use disorders services for individuals who have been arrested or incarcerated;

"(24) after providing an opportunity for public input, set standards for grant programs under this title for mental and substance use disorders services and prevention programs, which standards may address—

"(A) the capacity of the grantee to implement the award;

"(B) requirements for the description of the program implementation approach;

"(C) the extent to which the grant plan submitted by the grantee as part of its application must explain how the grantee will reach the population of focus and provide a statement of need, which may include information on how the grantee will increase access to services and a description of measurable objectives for improving outcomes;

"(D) the extent to which the grantee must collect and report on required performance measures; and

"(E) the extent to which the grantee is proposing to use evidence-based practices; and

"(25) advance, through existing programs, the use of performance metrics, including those based on the recommendations on performance metrics from the Assistant Secretary for Planning and Evaluation under section 6021(d) of the Helping Families in Mental Health Crisis Reform Act of 2016."; and

(3) in subsection (m), by adding at the end the following:

"(4) EMERGENCY RESPONSE.—Amounts made available for carrying out this subsection shall remain available through the end of the fiscal year following the fiscal year for which such amounts are appropriated.".

SEC. 6003. CHIEF MEDICAL OFFICER.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa), as amended by sections 6001 and 6002, is further amended—

(1) by redesignating subsections (g) through (j) and subsections (k) through (o) as subsections (h) through (k) and subsections (m) through (q), respectively;

(2) in subsection (e)(3)(C), by striking "subsection (k)" and inserting "subsection (m)";

(3) in subsection (f)(2)(C)(iii), by striking "subsection (k)" and inserting "subsection (m)"; and

(4) by inserting after subsection (f) the following:

"(g) CHIEF MEDICAL OFFICER.—

"(1) IN GENERAL.—The Assistant Secretary, with the approval of the Secretary, shall appoint a Chief Medical Officer to serve within the Administration.

"(2) ELIGIBLE CANDIDATES.—The Assistant Secretary shall select the Chief Medical Officer from among individuals who—

"(A) have a doctoral degree in medicine or osteopathic medicine;

"(B) have experience in the provision of mental or substance use disorder services;

"(C) have experience working with mental or substance use disorder programs;

"(D) have an understanding of biological, psychosocial, and pharmaceutical treatments of mental or substance use disorders; and

"(E) are licensed to practice medicine in one or more States.

"(3) DUTIES.—The Chief Medical Officer shall—

"(A) serve as a liaison between the Administration and providers of mental and substance use disorders prevention, treatment, and recovery services;

"(B) assist the Assistant Secretary in the evaluation, organization, integration, and coordination of programs operated by the Administration;

"(C) promote evidence-based and promising best practices, including culturally and linguistically appropriate practices, as appropriate, for the prevention and treatment of, and recovery from, mental and substance use disorders, including serious mental illness and serious emotional disturbances;

"(D) participate in regular strategic planning with the Administration;

"(E) coordinate with the Assistant Secretary for Planning and Evaluation to assess the use of performance metrics to evaluate activities within the Administration related to mental and substance use disorders; and

"(F) coordinate with the Assistant Secretary to ensure mental and substance use disorders grant programs within the Administration consistently utilize appropriate performance metrics and evaluation designs.".

SEC. 6004. IMPROVING THE QUALITY OF BEHAVIORAL HEALTH PROGRAMS.

Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4), as amended by section 6001(c), is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 505. CENTER FOR BEHAVIORAL HEALTH STATISTICS AND QUALITY.";

(2) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(3) before subsection (b), as redesignated by paragraph (2), by inserting the following:

"(a) IN GENERAL.—The Assistant Secretary shall maintain within the Administration a Center for Behavioral Health Statistics and Quality (in this section referred to as the 'Center'). The Center shall be headed by a Director (in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience and academic qualifications in research and analysis in behavioral health care or related fields.";

(4) in subsection (b), as redesignated by paragraph (2)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking "The Secretary, acting" and all that follows through "year on—" and inserting "The Director shall—

"(1) coordinate the Administration's integrated data strategy, including by collecting data each year on—";

(C) in the subparagraph (B), as redesignated by subparagraph (A), by striking "Assistant Secretary" and inserting "Director"; and

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

"(2) provide statistical and analytical support for activities of the Administration;

"(3) recommend a core set of performance metrics to evaluate activities supported by the Administration; and

"(4) coordinate with the Assistant Secretary, the Assistant Secretary for Planning and Evaluation, and the Chief Medical Officer appointed under section 501(g), as appropriate, to improve the quality of services provided by programs of the Administration and the evaluation of activities carried out by the Administration.".

(5) in subsection (c), as so redesignated—

(A) by striking "With respect to the activities" and inserting "MENTAL HEALTH.—With respect to the activities";

(B) by striking "Assistant Secretary" each place it appears and inserting "Director"; and

(C) by striking "subsection (a)" and inserting "subsection (b)(1)";

(6) in subsection (d), as so redesignated—

(A) by striking the subsection designation and all that follows through "With respect to the activities" and inserting the following:

"(d) SUBSTANCE ABUSE.—

"(1) IN GENERAL.—With respect to the activities";

(B) in paragraph (1)—

(i) in the matter before subparagraph (A)—

(I) by striking "subsection (a)" and inserting "subsection (b)(1)"; and

(II) by striking "Assistant Secretary" each place it appears and inserting "Director"; and

(ii) in subparagraph (B), by inserting "in coordination with the Centers for Disease Control and Prevention" before the semicolon at the end; and

(C) in paragraph (2), by striking "ANNUAL SURVEYS" and inserting "ANNUAL SURVEYS; PUBLIC AVAILABILITY OF DATA.—Annual surveys"; and

(7) in subsection (e), as so redesignated—

(A) by striking "After consultation" and inserting "CONSULTATION.—After consultation"; and

(B) by striking "Assistant Secretary shall develop" and inserting "Assistant Secretary shall use existing standards and best practices to develop".

SEC. 6005. STRATEGIC PLAN.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa), as amended by sections 6001 through 6003, is further amended by inserting after subsection (k), as redesignated by section 6003, the following:

"(l) STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than September 30, 2018, and every 4 years thereafter, the Assistant Secretary shall develop and carry out a strategic plan in accordance with this subsection for the planning and operation of activities carried out by the Administration, including evidence-based programs.

"(2) COORDINATION.—In developing and carrying out the strategic plan under this subsection, the Assistant Secretary shall take into consideration the findings and recommendations of the Assistant Secretary for Planning and Evaluation under section 6021(d) of the Helping Families in Mental Health Crisis Reform Act of 2016 and the report of the Interdepartmental Serious Mental Illness Coordinating Committee under section 6031 of such Act.

"(3) PUBLICATION OF PLAN.—Not later than September 30, 2018, and every 4 years thereafter, the Assistant Secretary shall—

"(A) submit the strategic plan developed under paragraph (1) to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate; and

"(B) post such plan on the Internet website of the Administration.

"(4) CONTENTS.—The strategic plan developed under paragraph (1) shall—

"(A) identify strategic priorities, goals, and measurable objectives for mental and substance use disorders activities and programs operated and supported by the Administration, including priorities to prevent or eliminate the burden of mental and substance use disorders;

"(B) identify ways to improve the quality of services for individuals with mental and substance use disorders, and to reduce homelessness, arrest, incarceration, violence, including self-directed violence, and unnecessary hospitalization of individuals with a mental or substance use disorder, including adults with a serious mental illness or children with a serious emotional disturbance;

"(C) ensure that programs provide, as appropriate, access to effective and evidence-based prevention, diagnosis, intervention, treatment, and recovery services, including culturally and linguistically appropriate services, as appropriate, for individuals with a mental or substance use disorder;

"(D) identify opportunities to collaborate with the Health Resources and Services Administration to develop or improve—

"(i) initiatives to encourage individuals to pursue careers (especially in rural and underserved areas and with rural and underserved populations) as psychiatrists, including child and adolescent psychiatrists, psychologists, psychiatric nurse practitioners, physician assistants, clinical social workers, certified peer support specialists, licensed professional counselors, or other licensed or certified mental health or substance use disorder professionals, including such professionals specializing in the diagnosis, evaluation, or treatment of adults with a serious mental illness or children with a serious emotional disturbance; and

"(ii) a strategy to improve the recruitment, training, and retention of a workforce for the treatment of individuals with mental or substance use disorders, or co-occurring disorders;

"(E) identify opportunities to improve collaboration with States, local governments, communities, and Indian tribes and tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act); and

"(F) specify a strategy to disseminate evidence-based and promising best practices related to prevention, diagnosis, early intervention, treatment, and recovery services related to mental illness, particularly for adults with a serious mental illness and children with a serious emotional disturbance, and for individuals with a substance use disorder.".

SEC. 6006. BIENNIAL REPORT CONCERNING ACTIVITIES AND PROGRESS.

(a) IN GENERAL.—Section 501 of the Public Health Service Act (42 U.S.C. 290aa), as so amended, is further amended by amending subsection (m), as redesignated by section 6003, to read as follows:

"(m) BIENNIAL REPORT CONCERNING ACTIVITIES AND PROGRESS.—Not later than September 30, 2020, and every 2 years thereafter, the Assistant Secretary shall prepare and submit to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and post on the Internet website of the Administration, a report containing at a minimum—

"(1) a review of activities conducted or supported by the Administration, including progress toward strategic priorities, goals, and objectives identified in the strategic plan developed under subsection (l);

"(2) an assessment of programs and activities carried out by the Assistant Secretary, including the extent to which programs and activities under this title and part B of title XIX meet identified goals and performance measures developed for the respective programs and activities;

"(3) a description of the progress made in addressing gaps in mental and substance use disorders prevention, treatment, and recovery services and improving outcomes by the Administration, including with respect to serious mental illnesses, serious emotional disturbances, and co-occurring disorders;

"(4) a description of the manner in which the Administration coordinates and partners with other Federal agencies and departments related to mental and substance use disorders, including activities related to—

"(A) the implementation and dissemination of research findings into improved programs, including with respect to how advances in serious mental illness and serious emotional disturbance research have been incorporated into programs;

"(B) the recruitment, training, and retention of a mental and substance use disorders workforce;

"(C) the integration of mental disorder services, substance use disorder services, and physical health services;

"(D) homelessness; and

"(E) veterans;

"(5) a description of the manner in which the Administration promotes coordination by grantees under this title, and part B of title XIX, with State or local agencies; and

"(6) a description of the activities carried out under section 501A(e), with respect to mental and substance use disorders, including—

"(A) the number and a description of grants awarded;

"(B) the total amount of funding for grants awarded;

"(C) a description of the activities supported through such grants, including outcomes of programs supported; and

"(D) information on how the National Mental Health and Substance Use Policy Laboratory is consulting with the Assistant Secretary for Planning and Evaluation and collaborating with the Center for Substance Abuse Treatment, the Center for Substance Abuse Prevention, the Center for Behavioral Health Statistics and Quality, and the Center for Mental Health Services to carry out such activities; and

"(7) recommendations made by the Assistant Secretary for Planning and Evaluation under section 6021 of the Helping Families in Mental Health Crisis Reform Act of 2016 to improve programs within the Administration, and actions taken in response to such recommendations to improve programs within the Administration.

The Assistant Secretary may meet reporting requirements established under this title by providing the contents of such reports as an addendum to the biennial report established under this subsection, notwithstanding the timeline of other reporting requirements in this title. Nothing in this subsection shall be construed to alter the content requirements of such reports or authorize the Assistant Secretary to alter the timeline of any such reports

to be less frequent than biennially, unless as specified in this title.".

(b) CONFORMING AMENDMENT.—Section 508(p) of the Public Health Service Act (42 U.S.C. 290bb–1(p)) is amended by striking "section 501(k)" and inserting "section 501(m)".

SEC. 6007. AUTHORITIES OF CENTERS FOR MENTAL HEALTH SERVICES, SUBSTANCE ABUSE PREVENTION, AND SUBSTANCE ABUSE TREATMENT.

(a) CENTER FOR MENTAL HEALTH SERVICES.—Section 520(b) of the Public Health Service Act (42 U.S.C. 290bb–31(b)) is amended—

(1) by redesignating paragraphs (3) through (15) as paragraphs (4) through (16), respectively;

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

"(3) collaborate with the Director of the National Institute of Mental Health and the Chief Medical Officer, appointed under section 501(g), to ensure that, as appropriate, programs related to the prevention and treatment of mental illness and the promotion of mental health and recovery support are carried out in a manner that reflects the best available science and evidence-based practices, including culturally and linguistically appropriate services, as appropriate;";

(3) in paragraph (5), as so redesignated, by inserting ", including through programs that reduce risk and promote resiliency" before the semicolon;

(4) in paragraph (6), as so redesignated, by inserting "in collaboration with the Director of the National Institute of Mental Health," before "develop";

(5) in paragraph (8), as so redesignated, by inserting ", increase meaningful participation of individuals with mental illness in programs and activities of the Administration," before "and protect the legal";

(6) in paragraph (10), as so redesignated, by striking "professional and paraprofessional personnel pursuant to section 303" and inserting "health paraprofessional personnel and health professionals";

(7) in paragraph (11), as so redesignated, by inserting "and tele-mental health" after "rural mental health";

(8) in paragraph (12), as so redesignated, by striking "establish a clearinghouse for mental health information to assure the widespread dissemination of such information" and inserting "disseminate mental health information, including evidence-based practices,";

(9) in paragraph (15), as so redesignated, by striking "and" at the end;

(10) in paragraph (16), as so redesignated, by striking the period and inserting "; and"; and

(11) by adding at the end the following:

"(17) ensure the consistent documentation of the application of criteria when awarding grants and the ongoing oversight of grantees after such grants are awarded.".

(b) DIRECTOR OF THE CENTER FOR SUBSTANCE ABUSE PREVENTION.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended—

(1) in the section heading, by striking "OFFICE" and inserting "CENTER";

(2) in subsection (a)—

(A) by striking "an Office" and inserting "a Center"; and

(B) by striking "The Office" and inserting "The Prevention Center"; and

(3) in subsection (b)—

(A) in paragraph (1), by inserting "through the reduction of risk and the promotion of resiliency" before the semicolon;

(B) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively;

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

"(3) collaborate with the Director of the National Institute on Drug Abuse, the Director of the National Institute on Alcohol Abuse and Alcoholism, and States to promote the study of substance abuse prevention and the dissemination and implementation of research findings that will improve the delivery and effectiveness of substance abuse prevention activities;";

(D) in paragraph (4), as so redesignated, by striking "literature on the adverse effects of cocaine free base (known as crack)" and inserting "educational information on the effects of drugs abused by individuals, including drugs that are emerging as abused drugs";

(E) in paragraph (6), as so redesignated—

(i) by striking "substance abuse counselors" and inserting "health professionals who provide substance use and misuse prevention and treatment services"; and

(ii) by striking "drug abuse education, prevention," and inserting "illicit drug use education and prevention";

(F) by amending paragraph (7), as so redesignated, to read as follows:

"(7) in cooperation with the Director of the Centers for Disease Control and Prevention, develop and disseminate educational materials to increase awareness for individuals at greatest risk for substance use disorders to prevent the transmission of communicable diseases, such as HIV, hepatitis, tuberculosis, and other communicable diseases;";

(G) in paragraph (9), as so redesignated—

(i) by striking "to discourage" and inserting "that reduce the risk of"; and

(ii) by inserting before the semicolon "and promote resiliency";

(H) in paragraph (11), as so redesignated, by striking "and" after the semicolon;

(I) in paragraph (12), as so redesignated, by striking the period and inserting a semicolon; and

(J) by adding at the end the following:

"(13) ensure the consistent documentation of the application of criteria when awarding grants and the ongoing oversight of grantees after such grants are awarded; and

"(14) assist and support States in preventing illicit drug use, including emerging illicit drug use issues.".

(c) DIRECTOR OF THE CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended—

(1) in subsection (a)—

(A) by striking "treatment of substance abuse" and inserting "treatment of substance use disorders"; and

(B) by striking "abuse treatment systems" and inserting "use disorder treatment systems"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "abuse" and inserting "use disorder";

(B) in paragraph (3), by striking "abuse" and inserting "use disorder";

(C) in paragraph (4), by striking "individuals who abuse drugs" and inserting "individuals who illicitly use drugs";

(D) in paragraph (9), by striking "carried out by the Director";

(E) by striking paragraph (10);

(F) by redesignating paragraphs (11) through (14) as paragraphs (10) through (13), respectively;

(G) in paragraph (12), as so redesignated, by striking "; and" and inserting a semicolon; and

(H) by striking paragraph (13), as so redesignated, and inserting the following:

"(13) ensure the consistent documentation of the application of criteria when awarding grants and the ongoing oversight of grantees after such grants are awarded; and

"(14) work with States, providers, and individuals in recovery, and their families, to promote the expansion of recovery support services and systems of care oriented toward recovery.".

SEC. 6008. ADVISORY COUNCILS.

Section 502(b) of the Public Health Service Act (42 U.S.C. 290aa–1(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (E), by striking "and" after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (J); and

(C) by inserting after subparagraph (E), the following:

"(F) the Chief Medical Officer, appointed under section 501(g);

"(G) the Director of the National Institute of Mental Health for the advisory councils appointed under subsections (a)(1)(A) and (a)(1)(D);

"(H) the Director of the National Institute on Drug Abuse for the advisory councils appointed under subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C);

"(I) the Director of the National Institute on Alcohol Abuse and Alcoholism for the advisory councils appointed under subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C); and"; and

(2) in paragraph (3), by adding at the end the following:

"(C) Not less than half of the members of the advisory council appointed under subsection (a)(1)(D)—

"(i) shall—

"(I) have a medical degree;

"(II) have a doctoral degree in psychology; or

"(III) have an advanced degree in nursing or social work from an accredited graduate school or be a certified physician assistant; and

"(ii) shall specialize in the mental health field.

"(D) Not less than half of the members of the advisory councils appointed under subsections (a)(1)(B) and (a)(1)(C)—

"(i) shall—

"(I) have a medical degree;

"(II) have a doctoral degree; or

"(III) have an advanced degree in nursing, public health, behavioral or social sciences, or social work from an accredited graduate school or be a certified physician assistant; and

"(ii) shall have experience in the provision of substance use disorder services or the development and implementation of programs to prevent substance misuse.".

SEC. 6009. PEER REVIEW.

Section 504(b) of the Public Health Service Act (42 U.S.C. 290aa–3(b)) is amended by adding at the end the following: "In the case of any such peer review group that is reviewing a grant, cooperative agreement, or contract related to mental illness treatment, not less than half of the members of such peer review group shall be licensed and experienced professionals in the prevention, diagnosis, or treatment of, or recovery from, mental illness or co-occurring mental illness and substance use disorders and have a medical degree, a doctoral degree in psychology, or an advanced degree in nursing or social work from an accredited program, and the Secretary, in consultation with the Assistant Secretary, shall, to the extent possible, ensure such peer review groups include broad geographic representation, including both urban and rural representatives.".

Subtitle B—Oversight and Accountability

SEC. 6021. IMPROVING OVERSIGHT OF MENTAL AND SUBSTANCE USE DISORDERS PROGRAMS THROUGH THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.

42 USC 290aa note.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, shall ensure efficient and effective planning and evaluation of mental and substance use disorders prevention and treatment programs and related activities.

(b) EVALUATION STRATEGY.—In carrying out subsection (a), the Assistant Secretary for Planning and Evaluation shall, not later than 180 days after the date of enactment of this Act, develop a strategy for conducting ongoing evaluations that identifies priority programs to be evaluated by the Assistant Secretary for Planning and Evaluation and priority programs to be evaluated by other relevant offices and agencies within the Department of Health and Human Services. The strategy shall—

(1) include a plan for evaluating programs related to mental and substance use disorders, including co-occurring disorders, across agencies, as appropriate, including programs related to—

(A) prevention, intervention, treatment, and recovery support services, including such services for adults with a serious mental illness or children with a serious emotional disturbance;

(B) the reduction of homelessness and incarceration among individuals with a mental or substance use disorder; and

(C) public health and health services; and

(2) include a plan for assessing the use of performance metrics to evaluate activities carried out by entities receiving grants, contracts, or cooperative agreements related to mental and substance use disorders prevention and treatment services under title V or title XIX of the Public Health Service Act (42 U.S.C. 290aa et seq.; 42 U.S.C. 300w et seq.).

(c) CONSULTATION.—In carrying out this section, the Assistant Secretary for Planning and Evaluation shall consult, as appropriate, with the Assistant Secretary for Mental Health and Substance Use, the Chief Medical Officer of the Substance Abuse and Mental Health Services Administration appointed under section 501(g) of the Public Health Service Act (42 U.S.C. 290aa(g)), as amended by section 6003, the Behavioral Health Coordinating Council of the Department of Health and Human Services, other agencies within the Department of Health and Human Services, and other relevant Federal departments and agencies.

(d) RECOMMENDATIONS.—In carrying out this section, the Assistant Secretary for Planning and Evaluation shall provide recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Mental Health and Substance Use, and the Congress on improving the quality of prevention and treatment programs and activities related to mental and substance use disorders, including recommendations for the use of performance metrics. The Assistant Secretary for Mental Health and Substance Use shall include such recommendations in the biennial report required by subsection 501(m) of the Public Health Service Act, as redesignated by section 6003 of this Act.

SEC. 6022. REPORTING FOR PROTECTION AND ADVOCACY ORGANIZATIONS.

(a) PUBLIC AVAILABILITY OF REPORTS.—Section 105(a)(7) of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10805(a)(7)) is amended by striking "is located a report" and inserting "is located, and make publicly available, a report".

(b) DETAILED ACCOUNTING.—Section 114(a) of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10824(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) using data from the existing required annual program progress reports submitted by each system funded under this title, a detailed accounting for each such system of how funds are spent, disaggregated according to whether the funds were

received from the Federal Government, the State government, a local government, or a private entity.".

SEC. 6023. GAO STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services and the Assistant Secretary for Mental Health and Substance Use, shall conduct an independent evaluation, and submit a report, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, on programs funded by allotments made under title I of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.).

(b) CONTENTS.—The report and evaluation required under subsection (a) shall include—

(1) a review of the programs described in such subsection that are carried out by State agencies and such programs that are carried out by private, nonprofit organizations; and

(2) a review of the compliance of the programs described in subsection (a) with statutory and regulatory responsibilities, such as—

(A) responsibilities relating to family engagement;

(B) responsibilities relating to the grievance procedure for clients or prospective clients of the system to assure that individuals with mental illness have full access to the services of the system, for individuals who have received or are receiving mental health services, and for family members of such individuals with mental illness, or representatives of such individuals or family members, to assure that the eligible system is operating in compliance with the provisions of the Protection and Advocacy for Individuals with Mental Illness Act, as required to be established by section 105(a)(9) of such Act (42 U.S.C. 10805(a)(9));

(C) investigation of alleged abuse and neglect of persons with mental illness;

(D) availability of adequate medical and behavioral health treatment;

(E) denial of rights for persons with mental illness; and

(F) compliance with the Federal prohibition on lobbying.

Subtitle C—Interdepartmental Serious Mental Illness Coordinating Committee

SEC. 6031. INTERDEPARTMENTAL SERIOUS MENTAL ILLNESS COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services, or the designee of the Secretary, shall establish a committee to be known as the Interdepartmental Serious Mental Illness Coordinating Committee (in this section referred to as the "Committee").

(2) FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(b) MEETINGS.—The Committee shall meet not fewer than 2 times each year.

(c) RESPONSIBILITIES.—Not later than 1 year after the date of enactment of this Act, and 5 years after such date of enactment, the Committee shall submit to Congress and any other relevant Federal department or agency a report including—

(1) a summary of advances in serious mental illness and serious emotional disturbance research related to the prevention of, diagnosis of, intervention in, and treatment and recovery of serious mental illnesses, serious emotional disturbances, and advances in access to services and support for adults with a serious mental illness or children with a serious emotional disturbance;

(2) an evaluation of the effect Federal programs related to serious mental illness have on public health, including public health outcomes such as—

(A) rates of suicide, suicide attempts, incidence and prevalence of serious mental illnesses, serious emotional disturbances, and substance use disorders, overdose, overdose deaths, emergency hospitalizations, emergency room boarding, preventable emergency room visits, interaction with the criminal justice system, homelessness, and unemployment;

(B) increased rates of employment and enrollment in educational and vocational programs;

(C) quality of mental and substance use disorders treatment services; or

(D) any other criteria as may be determined by the Secretary; and

(3) specific recommendations for actions that agencies can take to better coordinate the administration of mental health services for adults with a serious mental illness or children with a serious emotional disturbance.

(d) COMMITTEE EXTENSION.—Upon the submission of the second report under subsection (c), the Secretary shall submit a recommendation to Congress on whether to extend the operation of the Committee.

(e) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of the following Federal representatives, or the designees of such representatives—

(A) the Secretary of Health and Human Services, who shall serve as the Chair of the Committee;

(B) the Assistant Secretary for Mental Health and Substance Use;

(C) the Attorney General;

(D) the Secretary of Veterans Affairs;

(E) the Secretary of Defense;

(F) the Secretary of Housing and Urban Development;

(G) the Secretary of Education;

(H) the Secretary of Labor;

(I) the Administrator of the Centers for Medicare & Medicaid Services; and

(J) the Commissioner of Social Security.

(2) NON-FEDERAL MEMBERS.—The Committee shall also include not less than 14 non-Federal public members appointed by the Secretary of Health and Human Services, of which—

(A) at least 2 members shall be an individual who has received treatment for a diagnosis of a serious mental illness;

(B) at least 1 member shall be a parent or legal guardian of an adult with a history of a serious mental illness or a child with a history of a serious emotional disturbance;

(C) at least 1 member shall be a representative of a leading research, advocacy, or service organization for adults with a serious mental illness;

(D) at least 2 members shall be—

(i) a licensed psychiatrist with experience in treating serious mental illnesses;

(ii) a licensed psychologist with experience in treating serious mental illnesses or serious emotional disturbances;

(iii) a licensed clinical social worker with experience treating serious mental illnesses or serious emotional disturbances; or

(iv) a licensed psychiatric nurse, nurse practitioner, or physician assistant with experience in treating serious mental illnesses or serious emotional disturbances;

(E) at least 1 member shall be a licensed mental health professional with a specialty in treating children and adolescents with a serious emotional disturbance;

(F) at least 1 member shall be a mental health professional who has research or clinical mental health experience in working with minorities;

(G) at least 1 member shall be a mental health professional who has research or clinical mental health experience in working with medically underserved populations;

(H) at least 1 member shall be a State certified mental health peer support specialist;

(I) at least 1 member shall be a judge with experience in adjudicating cases related to criminal justice or serious mental illness;

(J) at least 1 member shall be a law enforcement officer or corrections officer with extensive experience in interfacing with adults with a serious mental illness, children with a serious emotional disturbance, or individuals in a mental health crisis; and

(K) at least 1 member shall have experience providing services for homeless individuals and working with adults with a serious mental illness, children with a serious emotional disturbance, or individuals in a mental health crisis.

(3) TERMS.—A member of the Committee appointed under subsection (e)(2) shall serve for a term of 3 years, and may be reappointed for 1 or more additional 3-year terms. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has been appointed.

(f) WORKING GROUPS.—In carrying out its functions, the Committee may establish working groups. Such working groups shall be composed of Committee members, or their designees, and may hold such meetings as are necessary.

(g) SUNSET.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established under subsection (a)(1).

TITLE VII—ENSURING MENTAL AND SUBSTANCE USE DISORDERS PREVENTION, TREATMENT, AND RECOVERY PROGRAMS KEEP PACE WITH SCIENCE AND TECHNOLOGY

SEC. 7001. ENCOURAGING INNOVATION AND EVIDENCE-BASED PROGRAMS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 501 (42 U.S.C. 290aa) the following:

42 USC 290aa–0.

"SEC. 501A. NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY.

"(a) IN GENERAL.—There shall be established within the Administration a National Mental Health and Substance Use Policy Laboratory (referred to in this section as the 'Laboratory').

"(b) RESPONSIBILITIES.—The Laboratory shall—

"(1) continue to carry out the authorities and activities that were in effect for the Office of Policy, Planning, and Innovation as such Office existed prior to the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016;

"(2) identify, coordinate, and facilitate the implementation of policy changes likely to have a significant effect on mental health, mental illness, recovery supports, and the prevention and treatment of substance use disorder services;

"(3) work with the Center for Behavioral Health Statistics and Quality to collect, as appropriate, information from grantees under programs operated by the Administration in order to evaluate and disseminate information on evidence-based practices, including culturally and linguistically appropriate services, as appropriate, and service delivery models;

"(4) provide leadership in identifying and coordinating policies and programs, including evidence-based programs, related to mental and substance use disorders;

"(5) periodically review programs and activities operated by the Administration relating to the diagnosis or prevention of, treatment for, and recovery from, mental and substance use disorders to—

"(A) identify any such programs or activities that are duplicative;

"(B) identify any such programs or activities that are not evidence-based, effective, or efficient; and

"(C) formulate recommendations for coordinating, eliminating, or improving programs or activities identified

under subparagraph (A) or (B) and merging such programs or activities into other successful programs or activities; and

"(6) carry out other activities as deemed necessary to continue to encourage innovation and disseminate evidence-based programs and practices.

"(c) EVIDENCE-BASED PRACTICES AND SERVICE DELIVERY MODELS.—

"(1) IN GENERAL.—In carrying out subsection (b)(3), the Laboratory—

"(A) may give preference to models that improve—

"(i) the coordination between mental health and physical health providers;

"(ii) the coordination among such providers and the justice and corrections system; and

"(iii) the cost effectiveness, quality, effectiveness, and efficiency of health care services furnished to adults with a serious mental illness, children with a serious emotional disturbance, or individuals in a mental health crisis; and

"(B) may include clinical protocols and practices that address the needs of individuals with early serious mental illness.

"(2) CONSULTATION.—In carrying out this section, the Laboratory shall consult with—

"(A) the Chief Medical Officer appointed under section 501(g);

"(B) representatives of the National Institute of Mental Health, the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism, on an ongoing basis;

"(C) other appropriate Federal agencies;

"(D) clinical and analytical experts with expertise in psychiatric medical care and clinical psychological care, health care management, education, corrections health care, and mental health court systems, as appropriate; and

"(E) other individuals and agencies as determined appropriate by the Assistant Secretary.

"(d) DEADLINE FOR BEGINNING IMPLEMENTATION.—The Laboratory shall begin implementation of this section not later than January 1, 2018.

"(e) PROMOTING INNOVATION.—

"(1) IN GENERAL.—The Assistant Secretary, in coordination with the Laboratory, may award grants to States, local governments, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), educational institutions, and nonprofit organizations to develop evidence-based interventions, including culturally and linguistically appropriate services, as appropriate, for—

"(A) evaluating a model that has been scientifically demonstrated to show promise, but would benefit from further applied development, for—

"(i) enhancing the prevention, diagnosis, intervention, and treatment of, and recovery from, mental illness, serious emotional disturbances, substance use disorders, and co-occurring illness or disorders; or

"(ii) integrating or coordinating physical health services and mental and substance use disorders services; and

"(B) expanding, replicating, or scaling evidence-based programs across a wider area to enhance effective screening, early diagnosis, intervention, and treatment with respect to mental illness, serious mental illness, serious emotional disturbances, and substance use disorders, primarily by—

"(i) applying such evidence-based programs to the delivery of care, including by training staff in effective evidence-based treatments; or

"(ii) integrating such evidence-based programs into models of care across specialties and jurisdictions.

"(2) CONSULTATION.—In awarding grants under this subsection, the Assistant Secretary shall, as appropriate, consult with the Chief Medical Officer, appointed under section 501(g), the advisory councils described in section 502, the National Institute of Mental Health, the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism, as appropriate.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) to carry out paragraph (1)(A), $7,000,000 for the period of fiscal years 2018 through 2020; and

"(B) to carry out paragraph (1)(B), $7,000,000 for the period of fiscal years 2018 through 2020.".

SEC. 7002. PROMOTING ACCESS TO INFORMATION ON EVIDENCE-BASED PROGRAMS AND PRACTICES.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by inserting after section 543 of such Act (42 U.S.C. 290dd–2) the following:

42 USC 290dd–2a.

"SEC. 543A. PROMOTING ACCESS TO INFORMATION ON EVIDENCE-BASED PROGRAMS AND PRACTICES.

"(a) IN GENERAL.—The Assistant Secretary shall, as appropriate, improve access to reliable and valid information on evidence-based programs and practices, including information on the strength of evidence associated with such programs and practices, related to mental and substance use disorders for States, local communities, nonprofit entities, and other stakeholders, by posting on the Internet website of the Administration information on evidence-based programs and practices that have been reviewed by the Assistant Secretary in accordance with the requirements of this section.

"(b) APPLICATIONS.—

"(1) APPLICATION PERIOD.—In carrying out subsection (a), the Assistant Secretary may establish a period for the submission of applications for evidence-based programs and practices to be posted publicly in accordance with subsection (a).

"(2) NOTICE.—In establishing the application period under paragraph (1), the Assistant Secretary shall provide for the public notice of such application period in the Federal Register.

Such notice may solicit applications for evidence-based programs and practices to address gaps in information identified by the Assistant Secretary, the National Mental Health and Substance Use Policy Laboratory established under section 501A, or the Assistant Secretary for Planning and Evaluation, including pursuant to the evaluation and recommendations under section 6021 of the Helping Families in Mental Health Crisis Reform Act of 2016 or priorities identified in the strategic plan under section 501(l).

"(c) REQUIREMENTS.—The Assistant Secretary may establish minimum requirements for the applications submitted under subsection (b), including applications related to the submission of research and evaluation.

"(d) REVIEW AND RATING.—

"(1) IN GENERAL.—The Assistant Secretary shall review applications prior to public posting in accordance with subsection (a), and may prioritize the review of applications for evidence-based programs and practices that are related to topics included in the notice provided under subsection (b)(2).

"(2) SYSTEM.—In carrying out paragraph (1), the Assistant Secretary may utilize a rating and review system, which may include information on the strength of evidence associated with the evidence-based programs and practices and a rating of the methodological rigor of the research supporting the applications.

"(3) PUBLIC ACCESS TO METRICS AND RATING.—The Assistant Secretary shall make the metrics used to evaluate applications under this section, and any resulting ratings of such applications, publicly available.".

SEC. 7003. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by inserting before the period ", which may include technical assistance centers"; and

(B) in the flush sentence following paragraph (4)—

(i) by inserting ", contracts," before "or cooperative agreements"; and

(ii) by striking "Indian tribes and tribal organizations" and inserting "Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), health facilities, or programs operated by or in accordance with a contract or grant with the Indian Health Service, or"; and

(2) by amending subsection (f) to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $394,550,000 for each of fiscal years 2018 through 2022.".

SEC. 7004. PRIORITY SUBSTANCE USE DISORDER TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 509 of the Public Health Service Act (42 U.S.C. 290bb–2) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "abuse" and inserting "use disorder";

(B) in paragraph (3), by inserting before the period "that permit States, local governments, communities, and Indian tribes and tribal organizations (as the terms 'Indian tribes' and 'tribal organizations' are defined in section 4 of the Indian Self-Determination and Education Assistance Act) to focus on emerging trends in substance abuse and co-occurrence of substance use disorders with mental illness or other conditions"; and

(C) in the flush sentence following paragraph (3)—

(i) by inserting ", contracts," before "or cooperative agreements"; and

(ii) by striking "Indian tribes and tribal organizations," and inserting "Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), health facilities, or programs operated by or in accordance with a contract or grant with the Indian Health Service, or";

(2) in subsection (b)—

(A) in paragraph (1), by striking "abuse" and inserting "use disorder"; and

(B) in paragraph (2), by striking "abuse" and inserting "use disorder";

(3) in subsection (e), by striking "abuse" and inserting "use disorder"; and

(4) in subsection (f), by striking "$300,000,000" and all that follows through the period and inserting "$333,806,000 for each of fiscal years 2018 through 2022.".

SEC. 7005. PRIORITY SUBSTANCE USE DISORDER PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 516 of the Public Health Service Act (42 U.S.C. 290bb–22) is amended—

(1) in the section heading, by striking "**ABUSE**" and inserting "**USE DISORDER**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "abuse" and inserting "use disorder";

(B) in paragraph (3), by inserting before the period ", including such programs that focus on emerging drug abuse issues"; and

(C) in the flush sentence following paragraph (3)—

(i) by inserting ", contracts," before "or cooperative agreements"; and

(ii) by striking "Indian tribes and tribal organizations," and inserting "Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), health facilities, or programs operated by or in accordance with a contract or grant with the Indian Health Service,";

(3) in subsection (b)—

(A) in paragraph (1), by striking "abuse" and inserting "use disorder"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" at the end and inserting ";";

(ii) in subparagraph (B)—

(I) by striking "abuse" and inserting "use disorder"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) substance use disorder prevention among high-risk groups.";

(4) in subsection (e), by striking "abuse" and inserting "use disorder"; and

(5) in subsection (f), by striking "$300,000,000" and all that follows through the period and inserting "$211,148,000 for each of fiscal years 2018 through 2022.".

TITLE VIII—SUPPORTING STATE PREVENTION ACTIVITIES AND RESPONSES TO MENTAL HEALTH AND SUBSTANCE USE DISORDER NEEDS

SEC. 8001. COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT.

(a) FORMULA GRANTS.—Section 1911(b) of the Public Health Service Act (42 U.S.C. 300x(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) providing community mental health services for adults with a serious mental illness and children with a serious emotional disturbance as defined in accordance with section 1912(c);".

(b) STATE PLAN.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–1(b)) is amended—

(1) in paragraph (3), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and realigning the margins accordingly;

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and realigning the margins accordingly;

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking "With respect to" and all that follows through "are as follows:" and inserting "In accordance with subsection (a), a State shall submit to the Secretary a plan every two years that, at a minimum, includes each of the following:";

(4) by inserting before subparagraph (A) (as so redesignated) the following:

"(1) SYSTEM OF CARE.—A description of the State's system of care that contains the following:";

(5) by striking subparagraph (A) (as so redesignated) and inserting the following:

"(A) COMPREHENSIVE COMMUNITY-BASED HEALTH SYSTEMS.—The plan shall—

"(i) identify the single State agency to be responsible for the administration of the program under the grant, including any third party who administers mental health services and is responsible for complying with the requirements of this part with respect to the grant;

"(ii) provide for an organized community-based system of care for individuals with mental illness, and describe available services and resources in a comprehensive system of care, including services for individuals with co-occurring disorders;

"(iii) include a description of the manner in which the State and local entities will coordinate services to maximize the efficiency, effectiveness, quality, and cost-effectiveness of services and programs to produce the best possible outcomes (including health services, rehabilitation services, employment services, housing services, educational services, substance use disorder services, legal services, law enforcement services, social services, child welfare services, medical and dental care services, and other support services to be provided with Federal, State, and local public and private resources) with other agencies to enable individuals receiving services to function outside of inpatient or residential institutions, to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act;

"(iv) include a description of how the State promotes evidence-based practices, including those evidence-based programs that address the needs of individuals with early serious mental illness regardless of the age of the individual at onset, provide comprehensive individualized treatment, or integrate mental and physical health services;

"(v) include a description of case management services;

"(vi) include a description of activities that seek to engage adults with a serious mental illness or children with a serious emotional disturbance and their caregivers where appropriate in making health care decisions, including activities that enhance communication among individuals, families, caregivers, and treatment providers; and

"(vii) as appropriate to, and reflective of, the uses the State proposes for the block grant funds, include—

"(I) a description of the activities intended to reduce hospitalizations and hospital stays using the block grant funds;

"(II) a description of the activities intended to reduce incidents of suicide using the block grant funds;

"(III) a description of how the State integrates mental health and primary care using the block grant funds, which may include providing, in the case of individuals with co-occurring mental and

substance use disorders, both mental and substance use disorders services in primary care settings or arrangements to provide primary and specialty care services in community-based mental and substance use disorders settings; and

"(IV) a description of recovery and recovery support services for adults with a serious mental illness and children with a serious emotional disturbance.";

(6) in subparagraph (B) (as so redesignated)—

(A) by striking "The plan contains" and inserting "The plan shall contain"; and

(B) by striking "presents quantitative targets to be achieved in the implementation of the system described in paragraph (1)" and inserting "present quantitative targets and outcome measures for programs and services provided under this subpart";

(7) in subparagraph (C) (as so redesignated)—

(A) by striking "serious emotional disturbance" in the matter preceding clause (i) (as so redesignated) and all that follows through "substance abuse services" in clause (i) (as so redesignated) and inserting the following: "a serious emotional disturbance (as defined pursuant to subsection (c)), the plan shall provide for a system of integrated social services, educational services, child welfare services, juvenile justice services, law enforcement services, and substance use disorder services";

(B) by striking "Education Act);" and inserting "Education Act)."; and

(C) by striking clauses (ii) and (iii) (as so redesignated);

(8) in subparagraph (D) (as so redesignated), by striking "plan describes" and inserting "plan shall describe";

(9) in subparagraph (E) (as so redesignated)—

(A) in the subparagraph heading by striking "SYSTEMS" and inserting "SERVICES";

(B) in the first sentence, by striking "plan describes" and all that follows through "and provides for" and inserting "plan shall describe the financial resources available, the existing mental health workforce, and the workforce trained in treating individuals with co-occurring mental and substance use disorders, and shall provide for"; and

(C) in the second sentence—

(i) by striking "further describes" and inserting "shall further describe"; and

(ii) by striking "involved." and inserting "involved, and the manner in which the State intends to comply with each of the funding agreements in this subpart and subpart III.";

(10) by striking the flush matter at the end; and

(11) by adding at the end the following:

"(2) GOALS AND OBJECTIVES.—The establishment of goals and objectives for the period of the plan, including targets and milestones that are intended to be met, and the activities that will be undertaken to achieve those targets.".

(c) EARLY SERIOUS MENTAL ILLNESS.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended by adding at the end the following:

"(c) EARLY SERIOUS MENTAL ILLNESS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State shall expend not less than 10 percent of the amount the State receives for carrying out this section for each fiscal year to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset.

"(2) STATE FLEXIBILITY.—In lieu of expending 10 percent of the amount the State receives under this section for a fiscal year as required under paragraph (1), a State may elect to expend not less than 20 percent of such amount by the end of such succeeding fiscal year.".

(d) ADDITIONAL PROVISIONS.—Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x–4(b)) is amended—

(1) in paragraph (3)—

(A) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary";

(B) by striking "paragraph (1) if" and inserting "paragraph (1) in whole or in part if";

(C) by striking "State justify the waiver." and inserting "State in the fiscal year involved or in the previous fiscal year justify the waiver"; and

(D) by adding at the end the following:

"(B) DATE CERTAIN FOR ACTION UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under this paragraph not later than 120 days after the date on which the request is made.

"(C) APPLICABILITY OF WAIVER.—A waiver provided by the Secretary under this paragraph shall be applicable only to the fiscal year involved."; and

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) by inserting after the subparagraph designation the following: "IN GENERAL.—";

(ii) by striking "In making a grant" and inserting the following:

"(i) DETERMINATION.—In making a grant"; and

(iii) by inserting at the end the following:

"(ii) ALTERNATIVE.—A State that has failed to comply with paragraph (1) and would otherwise be subject to a reduction in the State's allotment under section 1911 may, upon request by the State, in lieu of having the amount of the allotment under section 1911 for the State reduced for the fiscal year of the grant, agree to comply with a negotiated agreement that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary. If a State fails to enter into or comply with a negotiated agreement, the Secretary may take action under this paragraph or the terms of the negotiated agreement."; and

(B) in subparagraph (B)—

(i) by inserting after the subparagraph designation the following: "SUBMISSION OF INFORMATION TO THE SECRETARY.—"; and

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

(e) APPLICATION FOR GRANT.—Section 1917(a) of the Public Health Service Act (42 U.S.C. 300x–6(a)) is amended—

(1) in paragraph (1), by striking "1941" and inserting "1942(a)"; and

(2) in paragraph (5), by striking "1915(b)(3)(B)" and inserting "1915(b)".

(f) FUNDING.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended—

(1) in subsection (a)—

(A) by striking "section 505" and inserting "section 505(c)"; and

(B) by striking "$450,000,000" and all that follows through the period and inserting "$532,571,000 for each of fiscal years 2018 through 2022."; and

(2) in subsection (b)(2) by striking "sections 505 and" and inserting "sections 505(c) and".

SEC. 8002. SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT.

(a) FORMULA GRANTS.—Section 1921(b) of the Public Health Service Act (42 U.S.C. 300x–21(b)) is amended—

(1) by inserting "carrying out the plan developed in accordance with section 1932(b) and for" after "for the purpose of"; and

(2) by striking "abuse" and inserting "use disorders".

(b) OUTREACH TO PERSONS WHO INJECT DRUGS.—Section 1923(b) of the Public Health Service Act (42 U.S.C. 300x–23(b)) is amended—

(1) in the subsection heading, by striking "REGARDING INTRAVENOUS SUBSTANCE ABUSE" and inserting "TO PERSONS WHO INJECT DRUGS"; and

(2) by striking "for intravenous drug abuse" and inserting "for persons who inject drugs".

(c) REQUIREMENTS REGARDING TUBERCULOSIS AND HUMAN IMMUNODEFICIENCY VIRUS.—Section 1924 of the Public Health Service Act (42 U.S.C. 300x–24) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking "substance abuse" and inserting "substance use disorders"; and

(B) in subparagraph (A), by striking "such abuse" and inserting "such disorders";

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking "substance abuse" and inserting "substance use disorders";

(B) in paragraph (2), by inserting "and Prevention" after "Disease Control";

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "ABUSE" and inserting "USE DISORDERS"; and

(ii) by striking "substance abuse" and inserting "substance use disorders"; and

(D) in paragraph (6)(B), by striking "substance abuse" and inserting "substance use disorders";

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

(d) GROUP HOMES.—Section 1925 of the Public Health Service Act (42 U.S.C. 300x–25) is amended—

(1) in the section heading, by striking "**RECOVERING SUBSTANCE ABUSERS**" and inserting "**PERSONS IN RECOVERY FROM SUBSTANCE USE DISORDERS**"; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking "recovering substance abusers" and inserting "persons in recovery from substance use disorders".

(e) ADDITIONAL AGREEMENTS.—Section 1928 of the Public Health Service Act (42 U.S.C. 300x–28) is amended—

(1) in subsection (a), by striking "(relative to fiscal year 1992)";

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

"(b) PROFESSIONAL DEVELOPMENT.—A funding agreement for a grant under section 1921 is that the State involved will ensure that prevention, treatment, and recovery personnel operating in the State's substance use disorder prevention, treatment, and recovery systems have an opportunity to receive training, on an ongoing basis, concerning—

"(1) recent trends in substance use disorders in the State;

"(2) improved methods and evidence-based practices for providing substance use disorder prevention and treatment services;

"(3) performance-based accountability;

"(4) data collection and reporting requirements; and

"(5) any other matters that would serve to further improve the delivery of substance use disorder prevention and treatment services within the State."; and

(3) in subsection (d)(1), by striking "substance abuse" and inserting "substance use disorders".

(f) REPEAL.—Section 1929 of the Public Health Service Act (42 U.S.C. 300x–29) is repealed.

(g) MAINTENANCE OF EFFORT.—Section 1930 of the Public Health Service Act (42 U.S.C. 300x–30) is amended—

(1) in subsection (c)(1), by striking "in the State justify the waiver" and inserting "exist in the State, or any part of the State, to justify the waiver"; and

(2) in subsection (d), by inserting at the end the following:

"(3) ALTERNATIVE.—A State that has failed to comply with this section and would otherwise be subject to a reduction in the State's allotment under section 1921, may, upon request by the State, in lieu of having the State's allotment under section 1921 reduced, agree to comply with a negotiated agreement that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary. If a State fails to enter into or comply with a negotiated agreement, the Secretary may take action under this paragraph or the terms of the negotiated agreement.".

(h) RESTRICTIONS ON EXPENDITURES.—Section 1931(b)(1) of the Public Health Service Act (42 U.S.C. 300x–31(b)(1)) is amended by striking "substance abuse" and inserting "substance use disorders".

(i) APPLICATION.—Section 1932 of the Public Health Service Act (42 U.S.C. 300x–32) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "subsections (c) and (d)(2)" and inserting "subsection (c)"; and

(B) in paragraph (5), by striking "the information required in section 1929, the information required in section 1930(c)(2), and";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—In order for a State to be in compliance with subsection (a)(6), the State shall submit to the Secretary a plan that, at a minimum, includes the following:

"(A) A description of the State's system of care that—

"(i) identifies the single State agency responsible for the administration of the program, including any third party who administers substance use disorder services and is responsible for complying with the requirements of the grant;

"(ii) provides information on the need for substance use disorder prevention and treatment services in the State, including estimates on the number of individuals who need treatment, who are pregnant women, women with dependent children, individuals with a co-occurring mental health and substance use disorder, persons who inject drugs, and persons who are experiencing homelessness;

"(iii) provides aggregate information on the number of individuals in treatment within the State, including the number of such individuals who are pregnant women, women with dependent children, individuals with a co-occurring mental health and substance use disorder, persons who inject drugs, and persons who are experiencing homelessness;

"(iv) provides a description of the system that is available to provide services by modality, including the provision of recovery support services;

"(v) provides a description of the State's comprehensive statewide prevention efforts, including the number of individuals being served in the system, target populations, and priority needs, and provides a description of the amount of funds from the prevention set-aside expended on primary prevention;

"(vi) provides a description of the financial resources available;

"(vii) describes the existing substance use disorders workforce and workforce trained in treating co-occurring substance use and mental disorders;

"(viii) includes a description of how the State promotes evidence-based practices; and

"(ix) describes how the State integrates substance use disorder services and primary health care, which in the case of those individuals with co-occurring mental health and substance use disorders may include

providing both mental health and substance use disorder services in primary care settings or providing primary and specialty care services in community-based mental health and substance use disorder service settings.

"(B) The establishment of goals and objectives for the period of the plan, including targets and milestones that are intended to be met, and the activities that will be undertaken to achieve those targets.

"(C) A description of how the State will comply with each funding agreement for a grant under section 1921 that is applicable to the State, including a description of the manner in which the State intends to expend grant funds."; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "AUTHORITY OF SECRETARY REGARDING MODIFICATIONS" and inserting "MODIFICATIONS";

(ii) by striking "As a condition" and inserting the following:

"(A) AUTHORITY OF SECRETARY.—As a condition;"; and

(iii) by adding at the end the following:

"(B) STATE REQUEST FOR MODIFICATION.—If the State determines that a modification to such plan is necessary, the State may request the Secretary to approve the modification. Any such modification shall be in accordance with paragraph (1) and section 1941."; and

(C) in paragraph (3), by inserting, ", including any modification under paragraph (2)" after "subsection (a)(6)"; and

(3) in subsection (e)(2), by striking "section 1922(c)" and inserting "section 1922(b)".

(j) DEFINITIONS.—Section 1934 of the Public Health Service Act (42 U.S.C. 300x–34) is amended—

(1) in paragraph (3), by striking "substance abuse" and inserting "substance use disorders"; and

(2) in paragraph (7), by striking "substance abuse" and inserting "substance use disorders".

(k) FUNDING.—Section 1935 of the Public Health Service Act (42 U.S.C. 300x–35) is amended—

(1) in subsection (a)—

(A) by striking "section 505" and inserting "section 505(d)"; and

(B) by striking "$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003" and inserting "$1,858,079,000 for each of fiscal years 2018 through 2022."; and

(2) in subsection (b)(1)(B) by striking "sections 505 and" and inserting "sections 505(d) and".

SEC. 8003. ADDITIONAL PROVISIONS RELATED TO THE BLOCK GRANTS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) is amended—

(1) in section 1943(a)(3) (42 U.S.C. 300x–53(a)(3)), by striking "section 505" and inserting "subsections (c) and (d) of section 505";

(2) in section 1953(b) (42 U.S.C. 300x–63(b)), by striking "substance abuse" and inserting "substance use disorder"; and

(3) by adding at the end the following:

"SEC. 1957. PUBLIC HEALTH EMERGENCIES. 42 USC 300x–67.

"In the case of a public health emergency (as determined under section 319), the Secretary, on a State by State basis, may, as the circumstances of the emergency reasonably require and for the period of the emergency, grant an extension, or waive application deadlines or compliance with any other requirement, of a grant authorized under section 521, 1911, or 1921 or an allotment authorized under Public Law 99–319 (42 U.S.C. 10801 et seq.).

"SEC. 1958. JOINT APPLICATIONS. 42 USC 300x–68.

"The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall permit a joint application to be submitted for grants under subpart I and subpart II upon the request of a State. Such application may be jointly reviewed and approved by the Secretary with respect to such subparts, consistent with the purposes and authorized activities of each such grant program. A State submitting such a joint application shall otherwise meet the requirements with respect to each such subpart.".

SEC. 8004. STUDY OF DISTRIBUTION OF FUNDS UNDER THE SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT AND THE COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall through a grant or contract, or through an agreement with a third party, conduct a study on the formulas for distribution of funds under the substance abuse prevention and treatment block grant, and the community mental health services block grant, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) and recommend changes if necessary. Such study shall include—

(1) an analysis of whether the distributions under such block grants accurately reflect the need for the services under the grants in the States;

(2) an examination of whether the indices used under the formulas for distribution of funds under such block grants are appropriate, and if not, alternatives recommended by the Secretary;

(3) where recommendations are included under paragraph (2) for the use of different indices, a description of the variables and data sources that should be used to determine the indices;

(4) an evaluation of the variables and data sources that are being used for each of the indices involved, and whether such variables and data sources accurately represent the need for services, the cost of providing services, and the ability of the States to pay for such services;

(5) the effect that the minimum allotment requirements for each such block grant have on each State's final allotment and the effect of such requirements, if any, on each State's formula-based allotment;

(6) recommendations for modifications to the minimum allotment provisions to ensure an appropriate distribution of funds; and

(7) any other information that the Secretary determines appropriate.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings and recommendations of the study conducted under subsection (a) and the study conducted under section 9004(g).

TITLE IX—PROMOTING ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER CARE

Subtitle A—Helping Individuals and Families

SEC. 9001. GRANTS FOR TREATMENT AND RECOVERY FOR HOMELESS INDIVIDUALS.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended—

(1) in subsection (a), by striking "substance abuse" and inserting "substance use disorder";

(2) in subsection (b)—

(A) in paragraphs (1) and (3), by striking "substance abuse" each place the term appears and inserting "substance use disorder"; and

(B) in paragraph (4), by striking "substance abuse" and inserting "a substance use disorder";

(3) in subsection (c)—

(A) in paragraph (1), by striking "substance abuse disorder" and inserting "substance use disorder"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "substance abuse" and inserting "a substance use disorder"; and

(ii) in subparagraph (B), by striking "substance abuse" and inserting "substance use disorder"; and

(4) in subsection (e), by striking ", $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003" and inserting "$41,304,000 for each of fiscal years 2018 through 2022".

SEC. 9002. GRANTS FOR JAIL DIVERSION PROGRAMS.

Section 520G of the Public Health Service Act (42 U.S.C. 290bb–38) is amended—

(1) by striking "substance abuse" each place such term appears and inserting "substance use disorder";

(2) in subsection (a)—

(A) by striking "Indian tribes, and tribal organizations" and inserting "and Indian tribes and tribal organizations (as the terms 'Indian tribes' and 'tribal organizations' are

defined in section 4 of the Indian Self-Determination and Education Assistance Act)"; and

(B) by inserting "or a health facility or program operated by or in accordance with a contract or grant with the Indian Health Service," after "entities,";

(3) in subsection (c)(2)(A)(i), by striking "the best known" and inserting "evidence-based";

(4) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

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

"(d) SPECIAL CONSIDERATION REGARDING VETERANS.—In awarding grants under subsection (a), the Secretary shall, as appropriate, give special consideration to entities proposing to use grant funding to support jail diversion services for veterans.";

(6) in subsection (e), as so redesignated—

(A) in paragraph (3), by striking "; and" and inserting a semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) develop programs to divert individuals prior to booking or arrest."; and

(7) in subsection (j), as so redesignated, by striking "$10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003" and inserting "$4,269,000 for each of fiscal years 2018 through 2022".

SEC. 9003. PROMOTING INTEGRATION OF PRIMARY AND BEHAVIORAL HEALTH CARE.

Section 520K of the Public Health Service Act (42 U.S.C. 290bb–42) is amended to read as follows:

"SEC. 520K. INTEGRATION INCENTIVE GRANTS AND COOPERATIVE AGREEMENTS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, or other appropriate State agency, in collaboration with 1 or more qualified community programs as described in section 1913(b)(1) or 1 or more community health centers as described in section 330.

"(2) INTEGRATED CARE.—The term 'integrated care' means collaborative models or practices offering mental and physical health services, which may include practices that share the same space in the same facility.

"(3) SPECIAL POPULATION.—The term 'special population' means—

"(A) adults with a mental illness who have co-occurring physical health conditions or chronic diseases;

"(B) adults with a serious mental illness who have co-occurring physical health conditions or chronic diseases;

"(C) children and adolescents with a serious emotional disturbance with co-occurring physical health conditions or chronic diseases; or

"(D) individuals with a substance use disorder.

"(b) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may award grants and cooperative agreements to eligible entities to support the

improvement of integrated care for primary care and behavioral health care in accordance with paragraph (2).

"(2) PURPOSES.—A grant or cooperative agreement awarded under this section shall be designed to—

"(A) promote full integration and collaboration in clinical practices between primary and behavioral health care;

"(B) support the improvement of integrated care models for primary care and behavioral health care to improve the overall wellness and physical health status of adults with a serious mental illness or children with a serious emotional disturbance; and

"(C) promote integrated care services related to screening, diagnosis, prevention, and treatment of mental and substance use disorders, and co-occurring physical health conditions and chronic diseases.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity seeking a grant or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the contents described in paragraph (2).

"(2) CONTENTS.—The contents described in this paragraph are—

"(A) a description of a plan to achieve fully collaborative agreements to provide services to special populations;

"(B) a document that summarizes the policies, if any, that serve as barriers to the provision of integrated care, and the specific steps, if applicable, that will be taken to address such barriers;

"(C) a description of partnerships or other arrangements with local health care providers to provide services to special populations;

"(D) an agreement and plan to report to the Secretary performance measures necessary to evaluate patient outcomes and facilitate evaluations across participating projects; and

"(E) a plan for sustainability beyond the grant or cooperative agreement period under subsection (e).

"(d) GRANT AND COOPERATIVE AGREEMENT AMOUNTS.—

"(1) TARGET AMOUNT.—The target amount that an eligible entity may receive for a year through a grant or cooperative agreement under this section shall be $2,000,000.

"(2) ADJUSTMENT PERMITTED.—The Secretary, taking into consideration the quality of the application and the number of eligible entities that received grants under this section prior to the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016, may adjust the target amount that an eligible entity may receive for a year through a grant or cooperative agreement under this section.

"(3) LIMITATION.—An eligible entity receiving funding under this section may not allocate more than 10 percent of funds awarded under this section to administrative functions, and the remaining amounts shall be allocated to health facilities that provide integrated care.

"(e) DURATION.—A grant or cooperative agreement under this section shall be for a period not to exceed 5 years.

"(f) REPORT ON PROGRAM OUTCOMES.—An eligible entity receiving a grant or cooperative agreement under this section shall submit an annual report to the Secretary that includes—

"(1) the progress made to reduce barriers to integrated care as described in the entity's application under subsection (c); and

"(2) a description of functional outcomes of special populations, including—

"(A) with respect to adults with a serious mental illness, participation in supportive housing or independent living programs, attendance in social and rehabilitative programs, participation in job training opportunities, satisfactory performance in work settings, attendance at scheduled medical and mental health appointments, and compliance with prescribed medication regimes;

"(B) with respect to individuals with co-occurring mental illness and physical health conditions and chronic diseases, attendance at scheduled medical and mental health appointments, compliance with prescribed medication regimes, and participation in learning opportunities related to improved health and lifestyle practices; and

"(C) with respect to children and adolescents with a serious emotional disturbance who have co-occurring physical health conditions and chronic diseases, attendance at scheduled medical and mental health appointments, compliance with prescribed medication regimes, and participation in learning opportunities at school and extracurricular activities.

"(g) TECHNICAL ASSISTANCE FOR PRIMARY-BEHAVIORAL HEALTH CARE INTEGRATION.—

"(1) IN GENERAL.—The Secretary may provide appropriate information, training, and technical assistance to eligible entities that receive a grant or cooperative agreement under this section, in order to help such entities meet the requirements of this section, including assistance with—

"(A) development and selection of integrated care models;

"(B) dissemination of evidence-based interventions in integrated care;

"(C) establishment of organizational practices to support operational and administrative success; and

"(D) other activities, as the Secretary determines appropriate.

"(2) ADDITIONAL DISSEMINATION OF TECHNICAL INFORMATION.—The information and resources provided by the Secretary under paragraph (1) shall, as appropriate, be made available to States, political subdivisions of States, Indian tribes or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act), outpatient mental health and addiction treatment centers, community mental health centers that meet the criteria under section 1913(c), certified community behavioral health clinics described in section 223 of the Protecting Access to Medicare Act of 2014, primary care organizations such as Federally qualified health centers or rural health clinics as defined in section 1861(aa)

of the Social Security Act, other community-based organizations, or other entities engaging in integrated care activities, as the Secretary determines appropriate.

"(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $51,878,000 for each of fiscal years 2018 through 2022.".

SEC. 9004. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

(a) FORMULA GRANTS TO STATES.—Section 521 of the Public Health Service Act (42 U.S.C. 290cc–21) is amended by striking "1991 through 1994" and inserting "2018 through 2022".

(b) PURPOSE OF GRANTS.—Section 522 of the Public Health Service Act (42 U.S.C. 290cc–22) is amended—

(1) in subsection (a)(1)(B), by striking "substance abuse" and inserting "a substance use disorder";

(2) in subsection (b)(6), by striking "substance abuse" and inserting "substance use disorder";

(3) in subsection (c), by striking "substance abuse" and inserting "a substance use disorder";

(4) in subsection (e)—

(A) in paragraph (1), by striking "substance abuse" and inserting "a substance use disorder"; and

(B) in paragraph (2), by striking "substance abuse" and inserting "substance use disorder";

(5) by striking subsection (g) and redesignating subsections (h) and (i) as (g) and (h), accordingly; and

(6) in subsection (g), as redesignated by paragraph (5), by striking "substance abuse" each place such term appears and inserting "substance use disorder".

(c) DESCRIPTION OF INTENDED EXPENDITURES OF GRANT.—Section 527 of the Public Health Service Act (42 U.S.C. 290cc–27) is amended by striking "substance abuse" each place such term appears and inserting "substance use disorder".

(d) TECHNICAL ASSISTANCE.—Section 530 of the Public Health Service Act (42 U.S.C. 290cc–30) is amended by striking "through the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting "acting through the Assistant Secretary".

(e) DEFINITIONS.—Section 534(4) of the Public Health Service Act (42 U.S.C. 290cc–34(4)) is amended to read as follows:

"(4) SUBSTANCE USE DISORDER SERVICES.—The term 'substance use disorder services' has the meaning given the term 'substance abuse services' in section 330(h)(5)(C).".

(f) FUNDING.—Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc–35(a)) is amended by striking "$75,000,000 for each of the fiscal years 2001 through 2003" and inserting "$64,635,000 for each of fiscal years 2018 through 2022".

(g) STUDY CONCERNING FORMULA.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Assistant Secretary for Mental Health and Substance Use (referred to in this section as the "Assistant Secretary") shall conduct a study concerning the formula used under section 524 of the Public Health Service Act (42 U.S.C. 290cc–24) for making allotments to States under section 521 of such Act (42 U.S.C. 290cc–21). Such study shall include an evaluation of quality indicators of need for purposes

of revising the formula for determining the amount of each allotment for the fiscal years following the submission of the study.

(2) REPORT.—In accordance with section 8004(b), the Assistant Secretary shall submit to the committees of Congress described in such section a report concerning the results of the study conducted under paragraph (1).

SEC. 9005. NATIONAL SUICIDE PREVENTION LIFELINE PROGRAM.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520E–2 (42 U.S.C. 290bb–36b) the following:

"SEC. 520E–3. NATIONAL SUICIDE PREVENTION LIFELINE PROGRAM. 42 USC 290bb–36c.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall maintain the National Suicide Prevention Lifeline program (referred to in this section as the 'program'), authorized under section 520A and in effect prior to the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016.

"(b) ACTIVITIES.—In maintaining the program, the activities of the Secretary shall include—

"(1) coordinating a network of crisis centers across the United States for providing suicide prevention and crisis intervention services to individuals seeking help at any time, day or night;

"(2) maintaining a suicide prevention hotline to link callers to local emergency, mental health, and social services resources; and

"(3) consulting with the Secretary of Veterans Affairs to ensure that veterans calling the suicide prevention hotline have access to a specialized veterans' suicide prevention hotline.

"(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $7,198,000 for each of fiscal years 2018 through 2022.".

SEC. 9006. CONNECTING INDIVIDUALS AND FAMILIES WITH CARE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 9005, is further amended by inserting after section 520E–3 the following:

"SEC. 520E–4. TREATMENT REFERRAL ROUTING SERVICE. 42 USC 290bb–36d.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall maintain the National Treatment Referral Routing Service (referred to in this section as the 'Routing Service') to assist individuals and families in locating mental and substance use disorders treatment providers.

"(b) ACTIVITIES OF THE SECRETARY.—To maintain the Routing Service, the activities of the Assistant Secretary shall include administering—

"(1) a nationwide, telephone number providing year-round access to information that is updated on a regular basis regarding local behavioral health providers and community-based organizations in a manner that is confidential, without requiring individuals to identify themselves, is in languages that include at least English and Spanish, and is at no cost to the individual using the Routing Service; and

"(2) an Internet website to provide a searchable, online treatment services locator of behavioral health treatment providers and community-based organizations, which shall include information on the name, location, contact information, and basic services provided by such providers and organizations.

"(c) REMOVING PRACTITIONER CONTACT INFORMATION.—In the event that the Internet website described in subsection (b)(2) contains information on any qualified practitioner that is certified to prescribe medication for opioid dependency under section 303(g)(2)(B) of the Controlled Substances Act, the Assistant Secretary—

"(1) shall provide an opportunity to such practitioner to have the contact information of the practitioner removed from the website at the request of the practitioner; and

"(2) may evaluate other methods to periodically update the information displayed on such website.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the Assistant Secretary from using any unobligated amounts otherwise made available to the Administration to maintain the Routing Service.".

SEC. 9007. STRENGTHENING COMMUNITY CRISIS RESPONSE SYSTEMS.

Section 520F of the Public Health Service Act (42 U.S.C. 290bb–37) is amended to read as follows:

"SEC. 520F. STRENGTHENING COMMUNITY CRISIS RESPONSE SYSTEMS.

"(a) IN GENERAL.—The Secretary shall award competitive grants to—

"(1) State and local governments and Indian tribes and tribal organizations, to enhance community-based crisis response systems; or

"(2) States to develop, maintain, or enhance a database of beds at inpatient psychiatric facilities, crisis stabilization units, and residential community mental health and residential substance use disorder treatment facilities, for adults with a serious mental illness, children with a serious emotional disturbance, or individuals with a substance use disorder.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an entity shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

"(2) COMMUNITY-BASED CRISIS RESPONSE PLAN.—An application for a grant under subsection (a)(1) shall include a plan for—

"(A) promoting integration and coordination between local public and private entities engaged in crisis response, including first responders, emergency health care providers, primary care providers, law enforcement, court systems, health care payers, social service providers, and behavioral health providers;

"(B) developing memoranda of understanding with public and private entities to implement crisis response services;

"(C) addressing gaps in community resources for crisis intervention and prevention; and

"(D) developing models for minimizing hospital readmissions, including through appropriate discharge planning.

"(3) BEDS DATABASE PLAN.—An application for a grant under subsection (a)(2) shall include a plan for developing, maintaining, or enhancing a real-time, Internet-based bed database to collect, aggregate, and display information about beds in inpatient psychiatric facilities and crisis stabilization units, and residential community mental health and residential substance use disorder treatment facilities to facilitate the identification and designation of facilities for the temporary treatment of individuals in mental or substance use disorder crisis.

"(c) DATABASE REQUIREMENTS.—A bed database described in this section is a database that—

"(1) includes information on inpatient psychiatric facilities, crisis stabilization units, and residential community mental health and residential substance use disorder facilities in the State involved, including contact information for the facility or unit;

"(2) provides real-time information about the number of beds available at each facility or unit and, for each available bed, the type of patient that may be admitted, the level of security provided, and any other information that may be necessary to allow for the proper identification of appropriate facilities for treatment of individuals in mental or substance use disorder crisis; and

"(3) enables searches of the database to identify available beds that are appropriate for the treatment of individuals in mental or substance use disorder crisis.

"(d) EVALUATION.—An entity receiving a grant under subsection (a)(1) shall submit to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require, a report, including an evaluation of the effect of such grant on—

"(1) local crisis response services and measures for individuals receiving crisis planning and early intervention supports;

"(2) individuals reporting improved functional outcomes; and

"(3) individuals receiving regular followup care following a crisis.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,500,000 for the period of fiscal years 2018 through 2022.".

SEC. 9008. GARRETT LEE SMITH MEMORIAL ACT REAUTHORIZATION.

(a) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34), as amended by section 6001, is further amended—

(1) in the section heading, by striking "**YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS**" and inserting "**SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER**";

(2) in subsection (a), by striking "acting through the Assistant Secretary for Mental Health and Substance Use" and all that follows through the period at the end of paragraph (2) and inserting "acting through the Assistant Secretary, shall establish a research, training, and technical assistance resource

center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations regarding the prevention of suicide among all ages, particularly among groups that are at a high risk for suicide.";

(3) by striking subsections (b) and (c);

(4) by redesignating subsection (d) as subsection (b);

(5) in subsection (b), as so redesignated—

(A) in the subsection heading, by striking "ADDITIONAL CENTER" and inserting "RESPONSIBILITIES OF THE CENTER";

(B) in the matter preceding paragraph (1), by striking "The additional research" and all that follows through "nonprofit organizations for" and inserting "The center established under subsection (a) shall conduct activities for the purpose of";

(C) by striking "youth suicide" each place such term appears and inserting "suicide";

(D) in paragraph (1)—

(i) by striking "the development or continuation of" and inserting "developing and continuing"; and

(ii) by inserting "for all ages, particularly among groups that are at a high risk for suicide" before the semicolon at the end;

(E) in paragraph (2), by inserting "for all ages, particularly among groups that are at a high risk for suicide" before the semicolon at the end;

(F) in paragraph (3), by inserting "and tribal" after "statewide";

(G) in paragraph (5), by inserting "and prevention" after "intervention";

(H) in paragraph (8), by striking "in youth";

(I) in paragraph (9), by striking "and behavioral health" and inserting "health and substance use disorder"; and

(J) in paragraph (10), by inserting "conducting" before "other"; and

(6) by striking subsection (e) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,988,000 for each of fiscal years 2018 through 2022.

"(d) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out by the center established under subsection (a) during the year involved, including the potential effects of such activities, and the States, organizations, and institutions that have worked with the center.".

(b) YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—Section 520E of the Public Health Service Act (42 U.S.C. 290bb–36) is amended—

(1) in paragraph (1) of subsection (a) and in subsection (c), by striking "substance abuse" each place such term appears and inserting "substance use disorder";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "ensure that each State is awarded only 1 grant or cooperative agreement under this section" and inserting "ensure that a State does not receive more than 1 grant or cooperative agreement under this section at any 1 time"; and

(ii) by striking "been awarded" and inserting "received"; and

(B) by adding after paragraph (2) the following:

"(3) CONSIDERATION.—In awarding grants under this section, the Secretary shall take into consideration the extent of the need of the applicant, including the incidence and prevalence of suicide in the State and among the populations of focus, including rates of suicide determined by the Centers for Disease Control and Prevention for the State or population of focus.";

(3) in subsection (g)(2), by striking "2 years after the date of enactment of this section," and insert "2 years after the date of enactment of Helping Families in Mental Health Crisis Reform Act of 2016,"; and

(4) by striking subsection (m) and inserting the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for each of fiscal years 2018 through 2022.".

SEC. 9009. ADULT SUICIDE PREVENTION.

42 USC 290bb–43.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

"SEC. 520L. ADULT SUICIDE PREVENTION.

"(a) GRANTS.—

"(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities described in paragraph (2) to implement suicide prevention and intervention programs, for individuals who are 25 years of age or older, that are designed to raise awareness of suicide, establish referral processes, and improve care and outcomes for such individuals who are at risk of suicide.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a community-based primary care or behavioral health care setting, an emergency department, a State mental health agency (or State health agency with mental or behavioral health functions), public health agency, a territory of the United States, or an Indian tribe or tribal organization (as the terms 'Indian tribe' and 'tribal organization' are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(3) USE OF FUNDS.—The grants awarded under paragraph (1) shall be used to implement programs, in accordance with such paragraph, that include one or more of the following components:

"(A) Screening for suicide risk, suicide intervention services, and services for referral for treatment for individuals at risk for suicide.

"(B) Implementing evidence-based practices to provide treatment for individuals at risk for suicide, including appropriate followup services.

"(C) Raising awareness and reducing stigma of suicide.

"(b) EVALUATIONS AND TECHNICAL ASSISTANCE.—The Assistant Secretary shall—

"(1) evaluate the activities supported by grants awarded under subsection (a), and disseminate, as appropriate, the findings from the evaluation; and

"(2) provide appropriate information, training, and technical assistance, as appropriate, to eligible entities that receive a grant under this section, in order to help such entities to meet the requirements of this section, including assistance with selection and implementation of evidence-based interventions and frameworks to prevent suicide.

"(c) DURATION.—A grant under this section shall be for a period of not more than 5 years.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2018 through 2022.".

SEC. 9010. MENTAL HEALTH AWARENESS TRAINING GRANTS.

Section 520J of the Public Health Service Act (42 U.S.C. 290bb–41) is amended—

(1) in the section heading, by inserting "**MENTAL HEALTH AWARENESS**" before "**TRAINING**"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "ILLNESS" and inserting "HEALTH";

(B) in paragraph (1), by inserting "veterans, law enforcement, and other categories of individuals, as determined by the Secretary," after "emergency services personnel";

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "to" and inserting "for evidence-based programs that provide training and education in accordance with paragraph (1) on matters including"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) recognizing the signs and symptoms of mental illness; and

"(B)(i) resources available in the community for individuals with a mental illness and other relevant resources; or

"(ii) safely de-escalating crisis situations involving individuals with a mental illness."; and

(D) in paragraph (7), by striking ", $25,000,000" and all that follows through the period at the end and inserting "$14,693,000 for each of fiscal years 2018 through 2022.".

SEC. 9011. SENSE OF CONGRESS ON PRIORITIZING AMERICAN INDIANS AND ALASKA NATIVE YOUTH WITHIN SUICIDE PREVENTION PROGRAMS.

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

(1) Suicide is the eighth leading cause of death among American Indians and Alaska Natives across all ages.

(2) Among American Indians and Alaska Natives who are 10 to 34 years of age, suicide is the second leading cause of death.

(3) The suicide rate among American Indian and Alaska Native adolescents and young adults ages 15 to 34 (17.9 per

100,000) is approximately 1.3 times higher than the national average for that age group (13.3 per 100,000).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services, in carrying out suicide prevention and intervention programs, should prioritize programs and activities for populations with disproportionately high rates of suicide, such as American Indians and Alaska Natives.

SEC. 9012. EVIDENCE-BASED PRACTICES FOR OLDER ADULTS.

Section 520A(e) of the Public Health Service Act (42 U.S.C. 290bb–32(e)) is amended by adding at the end the following:

"(3) GERIATRIC MENTAL DISORDERS.—The Secretary shall, as appropriate, provide technical assistance to grantees regarding evidence-based practices for the prevention and treatment of geriatric mental disorders and co-occurring mental health and substance use disorders among geriatric populations, as well as disseminate information about such evidence-based practices to States and nongrantees throughout the United States.".

SEC. 9013. NATIONAL VIOLENT DEATH REPORTING SYSTEM.

The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is encouraged to improve, particularly through the inclusion of additional States, the National Violent Death Reporting System as authorized by title III of the Public Health Service Act (42 U.S.C. 241 et seq.). Participation in the system by the States shall be voluntary.

SEC. 9014. ASSISTED OUTPATIENT TREATMENT.

Section 224 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 290aa note) is amended—

(1) in subsection (e), by striking "and 2018," and inserting "2018, 2019, 2020, 2021, and 2022,"; and

(2) in subsection (g)—

(A) in paragraph (1), by striking "2018" and inserting "2022"; and

(B) in paragraph (2), by striking "is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2015 through 2018" and inserting "are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2015 through 2017, $20,000,000 for fiscal year 2018, $19,000,000 for each of fiscal years 2019 and 2020, and $18,000,000 for each of fiscal years 2021 and 2022".

SEC. 9015. ASSERTIVE COMMUNITY TREATMENT GRANT PROGRAM.

42 USC 290bb–44.

Part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by section 9009, is further amended by adding at the end the following:

"SEC. 520M. ASSERTIVE COMMUNITY TREATMENT GRANT PROGRAM.

"(a) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities—

"(1) to establish assertive community treatment programs for adults with a serious mental illness; or

"(2) to maintain or expand such programs.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a State, political subdivision of a State, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), mental health system, health care facility, or any other entity the Assistant Secretary deems appropriate.

"(c) SPECIAL CONSIDERATION.—In selecting among applicants for a grant under this section, the Assistant Secretary may give special consideration to the potential of the applicant's program to reduce hospitalization, homelessness, and involvement with the criminal justice system while improving the health and social outcomes of the patient.

"(d) ADDITIONAL ACTIVITIES.—The Assistant Secretary shall—

"(1) not later than the end of fiscal year 2021, submit a report to the appropriate congressional committees on the grant program under this section, including an evaluation of—

"(A) any cost savings and public health outcomes such as mortality, suicide, substance use disorders, hospitalization, and use of services;

"(B) rates of involvement with the criminal justice system of patients;

"(C) rates of homelessness among patients; and

"(D) patient and family satisfaction with program participation; and

"(2) provide appropriate information, training, and technical assistance to grant recipients under this section to help such recipients to establish, maintain, or expand their assertive community treatment programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there is authorized to be appropriated $5,000,000 for the period of fiscal years 2018 through 2022.

"(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, not more than 5 percent shall be available to the Assistant Secretary for carrying out subsection (d).".

SEC. 9016. SOBER TRUTH ON PREVENTING UNDERAGE DRINKING REAUTHORIZATION.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb–25b) is amended—

(1) in subsection (c)(3), by striking "fiscal year 2007" and all that follows through the period at the end and inserting "each of the fiscal years 2018 through 2022.";

(2) in subsection (d)(4), by striking "fiscal year 2007" and all that follows through the period at the end and inserting "each of the fiscal years 2018 through 2022.";

(3) in subsection (e)(1)(I), by striking "fiscal year 2007" and all that follows through the period at the end and inserting "each of the fiscal years 2018 through 2022.";

(4) in subsection (f)(2), by striking "$6,000,000 for fiscal year 2007" and all that follows through the period at the end and inserting "$3,000,000 for each of the fiscal years 2018 through 2022"; and

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

"(g) REDUCING UNDERAGE DRINKING THROUGH SCREENING AND BRIEF INTERVENTION.—

"(1) GRANTS TO PEDIATRIC HEALTH CARE PROVIDERS TO REDUCE UNDERAGE DRINKING.—The Assistant Secretary may make grants to eligible entities to increase implementation of practices for reducing the prevalence of alcohol use among individuals under the age of 21, including college students.

"(2) PURPOSES.—Grants under this subsection shall be made to improve—

"(A) screening children and adolescents for alcohol use;

"(B) offering brief interventions to children and adolescents to discourage such use;

"(C) educating parents about the dangers of, and methods of discouraging, such use;

"(D) diagnosing and treating alcohol use disorders; and

"(E) referring patients, when necessary, to other appropriate care.

"(3) USE OF FUNDS.—An entity receiving a grant under this subsection may use such funding for the purposes identified in paragraph (2) by—

"(A) providing training to health care providers;

"(B) disseminating best practices, including culturally and linguistically appropriate best practices, as appropriate, and developing and distributing materials; and

"(C) supporting other activities, as determined appropriate by the Assistant Secretary.

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, and in such manner, and accompanied by such information as the Assistant Secretary may require. Each application shall include—

"(A) a description of the entity;

"(B) a description of activities to be completed;

"(C) a description of how the services specified in paragraphs (2) and (3) will be carried out and the qualifications for providing such services; and

"(D) a timeline for the completion of such activities.

"(5) DEFINITIONS.—For the purpose of this subsection:

"(A) BRIEF INTERVENTION.—The term 'brief intervention' means, after screening a patient, providing the patient with brief advice and other brief motivational enhancement techniques designed to increase the insight of the patient regarding the patient's alcohol use, and any realized or potential consequences of such use, to effect the desired related behavioral change.

"(B) CHILDREN AND ADOLESCENTS.—The term 'children and adolescents' means any person under 21 years of age.

"(C) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity consisting of pediatric health care providers and that is qualified to support or provide the activities identified in paragraph (2).

"(D) PEDIATRIC HEALTH CARE PROVIDER.—The term 'pediatric health care provider' means a provider of primary health care to individuals under the age of 21 years.

"(E) SCREENING.—The term 'screening' means using validated patient interview techniques to identify and assess the existence and extent of alcohol use in a patient.".

SEC. 9017. CENTER AND PROGRAM REPEALS.

Part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by striking section 506B (42 U.S.C. 290aa–5b), the second section 514 (42 U.S.C. 290bb–9) relating to methamphetamine and amphetamine treatment initiatives, and each of sections 514A, 517, 519A, 519C, 519E, 520B, 520D, and 520H (42 U.S.C. 290bb–8, 290bb–23, 290bb–25a, 290bb–25c, 290bb–25e, 290bb–33, 290bb–35, and 290bb–39).

Subtitle B—Strengthening the Health Care Workforce

SEC. 9021. MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING GRANTS.

Section 756 of the Public Health Service Act (42 U.S.C. 294e–1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "of higher education"; and

(B) by striking paragraphs (1) through (4) and inserting the following:

"(1) accredited institutions of higher education or accredited professional training programs that are establishing or expanding internships or other field placement programs in mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing (which may include master's and doctoral level programs), social work, school social work, substance use disorder prevention and treatment, marriage and family therapy, occupational therapy, school counseling, or professional counseling, including such programs with a focus on child and adolescent mental health and transitional-age youth;

"(2) accredited doctoral, internship, and post-doctoral residency programs of health service psychology (including clinical psychology, counseling, and school psychology) for the development and implementation of interdisciplinary training of psychology graduate students for providing behavioral health services, including substance use disorder prevention and treatment services, as well as the development of faculty in health service psychology;

"(3) accredited master's and doctoral degree programs of social work for the development and implementation of interdisciplinary training of social work graduate students for providing behavioral health services, including substance use disorder prevention and treatment services, and the development of faculty in social work; and

"(4) State-licensed mental health nonprofit and for-profit organizations to enable such organizations to pay for programs for preservice or in-service training in a behavioral health-related paraprofessional field with preference for preservice or in-service training of paraprofessional child and adolescent mental health workers.";

(2) in subsection (b)—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

"(1) an ability to recruit and place the students described in subsection (a) in areas with a high need and high demand population;";

(D) in paragraph (3), as so redesignated, by striking "subsection (a)" and inserting "paragraph (2), especially individuals with mental disorder symptoms or diagnoses, particularly children and adolescents, and transitional-age youth";

(E) in paragraph (4), as so redesignated, by striking ";" and inserting "; and"; and

(F) in paragraph (5), as so redesignated, by striking "; and" and inserting a period;

(3) in subsection (c), by striking "authorized under subsection (a)(1)" and inserting "awarded under paragraphs (2) and (3) of subsection (a)";

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

"(d) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to—

"(1) programs that have demonstrated the ability to train psychology, psychiatry, and social work professionals to work in integrated care settings for purposes of recipients under paragraphs (1), (2), and (3) of subsection (a); and

"(2) programs for paraprofessionals that emphasize the role of the family and the lived experience of the consumer and family-paraprofessional partnerships for purposes of recipients under subsection (a)(4).''; and

(5) by striking subsection (e) and inserting the following:

"(e) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016, the Secretary shall include in the biennial report submitted to Congress under section 501(m) an assessment on the effectiveness of the grants under this section in—

"(1) providing graduate students support for experiential training (internship or field placement);

"(2) recruiting students interested in behavioral health practice;

"(3) recruiting students in accordance with subsection (b)(1);

"(4) developing and implementing interprofessional training and integration within primary care;

"(5) developing and implementing accredited field placements and internships; and

"(6) collecting data on the number of students trained in behavioral health care and the number of available accredited internships and field placements.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2018 through 2022, there are authorized to be appropriated to carry out this section $50,000,000, to be allocated as follows:

"(1) For grants described in subsection (a)(1), $15,000,000.

"(2) For grants described in subsection (a)(2), $15,000,000.

"(3) For grants described in subsection (a)(3), $10,000,000.

"(4) For grants described in subsection (a)(4), $10,000,000.".

42 USC 294k.

SEC. 9022. STRENGTHENING THE MENTAL AND SUBSTANCE USE DISORDERS WORKFORCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 760. TRAINING DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a training demonstration program to award grants to eligible entities to support—

"(1) training for medical residents and fellows to practice psychiatry and addiction medicine in underserved, community-based settings that integrate primary care with mental and substance use disorders prevention and treatment services;

"(2) training for nurse practitioners, physician assistants, health service psychologists, and social workers to provide mental and substance use disorders services in underserved community-based settings that integrate primary care and mental and substance use disorders services; and

"(3) establishing, maintaining, or improving academic units or programs that—

"(A) provide training for students or faculty, including through clinical experiences and research, to improve the ability to be able to recognize, diagnose, and treat mental and substance use disorders, with a special focus on addiction; or

"(B) develop evidence-based practices or recommendations for the design of the units or programs described in subparagraph (A), including curriculum content standards.

"(b) ACTIVITIES.—

"(1) TRAINING FOR RESIDENTS AND FELLOWS.—A recipient of a grant under subsection (a)(1)—

"(A) shall use the grant funds—

"(i)(I) to plan, develop, and operate a training program for medical psychiatry residents and fellows in addiction medicine practicing in eligible entities described in subsection (c)(1); or

"(II) to train new psychiatric residents and fellows in addiction medicine to provide and expand access to integrated mental and substance use disorders services; and

"(ii) to provide at least 1 training track that is—

"(I) a virtual training track that includes an in-person rotation at a teaching health center or in a community-based setting, followed by a virtual rotation in which the resident or fellow continues to support the care of patients at the teaching health center or in the community-based setting through the use of health information technology and, as appropriate, telehealth services;

"(II) an in-person training track that includes a rotation, during which the resident or fellow practices at a teaching health center or in a community-based setting; or

"(III) an in-person training track that includes a rotation during which the resident practices in a community-based setting that specializes in the

treatment of infants, children, adolescents, or pregnant or postpartum women; and

"(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty development, or departments, divisions, or other units necessary to implement such training.

"(2) TRAINING FOR OTHER PROVIDERS.—A recipient of a grant under subsection (a)(2)—

"(A) shall use the grant funds to plan, develop, or operate a training program to provide mental and substance use disorders services in underserved, community-based settings, as appropriate, that integrate primary care and mental and substance use disorders prevention and treatment services; and

"(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty development, or departments, divisions, or other units necessary to implement such program.

"(3) ACADEMIC UNITS OR PROGRAMS.—A recipient of a grant under subsection (a)(3) shall enter into a partnership with organizations such as an education accrediting organization (such as the Liaison Committee on Medical Education, the Accreditation Council for Graduate Medical Education, the Commission on Osteopathic College Accreditation, the Accreditation Commission for Education in Nursing, the Commission on Collegiate Nursing Education, the Accreditation Council for Pharmacy Education, the Council on Social Work Education, American Psychological Association Commission on Accreditation, or the Accreditation Review Commission on Education for the Physician Assistant) to carry out activities under subsection (a)(3).

"(c) ELIGIBLE ENTITIES.—

"(1) TRAINING FOR RESIDENTS AND FELLOWS.—To be eligible to receive a grant under subsection (a)(1), an entity shall—

"(A) be a consortium consisting of—

"(i) at least one teaching health center; and

"(ii) the sponsoring institution (or parent institution of the sponsoring institution) of—

"(I) a psychiatry residency program that is accredited by the Accreditation Council of Graduate Medical Education (or the parent institution of such a program); or

"(II) a fellowship in addiction medicine, as determined appropriate by the Secretary; or

"(B) be an entity described in subparagraph (A)(ii) that provides opportunities for residents or fellows to train in community-based settings that integrate primary care with mental and substance use disorders prevention and treatment services.

"(2) TRAINING FOR OTHER PROVIDERS.—To be eligible to receive a grant under subsection (a)(2), an entity shall be—

"(A) a teaching health center (as defined in section 749A(f));

"(B) a Federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act);

"(C) a community mental health center (as defined in section 1861(ff)(3)(B) of the Social Security Act);

"(D) a rural health clinic (as defined in section 1861(aa) of the Social Security Act);

"(E) a health center operated by the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

"(F) an entity with a demonstrated record of success in providing training for nurse practitioners, physician assistants, health service psychologists, and social workers.

"(3) ACADEMIC UNITS OR PROGRAMS.—To be eligible to receive a grant under subsection (a)(3), an entity shall be a school of medicine or osteopathic medicine, a nursing school, a physician assistant training program, a school of pharmacy, a school of social work, an accredited public or nonprofit private hospital, an accredited medical residency program, or a public or private nonprofit entity which the Secretary has determined is capable of carrying out such grant.

"(d) PRIORITY.—

"(1) IN GENERAL.—In awarding grants under subsection (a)(1) or (a)(2), the Secretary shall give priority to eligible entities that—

"(A) demonstrate sufficient size, scope, and capacity to undertake the requisite training of an appropriate number of psychiatric residents, fellows, nurse practitioners, physician assistants, or social workers in addiction medicine per year to meet the needs of the area served;

"(B) demonstrate experience in training providers to practice team-based care that integrates mental and substance use disorder prevention and treatment services with primary care in community-based settings;

"(C) demonstrate experience in using health information technology and, as appropriate, telehealth to support—

"(i) the delivery of mental and substance use disorders services at the eligible entities described in subsections (c)(1) and (c)(2); and

"(ii) community health centers in integrating primary care and mental and substance use disorders treatment; or

"(D) have the capacity to expand access to mental and substance use disorders services in areas with demonstrated need, as determined by the Secretary, such as tribal, rural, or other underserved communities.

"(2) ACADEMIC UNITS OR PROGRAMS.—In awarding grants under subsection (a)(3), the Secretary shall give priority to eligible entities that—

"(A) have a record of training the greatest percentage of mental and substance use disorders providers who enter and remain in these fields or who enter and remain in settings with integrated primary care and mental and substance use disorder prevention and treatment services;

"(B) have a record of training individuals who are from underrepresented minority groups, including native populations, or from a rural or disadvantaged background;

"(C) provide training in the care of vulnerable populations such as infants, children, adolescents, pregnant and

postpartum women, older adults, homeless individuals, victims of abuse or trauma, individuals with disabilities, and other groups as defined by the Secretary;

"(D) teach trainees the skills to provide interprofessional, integrated care through collaboration among health professionals; or

"(E) provide training in cultural competency and health literacy.

"(e) DURATION.—Grants awarded under this section shall be for a minimum of 5 years.

"(f) STUDY AND REPORT.—

"(1) STUDY.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study on the results of the demonstration program under this section.

"(B) DATA SUBMISSION.—Not later than 90 days after the completion of the first year of the training program and each subsequent year that the program is in effect, each recipient of a grant under subsection (a) shall submit to the Secretary such data as the Secretary may require for analysis for the report described in paragraph (2).

"(2) REPORT TO CONGRESS.—Not later than 1 year after receipt of the data described in paragraph (1)(B), the Secretary shall submit to Congress a report that includes—

"(A) an analysis of the effect of the demonstration program under this section on the quality, quantity, and distribution of mental and substance use disorders services;

"(B) an analysis of the effect of the demonstration program on the prevalence of untreated mental and substance use disorders in the surrounding communities of health centers participating in the demonstration; and

"(C) recommendations on whether the demonstration program should be expanded.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2022.".

SEC. 9023. CLARIFICATION ON CURRENT ELIGIBILITY FOR LOAN REPAYMENT PROGRAMS.

42 USC 294*l*–1 note.

The Administrator of the Health Resources and Services Administration shall clarify the eligibility pursuant to section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) of child and adolescent psychiatrists for the National Health Service Corps Loan Repayment Program under subpart III of part D of title III of such Act (42 U.S.C. 254l et seq.).

SEC. 9024. MINORITY FELLOWSHIP PROGRAM.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART K—MINORITY FELLOWSHIP PROGRAM

"SEC. 597. FELLOWSHIPS.

42 USC 290*ll*.

"(a) IN GENERAL.—The Secretary shall maintain a program, to be known as the Minority Fellowship Program, under which the Secretary shall award fellowships, which may include stipends, for the purposes of—

"(1) increasing the knowledge of mental and substance use disorders practitioners on issues related to prevention, treatment, and recovery support for individuals who are from racial and ethnic minority populations and who have a mental or substance use disorder;

"(2) improving the quality of mental and substance use disorder prevention and treatment services delivered to racial and ethnic minority populations; and

"(3) increasing the number of culturally competent mental and substance use disorders professionals who teach, administer services, conduct research, and provide direct mental or substance use disorder services to racial and ethnic minority populations.

"(b) TRAINING COVERED.—The fellowships awarded under subsection (a) shall be for postbaccalaureate training (including for master's and doctoral degrees) for mental and substance use disorder treatment professionals, including in the fields of psychiatry, nursing, social work, psychology, marriage and family therapy, mental health counseling, and substance use disorder and addiction counseling.

"(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $12,669,000 for each of fiscal years 2018 through 2022.".

SEC. 9025. LIABILITY PROTECTIONS FOR HEALTH PROFESSIONAL VOLUNTEERS AT COMMUNITY HEALTH CENTERS.

Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q)(1) For purposes of this section, a health professional volunteer at a deemed entity described in subsection (g)(4) shall, in providing a health professional service eligible for funding under section 330 to an individual, be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under paragraph (4)(C). The preceding sentence is subject to the provisions of this subsection.

"(2) In providing a health service to an individual, a health care practitioner shall for purposes of this subsection be considered to be a health professional volunteer at an entity described in subsection (g)(4) if the following conditions are met:

"(A) The service is provided to the individual at the facilities of an entity described in subsection (g)(4), or through offsite programs or events carried out by the entity.

"(B) The entity is sponsoring the health care practitioner pursuant to paragraph (3)(B).

"(C) The health care practitioner does not receive any compensation for the service from the individual, the entity described in subsection (g)(4), or any third-party payer (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program), except that the health care practitioner may receive repayment from the entity described in subsection (g)(4) for reasonable expenses incurred by the health care practitioner in the provision of the service to the individual, which may include travel expenses to or from the site of services.

"(D) Before the service is provided, the health care practitioner or the entity described in subsection (g)(4) posts a clear

and conspicuous notice at the site where the service is provided of the extent to which the legal liability of the health care practitioner is limited pursuant to this subsection.

"(E) At the time the service is provided, the health care practitioner is licensed or certified in accordance with applicable Federal and State laws regarding the provision of the service.

"(F) At the time the service is provided, the entity described in subsection (g)(4) maintains relevant documentation certifying that the health care practitioner meets the requirements of this subsection.

"(3) Subsection (g) (other than paragraphs (3) and (5)) and subsections (h), (i), and (l) apply to a health care practitioner for purposes of this subsection to the same extent and in the same manner as such subsections apply to an officer, governing board member, employee, or contractor of an entity described in subsection (g)(4), subject to paragraph (4), and subject to the following:

"(A) The first sentence of paragraph (1) applies in lieu of the first sentence of subsection (g)(1)(A).

"(B) With respect to an entity described in subsection (g)(4), a health care practitioner is not a health professional volunteer at such entity unless the entity sponsors the health care practitioner. For purposes of this subsection, the entity shall be considered to be sponsoring the health care practitioner if—

"(i) with respect to the health care practitioner, the entity submits to the Secretary an application meeting the requirements of subsection (g)(1)(D); and

"(ii) the Secretary, pursuant to subsection (g)(1)(E), determines that the health care practitioner is deemed to be an employee of the Public Health Service.

"(C) In the case of a health care practitioner who is determined by the Secretary pursuant to subsection (g)(1)(E) to be a health professional volunteer at such entity, this subsection applies to the health care practitioner (with respect to services performed on behalf of the entity sponsoring the health care practitioner pursuant to subparagraph (B)) for any cause of action arising from an act or omission of the health care practitioner occurring on or after the date on which the Secretary makes such determination.

"(D) Subsection (g)(1)(F) applies to a health care practitioner for purposes of this subsection only to the extent that, in providing health services to an individual, each of the conditions specified in paragraph (2) is met.

"(4)(A) Amounts in the fund established under subsection (k)(2) shall be available for transfer under subparagraph (C) for purposes of carrying out this subsection.

"(B)(i) Not later than May 1 of each fiscal year, the Attorney General, in consultation with the Secretary, shall submit to the Congress a report providing an estimate of the amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of health professional volunteers, will be paid pursuant to this section during the calendar year that begins in the following fiscal year.

"(ii) Subsection (k)(1)(B) applies to the estimate under clause (i) regarding health professional volunteers to the same extent and in the same manner as such subsection applies to the estimate

under such subsection regarding officers, governing board members, employees, and contractors of entities described in subsection (g)(4).

"(iii) The report shall include a summary of the data relied upon for the estimate in clause (i), including the number of claims filed and paid from the previous calendar year.

"(C) Not later than December 31 of each fiscal year, the Secretary shall transfer from the fund under subsection (k)(2) to the appropriate accounts in the Treasury an amount equal to the estimate made under subparagraph (B) for the calendar year beginning in such fiscal year, subject to the extent of amounts in the fund.

"(5)(A) This subsection shall take effect on October 1, 2017, except as provided in subparagraph (B) and paragraph (6).

"(B) Effective on the date of the enactment of this subsection—

"(i) the Secretary may issue regulations for carrying out this subsection, and the Secretary may accept and consider applications submitted pursuant to paragraph (3)(B); and

"(ii) reports under paragraph (4)(B) may be submitted to Congress.

"(6) Beginning on October 1, 2022, this subsection shall cease to have any force or effect.".

SEC. 9026. REPORTS.

(a) WORKFORCE DEVELOPMENT REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration, in consultation with the Assistant Secretary for Mental Health and Substance Use, shall conduct a study and publicly post on the appropriate Internet website of the Department of Health and Human Services a report on the adult and pediatric mental health and substance use disorder workforce in order to inform Federal, State, and local efforts related to workforce enhancement.

(2) CONTENTS.—The report under this subsection shall contain—

(A) national and State-level projections of the supply and demand of the mental health and substance use disorder health workforce, disaggregated by profession;

(B) an assessment of the mental health and substance use disorder workforce capacity, strengths, and weaknesses as of the date of the report, including the extent to which primary care providers are preventing, screening, or referring for mental and substance use disorder services;

(C) information on trends within the mental health and substance use disorder provider workforce, including the number of individuals expected to enter the mental health workforce over the next 5 years; and

(D) any additional information determined by the Administrator of the Health Resources and Services Administration, in consultation with the Assistant Secretary for Mental Health and Substance Use, to be relevant to the mental health and substance use disorder provider workforce.

(b) PEER-SUPPORT SPECIALIST PROGRAMS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on peer-support specialist programs in up to 10 States that receive funding from the Substance Abuse and Mental Health Services Administration.

(2) CONTENTS OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall examine and identify best practices, in the States selected pursuant to such paragraph, related to training and credential requirements for peer-support specialist programs, such as—

(A) hours of formal work or volunteer experience related to mental and substance use disorders conducted through such programs;

(B) types of peer-support specialist exams required for such programs in the selected States;

(C) codes of ethics used by such programs in the selected States;

(D) required or recommended skill sets for such programs in the selected States; and

(E) requirements for continuing education.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under paragraph (1).

Subtitle C—Mental Health on Campus Improvement

SEC. 9031. MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES ON CAMPUS.

Section 520E–2 of the Public Health Service Act (42 U.S.C. 290bb–36b) is amended—

(1) in the section heading, by striking "**AND BEHAVIORAL HEALTH**" and inserting "**HEALTH AND SUBSTANCE USE DISORDER**";

(2) in subsection (a)—

(A) by striking "Services," and inserting "Services and";

(B) by striking "and behavioral health problems" and inserting "health or substance use disorders";

(C) by striking "substance abuse" and inserting "substance use disorders"; and

(D) by adding after, "suicide attempts," the following: "prevent mental and substance use disorders, reduce stigma, and improve the identification and treatment for students at risk,";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "for—" and inserting "for one or more of the following:"; and

(B) by striking paragraphs (1) through (6) and inserting the following:

"(1) Educating students, families, faculty, and staff to increase awareness of mental and substance use disorders.

"(2) The operation of hotlines.

"(3) Preparing informational material.

"(4) Providing outreach services to notify students about available mental and substance use disorder services.

"(5) Administering voluntary mental and substance use disorder screenings and assessments.

"(6) Supporting the training of students, faculty, and staff to respond effectively to students with mental and substance use disorders.

"(7) Creating a network infrastructure to link institutions of higher education with health care providers who treat mental and substance use disorders.

"(8) Providing mental and substance use disorders prevention and treatment services to students, which may include recovery support services and programming and early intervention, treatment, and management, including through the use of telehealth services.

"(9) Conducting research through a counseling or health center at the institution of higher education involved regarding improving the behavioral health of students through clinical services, outreach, prevention, or academic success, in a manner that is in compliance with all applicable personal privacy laws.

"(10) Supporting student groups on campus, including athletic teams, that engage in activities to educate students, including activities to reduce stigma surrounding mental and behavioral disorders, and promote mental health.

"(11) Employing appropriately trained staff.

"(12) Developing and supporting evidence-based and emerging best practices, including a focus on culturally and linguistically appropriate best practices.";

(4) in subsection (c)(5), by striking "substance abuse" and inserting "substance use disorder";

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "An institution of higher education desiring a grant under this section" and inserting "To be eligible to receive a grant under this section, an institution of higher education";

(B) by striking paragraph (1) and inserting—

"(1) A description of the population to be targeted by the program carried out under the grant, including veterans whenever possible and appropriate, and of identified mental and substance use disorder needs of students at the institution of higher education.";

(C) in paragraph (2), by inserting ", which may include, as appropriate and in accordance with subsection (b)(7), a plan to seek input from relevant stakeholders in the community, including appropriate public and private entities, in order to carry out the program under the grant" before the period at the end; and

(D) by adding after paragraph (5) the following new paragraphs:

"(6) An outline of the objectives of the program carried out under the grant.

"(7) For an institution of higher education proposing to use the grant for an activity described in paragraph (8) or (9) of subsection (b), a description of the policies and procedures of the institution of higher education that are related to applicable laws regarding access to, and sharing of, treatment records of students at any campus-based mental health center or partner organization, including the policies and State laws governing when such records can be accessed and shared for non-treatment purposes and a description of the process used

by the institution of higher education to notify students of these policies and procedures, including the extent to which written consent is required.

"(8) An assurance that grant funds will be used to supplement and not supplant any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.";

(6) in subsection (e)(1), by striking "and behavioral health problems" and inserting "health and substance use disorders";

(7) in subsection (f)(2)—

(A) by striking "and behavioral health" and inserting "health and substance use disorder"; and

(B) by striking "suicide and substance abuse" and inserting "suicide and substance use disorders";

(8) by redesignating subsection (h) as subsection (i);

(9) by inserting after subsection (g) the following new subsection:

"(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section."; and

(10) in subsection (i), as redesignated by paragraph (8), by striking "$5,000,000 for fiscal year 2005" and all that follows through the period at the end and inserting "$7,000,000 for each of fiscal years 2018 through 2022.".

SEC. 9032. INTERAGENCY WORKING GROUP ON COLLEGE MENTAL HEALTH.

42 USC 290bb–36b note.

(a) PURPOSE.—It is the purpose of this section to provide for the establishment of a College Campus Task Force to discuss mental and behavioral health concerns on campuses of institutions of higher education.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a College Campus Task Force (referred to in this section as the "Task Force") to discuss mental and behavioral health concerns on campuses of institutions of higher education.

(c) MEMBERSHIP.—The Task Force shall be composed of a representative from each Federal agency (as appointed by the head of the agency) that has jurisdiction over, or is affected by, mental health and education policies and projects, including—

(1) the Department of Education;

(2) the Department of Health and Human Services;

(3) the Department of Veterans Affairs; and

(4) such other Federal agencies as the Assistant Secretary for Mental Health and Substance Use, in consultation with the Secretary, determines to be appropriate.

(d) DUTIES.—The Task Force shall—

(1) serve as a centralized mechanism to coordinate a national effort to—

(A) discuss and evaluate evidence and knowledge on mental and behavioral health services available to, and the prevalence of mental illness among, the age population of students attending institutions of higher education in the United States;

(B) determine the range of effective, feasible, and comprehensive actions to improve mental and behavioral health on campuses of institutions of higher education;

(C) examine and better address the needs of the age population of students attending institutions of higher education dealing with mental illness;

(D) survey Federal agencies to determine which policies are effective in encouraging, and how best to facilitate outreach without duplicating, efforts relating to mental and behavioral health promotion;

(E) establish specific goals within and across Federal agencies for mental health promotion, including determinations of accountability for reaching those goals;

(F) develop a strategy for allocating responsibilities and ensuring participation in mental and behavioral health promotion, particularly in the case of competing agency priorities;

(G) coordinate plans to communicate research results relating to mental and behavioral health amongst the age population of students attending institutions of higher education to enable reporting and outreach activities to produce more useful and timely information;

(H) provide a description of evidence-based practices, model programs, effective guidelines, and other strategies for promoting mental and behavioral health on campuses of institutions of higher education;

(I) make recommendations to improve Federal efforts relating to mental and behavioral health promotion on campuses of institutions of higher education and to ensure Federal efforts are consistent with available standards, evidence, and other programs in existence as of the date of enactment of this Act;

(J) monitor Federal progress in meeting specific mental and behavioral health promotion goals as they relate to settings of institutions of higher education; and

(K) examine and disseminate best practices related to intracampus sharing of treatment records;

(2) consult with national organizations with expertise in mental and behavioral health, especially those organizations working with the age population of students attending institutions of higher education; and

(3) consult with and seek input from mental health professionals working on campuses of institutions of higher education as appropriate.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet not fewer than three times each year.

(2) ANNUAL CONFERENCE.—The Secretary shall sponsor an annual conference on mental and behavioral health in settings of institutions of higher education to enhance coordination, build partnerships, and share best practices in mental and behavioral health promotion, data collection, analysis, and services.

(f) DEFINITION.—In this section, the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 for the period of fiscal years 2018 through 2022.

SEC. 9033. IMPROVING MENTAL HEALTH ON COLLEGE CAMPUSES. 42 USC 290ee–4.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

"SEC. 549. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION ON COLLEGE CAMPUSES.

"(a) PURPOSE.—It is the purpose of this section to increase access to, and reduce the stigma associated with, mental health services to ensure that students at institutions of higher education have the support necessary to successfully complete their studies.

"(b) NATIONAL PUBLIC EDUCATION CAMPAIGN.—The Secretary, acting through the Assistant Secretary and in collaboration with the Director of the Centers for Disease Control and Prevention, shall convene an interagency, public-private sector working group to plan, establish, and begin coordinating and evaluating a targeted public education campaign that is designed to focus on mental and behavioral health on the campuses of institutions of higher education. Such campaign shall be designed to—

"(1) improve the general understanding of mental health and mental disorders;

"(2) encourage help-seeking behaviors relating to the promotion of mental health, prevention of mental disorders, and treatment of such disorders;

"(3) make the connection between mental and behavioral health and academic success; and

"(4) assist the general public in identifying the early warning signs and reducing the stigma of mental illness.

"(c) COMPOSITION.—The working group convened under subsection (b) shall include—

"(1) mental health consumers, including students and family members;

"(2) representatives of institutions of higher education;

"(3) representatives of national mental and behavioral health associations and associations of institutions of higher education;

"(4) representatives of health promotion and prevention organizations at institutions of higher education;

"(5) representatives of mental health providers, including community mental health centers; and

"(6) representatives of private-sector and public-sector groups with experience in the development of effective public health education campaigns.

"(d) PLAN.—The working group under subsection (b) shall develop a plan that—

"(1) targets promotional and educational efforts to the age population of students at institutions of higher education and individuals who are employed in settings of institutions of higher education, including through the use of roundtables;

"(2) develops and proposes the implementation of research-based public health messages and activities;

"(3) provides support for local efforts to reduce stigma by using the National Health Information Center as a primary point of contact for information, publications, and service program referrals; and

"(4) develops and proposes the implementation of a social marketing campaign that is targeted at the population of students attending institutions of higher education and individuals who are employed in settings of institutions of higher education.

"(e) DEFINITION.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 for the period of fiscal years 2018 through 2022.".

TITLE X—STRENGTHENING MENTAL AND SUBSTANCE USE DISORDER CARE FOR CHILDREN AND ADOLESCENTS

SEC. 10001. PROGRAMS FOR CHILDREN WITH A SERIOUS EMOTIONAL DISTURBANCE.

(a) COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH A SERIOUS EMOTIONAL DISTURBANCE.—Section 561(a)(1) of the Public Health Service Act (42 U.S.C. 290ff(a)(1)) is amended by inserting ", which may include efforts to identify and serve children at risk" before the period.

(b) REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.—Section 562(b) of the Public Health Service Act (42 U.S.C. 290ff–1(b)) is amended by striking "will not provide an individual with access to the system if the individual is more than 21 years of age" and inserting "will provide an individual with access to the system through the age of 21 years".

(c) ADDITIONAL PROVISIONS.—Section 564(f) of the Public Health Service Act (42 U.S.C. 290ff–3(f)) is amended by inserting "(and provide a copy to the State involved)" after "to the Secretary".

(d) GENERAL PROVISIONS.—Section 565 of the Public Health Service Act (42 U.S.C. 290ff–4) is amended—

(1) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking "receiving a grant under section 561(a)" and inserting ", regardless of whether such public entity is receiving a grant under section 561(a)"; and

(B) in subparagraph (B), by striking "pursuant to" and inserting "described in";

(2) in subsection (d)(1), by striking "not more than 21 years of age" and inserting "through the age of 21 years"; and

(3) in subsection (f)(1), by striking "$100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003" and inserting "$119,026,000 for each of fiscal years 2018 through 2022".

SEC. 10002. INCREASING ACCESS TO PEDIATRIC MENTAL HEALTH CARE.

Title III of the Public Health Service Act is amended by inserting after section 330L of such Act (42 U.S.C. 254c–18) the following new section:

"SEC. 330M PEDIATRIC MENTAL HEALTH CARE ACCESS GRANTS. 42 USC 254c–19.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in coordination with other relevant Federal agencies, shall award grants to States, political subdivisions of States, and Indian tribes and tribal organizations (for purposes of this section, as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) to promote behavioral health integration in pediatric primary care by—

"(1) supporting the development of statewide or regional pediatric mental health care telehealth access programs; and

"(2) supporting the improvement of existing statewide or regional pediatric mental health care telehealth access programs.

"(b) PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—A pediatric mental health care telehealth access program referred to in subsection (a), with respect to which a grant under such subsection may be used, shall—

"(A) be a statewide or regional network of pediatric mental health teams that provide support to pediatric primary care sites as an integrated team;

"(B) support and further develop organized State or regional networks of pediatric mental health teams to provide consultative support to pediatric primary care sites;

"(C) conduct an assessment of critical behavioral consultation needs among pediatric providers and such providers' preferred mechanisms for receiving consultation, training, and technical assistance;

"(D) develop an online database and communication mechanisms, including telehealth, to facilitate consultation support to pediatric practices;

"(E) provide rapid statewide or regional clinical telephone or telehealth consultations when requested between the pediatric mental health teams and pediatric primary care providers;

"(F) conduct training and provide technical assistance to pediatric primary care providers to support the early identification, diagnosis, treatment, and referral of children with behavioral health conditions;

"(G) provide information to pediatric providers about, and assist pediatric providers in accessing, pediatric mental health care providers, including child and adolescent psychiatrists, and licensed mental health professionals, such as psychologists, social workers, or mental health counselors and in scheduling and conducting technical assistance;

"(H) assist with referrals to specialty care and community or behavioral health resources; and

"(I) establish mechanisms for measuring and monitoring increased access to pediatric mental health care services by pediatric primary care providers and expanded capacity of pediatric primary care providers to identify, treat, and refer children with mental health problems.

"(2) PEDIATRIC MENTAL HEALTH TEAMS.—In this subsection, the term 'pediatric mental health team' means a team consisting of at least one case coordinator, at least one child and adolescent psychiatrist, and at least one licensed clinical

mental health professional, such as a psychologist, social worker, or mental health counselor. Such a team may be regionally based.

"(c) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the comprehensive evaluation of activities that are carried out with funds received under such grant.

"(d) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under this section shall prepare and submit an evaluation of activities that are carried out with funds received under such grant to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a process and outcome evaluation.

"(e) ACCESS TO BROADBAND.—In administering grants under this section, the Secretary may coordinate with other agencies to ensure that funding opportunities are available to support access to reliable, high-speed Internet for providers.

"(f) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section unless the State, political subdivision of a State, Indian tribe, or tribal organization involved agrees, with respect to the costs to be incurred by the State, political subdivision of a State, Indian tribe, or tribal organization in carrying out the purpose described in this section, to make available non-Federal contributions (in cash or in kind) toward such costs in an amount that is not less than 20 percent of Federal funds provided in the grant.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, $9,000,000 for the period of fiscal years 2018 through 2022.".

SEC. 10003. SUBSTANCE USE DISORDER TREATMENT AND EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

The first section 514 of the Public Health Service Act (42 U.S.C. 290bb–7), relating to substance abuse treatment services for children and adolescents, is amended—

(1) in the section heading, by striking "**ABUSE TREATMENT**" and inserting "**USE DISORDER TREATMENT AND EARLY INTERVENTION**";

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

"(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), or health facilities or programs operated by or in accordance with a contract or grant with the Indian Health Service, for the purpose of—

"(1) providing early identification and services to meet the needs of children and adolescents who are at risk of substance use disorders;

"(2) providing substance use disorder treatment services for children, including children and adolescents with co-occurring mental illness and substance use disorders; and

"(3) providing assistance to pregnant women, and parenting women, with substance use disorders, in obtaining treatment services, linking mothers to community resources to support independent family lives, and staying in recovery so that children are in safe, stable home environments and receive appropriate health care services.";

(3) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) apply evidence-based and cost-effective methods;";

(B) in paragraph (2)—

(i) by striking "treatment"; and

(ii) by inserting "substance abuse," after "child welfare,";

(C) in paragraph (3), by striking "substance abuse disorders" and inserting "substance use disorders, including children and adolescents with co-occurring mental illness and substance use disorders,";

(D) in paragraph (5), by striking "treatment;" and inserting "services; and";

(E) in paragraph (6), by striking "substance abuse treatment; and" and inserting "treatment."; and

(F) by striking paragraph (7); and

(4) in subsection (f), by striking "$40,000,000" and all that follows through the period and inserting "$29,605,000 for each of fiscal years 2018 through 2022.".

SEC. 10004. CHILDREN'S RECOVERY FROM TRAUMA.

The first section 582 of the Public Health Service Act (42 U.S.C. 290hh–1; relating to grants to address the problems of persons who experience violence related stress) is amended—

(1) in subsection (a), by striking "developing programs" and all that follows through the period at the end and inserting the following: "developing and maintaining programs that provide for—

"(1) the continued operation of the National Child Traumatic Stress Initiative (referred to in this section as the 'NCTSI'), which includes a cooperative agreement with a coordinating center, that focuses on the mental, behavioral, and biological aspects of psychological trauma response, prevention of the long-term consequences of child trauma, and early intervention services and treatment to address the long-term consequences of child trauma; and

"(2) the development of knowledge with regard to evidence-based practices for identifying and treating mental, behavioral, and biological disorders of children and youth resulting from witnessing or experiencing a traumatic event.";

(2) in subsection (b)—

(A) by striking "subsection (a) related" and inserting "subsection (a)(2) (related";

(B) by striking "treating disorders associated with psychological trauma" and inserting "treating mental, behavioral, and biological disorders associated with psychological trauma)"; and

(C) by striking "mental health agencies and programs that have established clinical and basic research" and inserting "universities, hospitals, mental health agencies,

and other programs that have established clinical expertise and research";

(3) by redesignating subsections (c) through (g) as subsections (g) through (k), respectively;

(4) by inserting after subsection (b), the following:

"(c) CHILD OUTCOME DATA.—The NCTSI coordinating center described in subsection (a)(1) shall collect, analyze, report, and make publicly available, as appropriate, NCTSI-wide child treatment process and outcome data regarding the early identification and delivery of evidence-based treatment and services for children and families served by the NCTSI grantees.

"(d) TRAINING.—The NCTSI coordinating center shall facilitate the coordination of training initiatives in evidence-based and trauma-informed treatments, interventions, and practices offered to NCTSI grantees, providers, and partners.

"(e) DISSEMINATION AND COLLABORATION.—The NCTSI coordinating center shall, as appropriate, collaborate with—

"(1) the Secretary, in the dissemination of evidence-based and trauma-informed interventions, treatments, products, and other resources to appropriate stakeholders; and

"(2) appropriate agencies that conduct or fund research within the Department of Health and Human Services, for purposes of sharing NCTSI expertise, evaluation data, and other activities, as appropriate.

"(f) REVIEW.—The Secretary shall, consistent with the peer-review process, ensure that NCTSI applications are reviewed by appropriate experts in the field as part of a consensus-review process. The Secretary shall include review criteria related to expertise and experience in child trauma and evidence-based practices.";

(5) in subsection (g) (as so redesignated), by striking "with respect to centers of excellence are distributed equitably among the regions of the country" and inserting "are distributed equitably among the regions of the United States";

(6) in subsection (i) (as so redesignated), by striking "recipient may not exceed 5 years" and inserting "recipient shall not be less than 4 years, but shall not exceed 5 years"; and

(7) in subsection (j) (as so redesignated), by striking "$50,000,000" and all that follows through "2006" and inserting "$46,887,000 for each of fiscal years 2018 through 2022".

SEC. 10005. SCREENING AND TREATMENT FOR MATERNAL DEPRESSION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317L (42 U.S.C. 247b–13) the following:

42 USC 247b–13a.

"SEC. 317L–1. SCREENING AND TREATMENT FOR MATERNAL DEPRESSION.

"(a) GRANTS.—The Secretary shall make grants to States to establish, improve, or maintain programs for screening, assessment, and treatment services, including culturally and linguistically appropriate services, as appropriate, for women who are pregnant, or who have given birth within the preceding 12 months, for maternal depression.

"(b) APPLICATION.—To seek a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may

require. At a minimum, any such application shall include explanations of—

"(1) how a program, or programs, will increase the percentage of women screened and treated, as appropriate, for maternal depression in 1 or more communities; and

"(2) how a program, or programs, if expanded, would increase access to screening and treatment services for maternal depression.

"(c) PRIORITY.—In awarding grants under this section, the Secretary may give priority to States proposing to improve or enhance access to screening services for maternal depression in primary care settings.

"(d) USE OF FUNDS.—The activities eligible for funding through a grant under subsection (a)—

"(1) shall include—

"(A) providing appropriate training to health care providers; and

"(B) providing information to health care providers, including information on maternal depression screening, treatment, and followup support services, and linkages to community-based resources; and

"(2) may include—

"(A) enabling health care providers (including obstetrician-gynecologists, pediatricians, psychiatrists, mental health care providers, and adult primary care clinicians) to provide or receive real-time psychiatric consultation (in-person or remotely) to aid in the treatment of pregnant and parenting women;

"(B) establishing linkages with and among community-based resources, including mental health resources, primary care resources, and support groups; and

"(C) utilizing telehealth services for rural areas and medically underserved areas (as defined in section 330I(a)).

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2018 through 2022.".

SEC. 10006. INFANT AND EARLY CHILDHOOD MENTAL HEALTH PROMOTION, INTERVENTION, AND TREATMENT.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399Z–2. INFANT AND EARLY CHILDHOOD MENTAL HEALTH PROMOTION, INTERVENTION, AND TREATMENT. 42 USC 280h–6.

"(a) GRANTS.—The Secretary shall—

"(1) award grants to eligible entities to develop, maintain, or enhance infant and early childhood mental health promotion, intervention, and treatment programs, including—

"(A) programs for infants and children at significant risk of developing, showing early signs of, or having been diagnosed with mental illness, including a serious emotional disturbance; and

"(B) multigenerational therapy and other services that support the caregiving relationship; and

"(2) ensure that programs funded through grants under this section are evidence-informed or evidence-based models, practices, and methods that are, as appropriate, culturally and

linguistically appropriate, and can be replicated in other appropriate settings.

"(b) ELIGIBLE CHILDREN AND ENTITIES.—In this section:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child from birth to not more than 12 years of age who—

"(A) is at risk for, shows early signs of, or has been diagnosed with a mental illness, including a serious emotional disturbance; and

"(B) may benefit from infant and early childhood intervention or treatment programs or specialized preschool or elementary school programs that are evidence-based or that have been scientifically demonstrated to show promise but would benefit from further applied development.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a human services agency or nonprofit institution that—

"(A) employs licensed mental health professionals who have specialized training and experience in infant and early childhood mental health assessment, diagnosis, and treatment, or is accredited or approved by the appropriate State agency, as applicable, to provide for children from infancy to 12 years of age mental health promotion, intervention, or treatment services; and

"(B) provides services or programs described in subsection (a) that are evidence-based or that have been scientifically demonstrated to show promise but would benefit from further applied development.

"(c) APPLICATION.—An eligible entity seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) USE OF FUNDS FOR EARLY INTERVENTION AND TREATMENT PROGRAMS.—An eligible entity may use amounts awarded under a grant under subsection (a)(1) to carry out the following:

"(1) Provide age-appropriate mental health promotion and early intervention services or mental illness treatment services, which may include specialized programs, for eligible children at significant risk of developing, showing early signs of, or having been diagnosed with a mental illness, including a serious emotional disturbance. Such services may include social and behavioral services as well as multigenerational therapy and other services that support the caregiving relationship.

"(2) Provide training for health care professionals with expertise in infant and early childhood mental health care with respect to appropriate and relevant integration with other disciplines such as primary care clinicians, early intervention specialists, child welfare staff, home visitors, early care and education providers, and others who work with young children and families.

"(3) Provide mental health consultation to personnel of early care and education programs (including licensed or regulated center-based and home-based child care, home visiting, preschool special education, and early intervention programs) who work with children and families.

"(4) Provide training for mental health clinicians in infant and early childhood in promising and evidence-based practices and models for infant and early childhood mental health treatment and early intervention, including with regard to practices

for identifying and treating mental illness and behavioral disorders of infants and children resulting from exposure or repeated exposure to adverse childhood experiences or childhood trauma.

"(5) Provide age-appropriate assessment, diagnostic, and intervention services for eligible children, including early mental health promotion, intervention, and treatment services.

"(e) MATCHING FUNDS.—The Secretary may not award a grant under this section to an eligible entity unless the eligible entity agrees, with respect to the costs to be incurred by the eligible entity in carrying out the activities described in subsection (d), to make available non-Federal contributions (in cash or in kind) toward such costs in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $20,000,000 for the period of fiscal years 2018 through 2022.".

TITLE XI—COMPASSIONATE COMMUNICATION ON HIPAA

SEC. 11001. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) According to the National Survey on Drug Use and Health, in 2015, there were approximately 9,800,000 adults in the United States with serious mental illness.

(2) The Substance Abuse and Mental Health Services Administration defines the term "serious mental illness" as an illness affecting individuals 18 years of age or older as having, at any time in the past year, a diagnosable mental, behavioral, or emotional disorder that results in serious functional impairment and substantially interferes with or limits one or more major life activities.

(3) In reporting on the incidence of serious mental illness, the Substance Abuse and Mental Health Services Administration includes major depression, schizophrenia, bipolar disorder, and other mental disorders that cause serious impairment.

(4) Adults with a serious mental illness are at a higher risk for chronic physical illnesses and premature death.

(5) According to the World Health Organization, adults with a serious mental illness have lifespans that are 10 to 25 years shorter than those without serious mental illness. The vast majority of these deaths are due to chronic physical medical conditions, such as cardiovascular, respiratory, and infectious diseases, as well as diabetes and hypertension.

(6) According to the World Health Organization, the majority of deaths of adults with a serious mental illness that are due to physical medical conditions are preventable.

(7) Supported decision making can facilitate care decisions in areas where serious mental illness may impact the capacity of an individual to determine a course of treatment while still allowing the individual to make decisions independently.

(8) Help should be provided to adults with a serious mental illness to address their acute or chronic physical illnesses, make informed choices about treatment, and understand and follow through with appropriate treatment.

(9) There is confusion in the health care community regarding permissible practices under the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (commonly known as "HIPAA"). This confusion may hinder appropriate communication of health care information or treatment preferences with appropriate caregivers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that clarification is needed regarding the privacy rule promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) regarding existing permitted uses and disclosures of health information by health care professionals to communicate with caregivers of adults with a serious mental illness to facilitate treatment.

SEC. 11002. CONFIDENTIALITY OF RECORDS.

Not later than 1 year after the date on which the Secretary of Health and Human Services (in this title referred to as the "Secretary") first finalizes regulations updating part 2 of title 42, Code of Federal Regulations, relating to confidentiality of alcohol and drug abuse patient records, after the date of enactment of this Act, the Secretary shall convene relevant stakeholders to determine the effect of such regulations on patient care, health outcomes, and patient privacy.

42 USC 1320d–2 note.

SEC. 11003. CLARIFICATION ON PERMITTED USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office for Civil Rights, shall ensure that health care providers, professionals, patients and their families, and others involved in mental or substance use disorder treatment have adequate, accessible, and easily comprehensible resources relating to appropriate uses and disclosures of protected health information under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(b) GUIDANCE.—

(1) ISSUANCE.—In carrying out subsection (a), not later than 1 year after the date of enactment of this section, the Secretary shall issue guidance clarifying the circumstances under which, consistent with regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, a health care provider or covered entity may use or disclose protected health information.

(2) CIRCUMSTANCES ADDRESSED.—The guidance issued under this section shall address circumstances including those that—

(A) require the consent of the patient;

(B) require providing the patient with an opportunity to object;

(C) are based on the exercise of professional judgment regarding whether the patient would object when the opportunity to object cannot practicably be provided because of the incapacity of the patient or an emergency treatment circumstance; and

(D) are determined, based on the exercise of professional judgment, to be in the best interest of the patient when the patient is not present or otherwise incapacitated.

(3) COMMUNICATION WITH FAMILY MEMBERS AND CAREGIVERS.—In addressing the circumstances described in paragraph (2), the guidance issued under this section shall clarify permitted uses or disclosures of protected health information for purposes of—

(A) communicating with a family member of the patient, caregiver of the patient, or other individual, to the extent that such family member, caregiver, or individual is involved in the care of the patient;

(B) in the case that the patient is an adult, communicating with a family member of the patient, caregiver of the patient, or other individual involved in the care of the patient;

(C) in the case that the patient is a minor, communicating with the parent or caregiver of the patient;

(D) involving the family members or caregivers of the patient, or others involved in the patient's care or care plan, including facilitating treatment and medication adherence;

(E) listening to the patient, or receiving information with respect to the patient from the family or caregiver of the patient;

(F) communicating with family members of the patient, caregivers of the patient, law enforcement, or others when the patient presents a serious and imminent threat of harm to self or others; and

(G) communicating to law enforcement and family members or caregivers of the patient about the admission of the patient to receive care at, or the release of a patient from, a facility for an emergency psychiatric hold or involuntary treatment.

SEC. 11004. DEVELOPMENT AND DISSEMINATION OF MODEL TRAINING PROGRAMS.

42 USC 1320d–2 note.

(a) INITIAL PROGRAMS AND MATERIALS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with appropriate experts, shall identify the following model programs and materials, or (in the case that no such programs or materials exist) recognize private or public entities to develop and disseminate each of the following:

(1) Model programs and materials for training health care providers (including physicians, emergency medical personnel, psychiatrists, including child and adolescent psychiatrists, psychologists, counselors, therapists, nurse practitioners, physician assistants, behavioral health facilities and clinics, care managers, and hospitals, including individuals such as general counsels or regulatory compliance staff who are responsible for establishing provider privacy policies) regarding the permitted uses and disclosures, consistent with the standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and such part C, of the protected health information of patients seeking or undergoing mental or substance use disorder treatment.

(2) A model program and materials for training patients and their families regarding their rights to protect and obtain information under the standards and regulations specified in paragraph (1).

(b) PERIODIC UPDATES.—The Secretary shall—

(1) periodically review and update the model programs and materials identified or developed under subsection (a); and

(2) disseminate the updated model programs and materials to the individuals described in subsection (a).

(c) COORDINATION.—The Secretary shall carry out this section in coordination with the Director of the Office for Civil Rights within the Department of Health and Human Services, the Assistant Secretary for Mental Health and Substance Use, the Administrator of the Health Resources and Services Administration, and the heads of other relevant agencies within the Department of Health and Human Services.

(d) INPUT OF CERTAIN ENTITIES.—In identifying, reviewing, or updating the model programs and materials under subsections (a) and (b), the Secretary shall solicit the input of relevant national, State, and local associations; medical societies; licensing boards; providers of mental and substance use disorder treatment; organizations with expertise on domestic violence, sexual assault, elder abuse, and child abuse; and organizations representing patients and consumers and the families of patients and consumers.

(e) FUNDING.—There are authorized to be appropriated to carry out this section—

(1) $4,000,000 for fiscal year 2018;

(2) $2,000,000 for each of fiscal years 2019 and 2020; and

(3) $1,000,000 for each of fiscal years 2021 and 2022.

TITLE XII—MEDICAID MENTAL HEALTH COVERAGE

42 USC 1396 note.

SEC. 12001. RULE OF CONSTRUCTION RELATED TO MEDICAID COVERAGE OF MENTAL HEALTH SERVICES AND PRIMARY CARE SERVICES FURNISHED ON THE SAME DAY.

Nothing in title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) shall be construed as prohibiting separate payment under the State plan under such title (or under a waiver of the plan) for the provision of a mental health service or primary care service under such plan, with respect to an individual, because such service is—

(1) a primary care service furnished to the individual by a provider at a facility on the same day a mental health service is furnished to such individual by such provider (or another provider) at the facility; or

(2) a mental health service furnished to the individual by a provider at a facility on the same day a primary care service is furnished to such individual by such provider (or another provider) at the facility.

SEC. 12002. STUDY AND REPORT RELATED TO MEDICAID MANAGED CARE REGULATION.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare &

Medicaid Services, shall conduct a study on coverage under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of services provided through a medicaid managed care organization (as defined in section 1903(m) of such Act (42 U.S.C. 1396b(m)) or a prepaid inpatient health plan (as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation)) with respect to individuals over the age of 21 and under the age of 65 for the treatment of a mental health disorder in institutions for mental diseases (as defined in section 1905(i) of such Act (42 U.S.C. 1396d(i))). Such study shall include information on the following:

(1) The extent to which States, including the District of Columbia and each territory or possession of the United States, are providing capitated payments to such organizations or plans for enrollees who are receiving services in institutions for mental diseases.

(2) The number of individuals receiving medical assistance under a State plan under such title XIX, or a waiver of such plan, who receive services in institutions for mental diseases through such organizations and plans.

(3) The range of and average number of months, and the length of stay during such months, that such individuals are receiving such services in such institutions.

(4) How such organizations or plans determine when to provide for the furnishing of such services through an institution for mental diseases in lieu of other benefits (including the full range of community-based services) under their contract with the State agency administering the State plan under such title XIX, or a waiver of such plan, to address psychiatric or substance use disorder treatment.

(5) The extent to which the provision of services within such institutions has affected the capitated payments for such organizations or plans.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

SEC. 12003. GUIDANCE ON OPPORTUNITIES FOR INNOVATION.

42 USC 1315 note.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services shall issue a State Medicaid Director letter regarding opportunities to design innovative service delivery systems, including systems for providing community-based services, for adults with a serious mental illness or children with a serious emotional disturbance who are receiving medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The letter shall include opportunities for demonstration projects under section 1115 of such Act (42 U.S.C. 1315) to improve care for such adults and children.

SEC. 12004. STUDY AND REPORT ON MEDICAID EMERGENCY PSYCHIATRIC DEMONSTRATION PROJECT.

(a) COLLECTION OF INFORMATION.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall, to the extent practical and data is available, with respect to each State that has participated in the demonstration project established under section 2707

of the Patient Protection and Affordable Care Act (42 U.S.C. 1396a note), collect from each such State information on the following:

(1) The number of institutions for mental diseases (as defined in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i))) and beds in such institutions that received payment for the provision of services to individuals who receive medical assistance under a State plan under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under a waiver of such plan) through the demonstration project in each such State as compared to the total number of institutions for mental diseases and beds in the State.

(2) The extent to which there is a reduction in expenditures under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or other spending on the full continuum of physical or mental health care for individuals who receive treatment in an institution for mental diseases under the demonstration project, including outpatient, inpatient, emergency, and ambulatory care, that is attributable to such individuals receiving treatment in institutions for mental diseases under the demonstration project.

(3) The number of forensic psychiatric hospitals, the number of beds in such hospitals, and the number of forensic psychiatric beds in other hospitals in such State, based on the most recent data available, to the extent practical, as determined by such Administrator.

(4) The amount of any disproportionate share hospital payments under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) that institutions for mental diseases in the State received during the period beginning on July 1, 2012, and ending on June 30, 2015, and the extent to which the demonstration project reduced the amount of such payments.

(5) The most recent data regarding all facilities or sites in the State in which any adults with a serious mental illness who are receiving medical assistance under a State plan under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under a waiver of such plan) are treated during the period referred to in paragraph (4), to the extent practical, as determined by the Administrator, including—

(A) the types of such facilities or sites (such as an institution for mental diseases, a hospital emergency department, or other inpatient hospital);

(B) the average length of stay in such a facility or site by such an individual, disaggregated by facility type; and

(C) the payment rate under the State plan (or a waivers of such plan) for services furnished to such an individual for that treatment, disaggregated by facility type, during the period in which the demonstration project is in operation.

(6) The extent to which the utilization of hospital emergency departments during the period in which the demonstration project was is in operation differed, with respect to individuals who are receiving medical assistance under a State plan under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under a waiver of such plan), between—

(A) those individuals who received treatment in an institution for mental diseases under the demonstration project;

(B) those individuals who met the eligibility requirements for the demonstration project but who did not receive treatment in an institution for mental diseases under the demonstration project; and

(C) those adults with a serious mental illness who did not meet such eligibility requirements and did not receive treatment for such illness in an institution for mental diseases.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that summarizes and analyzes the information collected under subsection (a). Such report may be submitted as part of the report required under section 2707(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 1396a note) or separately.

SEC. 12005. PROVIDING EPSDT SERVICES TO CHILDREN IN IMDS.

42 USC 1396d note.

(a) IN GENERAL.—Section 1905(a)(16) of the Social Security Act (42 U.S.C. 1396d(a)(16)) is amended—

(1) by striking "effective January 1, 1973" and inserting "(A) effective January 1, 1973"; and

(2) by inserting before the semicolon at the end the following: ", and, (B) for individuals receiving services described in subparagraph (A), early and periodic screening, diagnostic, and treatment services (as defined in subsection (r)), whether or not such screening, diagnostic, and treatment services are furnished by the provider of the services described in such subparagraph".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to items and services furnished in calendar quarters beginning on or after January 1, 2019.

SEC. 12006. ELECTRONIC VISIT VERIFICATION SYSTEM REQUIRED FOR PERSONAL CARE SERVICES AND HOME HEALTH CARE SERVICES UNDER MEDICAID.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k) the following new subsection:

"(l)(1) Subject to paragraphs (3) and (4), with respect to any amount expended for personal care services or home health care services requiring an in-home visit by a provider that are provided under a State plan under this title (or under a waiver of the plan) and furnished in a calendar quarter beginning on or after January 1, 2019 (or, in the case of home health care services, on or after January 1, 2023), unless a State requires the use of an electronic visit verification system for such services furnished in such quarter under the plan or such waiver, the Federal medical assistance percentage shall be reduced—

"(A) in the case of personal care services—

"(i) for calendar quarters in 2019 and 2020, by .25 percentage points;

"(ii) for calendar quarters in 2021, by .5 percentage points;

"(iii) for calendar quarters in 2022, by .75 percentage points; and

"(iv) for calendar quarters in 2023 and each year thereafter, by 1 percentage point; and

"(B) in the case of home health care services—

"(i) for calendar quarters in 2023 and 2024, by .25 percentage points;

"(ii) for calendar quarters in 2025, by .5 percentage points;

"(iii) for calendar quarters in 2026, by .75 percentage points; and

"(iv) for calendar quarters in 2027 and each year thereafter, by 1 percentage point.

"(2) Subject to paragraphs (3) and (4), in implementing the requirement for the use of an electronic visit verification system under paragraph (1), a State shall—

"(A) consult with agencies and entities that provide personal care services, home health care services, or both under the State plan (or under a waiver of the plan) to ensure that such system—

"(i) is minimally burdensome;

"(ii) takes into account existing best practices and electronic visit verification systems in use in the State; and

"(iii) is conducted in accordance with the requirements of HIPAA privacy and security law (as defined in section 3009 of the Public Health Service Act);

"(B) take into account a stakeholder process that includes input from beneficiaries, family caregivers, individuals who furnish personal care services or home health care services, and other stakeholders, as determined by the State in accordance with guidance from the Secretary; and

"(C) ensure that individuals who furnish personal care services, home health care services, or both under the State plan (or under a waiver of the plan) are provided the opportunity for training on the use of such system.

"(3) Paragraphs (1) and (2) shall not apply in the case of a State that, as of the date of the enactment of this subsection, requires the use of any system for the electronic verification of visits conducted as part of both personal care services and home health care services, so long as the State continues to require the use of such system with respect to the electronic verification of such visits.

"(4)(A) In the case of a State described in subparagraph (B), the reduction under paragraph (1) shall not apply—

"(i) in the case of personal care services, for calendar quarters in 2019; and

"(ii) in the case of home health care services, for calendar quarters in 2023.

"(B) For purposes of subparagraph (A), a State described in this subparagraph is a State that demonstrates to the Secretary that the State—

"(i) has made a good faith effort to comply with the requirements of paragraphs (1) and (2) (including by taking steps to adopt the technology used for an electronic visit verification system); and

"(ii) in implementing such a system, has encountered unavoidable system delays.

"(5) In this subsection:

"(A) The term 'electronic visit verification system' means, with respect to personal care services or home health care services, a system under which visits conducted as part of such services are electronically verified with respect to—

"(i) the type of service performed;

"(ii) the individual receiving the service;

"(iii) the date of the service;

"(iv) the location of service delivery;

"(v) the individual providing the service; and

"(vi) the time the service begins and ends.

"(B) The term 'home health care services' means services described in section 1905(a)(7) provided under a State plan under this title (or under a waiver of the plan).

"(C) The term 'personal care services' means personal care services provided under a State plan under this title (or under a waiver of the plan), including services provided under section 1905(a)(24), 1915(c), 1915(i), 1915(j), or 1915(k) or under a wavier under section 1115.

"(6)(A) In the case in which a State requires personal care service and home health care service providers to utilize an electronic visit verification system operated by the State or a contractor on behalf of the State, the Secretary shall pay to the State, for each quarter, an amount equal to 90 per centum of so much of the sums expended during such quarter as are attributable to the design, development, or installation of such system, and 75 per centum of so much of the sums for the operation and maintenance of such system.

"(B) Subparagraph (A) shall not apply in the case in which a State requires personal care service and home health care service providers to utilize an electronic visit verification system that is not operated by the State or a contractor on behalf of the State.".

(b) COLLECTION AND DISSEMINATION OF BEST PRACTICES.—Not later than January 1, 2018, the Secretary of Health and Human Services shall, with respect to electronic visit verification systems (as defined in subsection (l)(5) of section 1903 of the Social Security Act (42 U.S.C. 1396b), as inserted by subsection (a)), collect and disseminate best practices to State Medicaid Directors with respect to— 42 USC 1396b note.

(1) training individuals who furnish personal care services, home health care services, or both under the State plan under title XIX of such Act (or under a waiver of the plan) on such systems and the operation of such systems and the prevention of fraud with respect to the provision of personal care services or home health care services (as defined in such subsection (l)(5)); and

(2) the provision of notice and educational materials to family caregivers and beneficiaries with respect to the use of such electronic visit verification systems and other means to prevent such fraud.

(c) RULES OF CONSTRUCTION.— 42 USC 1396b note.

(1) NO EMPLOYER-EMPLOYEE RELATIONSHIP ESTABLISHED.—Nothing in the amendment made by this section may be construed as establishing an employer-employee relationship between the agency or entity that provides for personal care services or home health care services and the individuals who, under a contract with such an agency or entity, furnish such

services for purposes of part 552 of title 29, Code of Federal Regulations (or any successor regulations).

(2) NO PARTICULAR OR UNIFORM ELECTRONIC VISIT VERIFICATION SYSTEM REQUIRED.—Nothing in the amendment made by this section shall be construed to require the use of a particular or uniform electronic visit verification system (as defined in subsection (l)(5) of section 1903 of the Social Security Act (42 U.S.C. 1396b), as inserted by subsection (a)) by all agencies or entities that provide personal care services or home health care under a State plan under title XIX of the Social Security Act (or under a waiver of the plan) (42 U.S.C. 1396 et seq.).

(3) NO LIMITS ON PROVISION OF CARE.—Nothing in the amendment made by this section may be construed to limit, with respect to personal care services or home health care services provided under a State plan under title XIX of the Social Security Act (or under a waiver of the plan) (42 U.S.C. 1396 et seq.), provider selection, constrain beneficiaries' selection of a caregiver, or impede the manner in which care is delivered.

(4) NO PROHIBITION ON STATE QUALITY MEASURES REQUIREMENTS.—Nothing in the amendment made by this section shall be construed as prohibiting a State, in implementing an electronic visit verification system (as defined in subsection (l)(5) of section 1903 of the Social Security Act (42 U.S.C. 1396b), as inserted by subsection (a)), from establishing requirements related to quality measures for such system.

TITLE XIII—MENTAL HEALTH PARITY

SEC. 13001. ENHANCED COMPLIANCE WITH MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE REQUIREMENTS.

(a) COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—Section 2726(a) of the Public Health Service Act (42 U.S.C. 300gg–26(a)) is amended by adding at the end the following:

"(6) COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—

"(A) IN GENERAL.—Not later than 12 months after the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016, the Secretary, the Secretary of Labor, and the Secretary of the Treasury, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall issue a compliance program guidance document to help improve compliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, and section 9812 of the Internal Revenue Code of 1986, as applicable. In carrying out this paragraph, the Secretaries may take into consideration the 2016 publication of the Department of Health and Human Services and the Department of Labor, entitled 'Warning Signs - Plan or Policy Non-Quantitative Treatment Limitations (NQTLs) that Require Additional Analysis to Determine Mental Health Parity Compliance'.

"(B) EXAMPLES ILLUSTRATING COMPLIANCE AND NONCOMPLIANCE.—

"(i) IN GENERAL.—The compliance program guidance document required under this paragraph shall provide illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, based on investigations of violations of such sections, including—

"(I) examples illustrating requirements for information disclosures and nonquantitative treatment limitations; and

"(II) descriptions of the violations uncovered during the course of such investigations.

"(ii) NONQUANTITATIVE TREATMENT LIMITATIONS.—To the extent that any example described in clause (i) involves a finding of compliance or noncompliance with regard to any requirement for nonquantitative treatment limitations, the example shall provide sufficient detail to fully explain such finding, including a full description of the criteria involved for approving medical and surgical benefits and the criteria involved for approving mental health and substance use disorder benefits.

"(iii) ACCESS TO ADDITIONAL INFORMATION REGARDING COMPLIANCE.—In developing and issuing the compliance program guidance document required under this paragraph, the Secretaries specified in subparagraph (A)—

"(I) shall enter into interagency agreements with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury to share findings of compliance and noncompliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable; and

"(II) shall seek to enter into an agreement with a State to share information on findings of compliance and noncompliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(C) RECOMMENDATIONS.—The compliance program guidance document shall include recommendations to advance compliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, and encourage the development and use of internal controls to monitor adherence to applicable statutes, regulations, and program requirements. Such internal controls may include illustrative examples of nonquantitative treatment limitations on mental health and substance use disorder benefits, which may fail to comply with this

section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, in relation to nonquantitative treatment limitations on medical and surgical benefits.

"(D) UPDATING THE COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—The Secretary, the Secretary of Labor, and the Secretary of the Treasury, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall update the compliance program guidance document every 2 years to include illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable.".

(b) ADDITIONAL GUIDANCE.—Section 2726(a) of the Public Health Service Act (42 U.S.C. 300gg–26(a)), as amended by subsection (a), is further amended by adding at the end the following:

"(7) ADDITIONAL GUIDANCE.—

"(A) IN GENERAL.—Not later than 12 months after the date of enactment of the Helping Families in Mental Health Crisis Reform Act of 2016, the Secretary, the Secretary of Labor, and the Secretary of the Treasury shall issue guidance to group health plans and health insurance issuers offering group or individual health insurance coverage to assist such plans and issuers in satisfying the requirements of this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(B) DISCLOSURE.—

"(i) GUIDANCE FOR PLANS AND ISSUERS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans and health insurance issuers offering group or individual health insurance coverage may use for disclosing information to ensure compliance with the requirements under this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, (and any regulations promulgated pursuant to such sections, as applicable).

"(ii) DOCUMENTS FOR PARTICIPANTS, BENEFICIARIES, CONTRACTING PROVIDERS, OR AUTHORIZED REPRESENTATIVES.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans and health insurance issuers offering group or individual health insurance coverage may use to provide any participant, beneficiary, contracting provider, or authorized representative, as applicable, with documents containing information that the health plans or issuers are required to disclose to participants, beneficiaries, contracting providers, or authorized representatives to ensure compliance with this section,

section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, compliance with any regulation issued pursuant to such respective section, or compliance with any other applicable law or regulation. Such guidance shall include information that is comparative in nature with respect to—

"(I) nonquantitative treatment limitations for both medical and surgical benefits and mental health and substance use disorder benefits;

"(II) the processes, strategies, evidentiary standards, and other factors used to apply the limitations described in subclause (I); and

"(III) the application of the limitations described in subclause (I) to ensure that such limitations are applied in parity with respect to both medical and surgical benefits and mental health and substance use disorder benefits.

"(C) NONQUANTITATIVE TREATMENT LIMITATIONS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods, processes, strategies, evidentiary standards, and other factors that group health plans and health insurance issuers offering group or individual health insurance coverage may use regarding the development and application of nonquantitative treatment limitations to ensure compliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable, (and any regulations promulgated pursuant to such respective section), including—

"(i) examples of methods of determining appropriate types of nonquantitative treatment limitations with respect to both medical and surgical benefits and mental health and substance use disorder benefits, including nonquantitative treatment limitations pertaining to—

"(I) medical management standards based on medical necessity or appropriateness, or whether a treatment is experimental or investigative;

"(II) limitations with respect to prescription drug formulary design; and

"(III) use of fail-first or step therapy protocols;

"(ii) examples of methods of determining—

"(I) network admission standards (such as credentialing); and

"(II) factors used in provider reimbursement methodologies (such as service type, geographic market, demand for services, and provider supply, practice size, training, experience, and licensure) as such factors apply to network adequacy;

"(iii) examples of sources of information that may serve as evidentiary standards for the purposes of making determinations regarding the development and application of nonquantitative treatment limitations;

"(iv) examples of specific factors, and the evidentiary standards used to evaluate such factors, used

by such plans or issuers in performing a nonquantitative treatment limitation analysis;

"(v) examples of how specific evidentiary standards may be used to determine whether treatments are considered experimental or investigative;

"(vi) examples of how specific evidentiary standards may be applied to each service category or classification of benefits;

"(vii) examples of methods of reaching appropriate coverage determinations for new mental health or substance use disorder treatments, such as evidence-based early intervention programs for individuals with a serious mental illness and types of medical management techniques;

"(viii) examples of methods of reaching appropriate coverage determinations for which there is an indirect relationship between the covered mental health or substance use disorder benefit and a traditional covered medical and surgical benefit, such as residential treatment or hospitalizations involving voluntary or involuntary commitment; and

"(ix) additional illustrative examples of methods, processes, strategies, evidentiary standards, and other factors for which the Secretary determines that additional guidance is necessary to improve compliance with this section, section 712 of the Employee Retirement Income Security Act of 1974, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(D) PUBLIC COMMENT.—Prior to issuing any final guidance under this paragraph, the Secretary shall provide a public comment period of not less than 60 days during which any member of the public may provide comments on a draft of the guidance.".

(c) AVAILABILITY OF PLAN INFORMATION.—

(1) SOLICITATION OF PUBLIC FEEDBACK.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall solicit feedback from the public on how the disclosure request process for documents containing information that health plans or health insurance issuers are required under Federal or State law to disclose to participants, beneficiaries, contracting providers, or authorized representatives to ensure compliance with existing mental health parity and addiction equity requirements can be improved while continuing to ensure consumers' rights to access all information required by Federal or State law to be disclosed.

(2) PUBLIC AVAILABILITY.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall make such feedback publicly available.

(3) NAIC.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall share feedback obtained pursuant to paragraph (1) directly with the National Association of Insurance Commissioners to the extent such feedback includes recommendations for the development of simplified information disclosure tools to provide consistent information for consumers. Such feedback

may be taken into consideration by the National Association of Insurance Commissioners and other appropriate entities for the voluntary development and voluntary use of common templates and other sample standardized forms to improve consumer access to plan information.

(d) IMPROVING COMPLIANCE.—

42 USC 300gg–26 note.

(1) IN GENERAL.—In the case that the Secretary of Health and Human Services, the Secretary of Labor, or the Secretary of the Treasury determines that a group health plan or health insurance issuer offering group or individual health insurance coverage has violated, at least 5 times, section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26), section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a), or section 9812 of the Internal Revenue Code of 1986, respectively, the appropriate Secretary shall audit plan documents for such health plan or issuer in the plan year following the Secretary's determination in order to help improve compliance with such section.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority, as in effect on the day before the date of enactment of this Act, of the Secretary of Health and Human Services, the Secretary of Labor, or the Secretary of the Treasury to audit documents of health plans or health insurance issuers.

SEC. 13002. ACTION PLAN FOR ENHANCED ENFORCEMENT OF MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE.

(a) PUBLIC MEETING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a public meeting of stakeholders described in paragraph (2) to produce an action plan for improved Federal and State coordination related to the enforcement of section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26), section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a), and section 9812 of the Internal Revenue Code of 1986, and any comparable provisions of State law (in this section such sections and provisions are collectively referred to as "mental health parity and addiction equity requirements").

(2) STAKEHOLDERS.—The stakeholders described in this paragraph shall include each of the following:

(A) The Federal Government, including representatives from—

(i) the Department of Health and Human Services;

(ii) the Department of the Treasury;

(iii) the Department of Labor; and

(iv) the Department of Justice.

(B) State governments, including—

(i) State health insurance commissioners;

(ii) appropriate State agencies, including agencies on public health or mental health; and

(iii) State attorneys general or other representatives of State entities involved in the enforcement of mental health parity and addiction equity requirements.

(C) Representatives from key stakeholder groups, including—

(i) the National Association of Insurance Commissioners;

(ii) health insurance issuers;

(iii) providers of mental health and substance use disorder treatment;

(iv) employers; and

(v) patients or their advocates.

(b) ACTION PLAN.—Not later than 6 months after the conclusion of the public meeting under subsection (a), the Secretary of Health and Human Services shall finalize the action plan described in such subsection and make it plainly available on the Internet website of the Department of Health and Human Services.

(c) CONTENT.—The action plan under this section shall—

(1) take into consideration the recommendations of the Mental Health and Substance Use Disorder Parity Task Force in its final report issued in October of 2016, and any subsequent Federal and State actions in relation to such recommendations;

(2) reflect the input of the stakeholders participating in the public meeting under subsection (a);

(3) identify specific strategic objectives regarding how the various Federal and State agencies charged with enforcement of mental health parity and addiction equity requirements will collaborate to improve enforcement of such requirements;

(4) provide a timeline for implementing the action plan; and

(5) provide specific examples of how such objectives may be met, which may include—

(A) providing common educational information and documents, such as the Consumer Guide to Disclosure Rights, to patients about their rights under mental health parity and addiction equity requirements;

(B) facilitating the centralized collection of, monitoring of, and response to patient complaints or inquiries relating to mental health parity and addiction equity requirements, which may be through the development and administration of—

(i) a single, toll-free telephone number; and

(ii) a new parity website—

(I) to help consumers find the appropriate Federal or State agency to assist with their parity complaints, appeals, and other actions; and

(II) that takes into consideration, but is not duplicative of, the parity beta site being tested, and released for public comment, by the Department of Health and Human Services as of the date of the enactment of this Act;

(C) Federal and State law enforcement agencies entering into memoranda of understanding to better coordinate enforcement responsibilities and information sharing—

(i) including whether such agencies should make the results of enforcement actions related to mental health parity and addiction equity requirements publicly available; and

(ii) which may include State Policy Academies on Parity Implementation for State Officials and other forums to bring together national experts to provide technical assistance to teams of State officials on strategies to advance compliance with mental health parity and addiction equity requirements in both the commercial market, and in the Medicaid program under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act; and

(D) recommendations to the Congress regarding the need for additional legal authority to improve enforcement of mental health parity and addiction equity requirements, including the need for additional legal authority to ensure that nonquantitative treatment limitations are applied, and the extent and frequency of the applications of such limitations, both to medical and surgical benefits and to mental health and substance use disorder benefits in a comparable manner.

SEC. 13003. REPORT ON INVESTIGATIONS REGARDING PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the subsequent 5 years, the Assistant Secretary of Labor of the Employee Benefits Security Administration, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services and the Secretary of the Treasury, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing the results of all closed Federal investigations completed during the preceding 12-month period with findings of any serious violation regarding compliance with mental health and substance use disorder coverage requirements under section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26), section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a), and section 9812 of the Internal Revenue Code of 1986.

(b) CONTENTS.—Subject to subsection (c), a report under subsection (a) shall, with respect to investigations described in such subsection, include each of the following:

(1) The number of closed Federal investigations conducted during the covered reporting period.

(2) Each benefit classification examined by any such investigation conducted during the covered reporting period.

(3) Each subject matter, including compliance with requirements for quantitative and nonquantitative treatment limitations, of any such investigation conducted during the covered reporting period.

(4) A summary of the basis of the final decision rendered for each closed investigation conducted during the covered reporting period that resulted in a finding of a serious violation.

(c) LIMITATION.—Any individually identifiable information shall be excluded from reports under subsection (a) consistent with protections under the health privacy and security rules promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

SEC. 13004. GAO STUDY ON PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the extent to which group health plans or health insurance issuers offering group or individual health insurance coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, medicaid managed care organizations with a contract under section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)), and health plans provided under the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) comply with section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26), section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a), and section 9812 of the Internal Revenue Code of 1986, including—

(1) how nonquantitative treatment limitations, including medical necessity criteria, of such plans or issuers comply with such sections;

(2) how the responsible Federal departments and agencies ensure that such plans or issuers comply with such sections, including an assessment of how the Secretary of Health and Human Services has used its authority to conduct audits of such plans to ensure compliance;

(3) a review of how the various Federal and State agencies responsible for enforcing mental health parity requirements have improved enforcement of such requirements in accordance with the objectives and timeline described in the action plan under section 13002; and

(4) recommendations for how additional enforcement, education, and coordination activities by responsible Federal and State departments and agencies could better ensure compliance with such sections, including recommendations regarding the need for additional legal authority.

42 USC 237a note.

SEC. 13005. INFORMATION AND AWARENESS ON EATING DISORDERS.

(a) INFORMATION.—The Secretary of Health and Human Services, acting through the Director of the Office on Women's Health, may—

(1) update information, related fact sheets, and resource lists related to eating disorders that are available on the public Internet website of the National Women's Health Information Center sponsored by the Office on Women's Health, to include—

(A) updated findings and current research related to eating disorders, as appropriate; and

(B) information about eating disorders, including information related to males and females;

(2) incorporate, as appropriate, and in coordination with the Secretary of Education, information from publicly available resources into appropriate obesity prevention programs developed by the Office on Women's Health; and

(3) make publicly available (through a public Internet website or other method) information, related fact sheets, and

resource lists, as updated under paragraph (1), and the information incorporated into appropriate obesity prevention programs under paragraph (2).

(b) AWARENESS.—The Secretary of Health and Human Services may advance public awareness on—

(1) the types of eating disorders;

(2) the seriousness of eating disorders, including prevalence, comorbidities, and physical and mental health consequences;

(3) methods to identify, intervene, refer for treatment, and prevent behaviors that may lead to the development of eating disorders;

(4) discrimination and bullying based on body size;

(5) the effects of media on self-esteem and body image; and

(6) the signs and symptoms of eating disorders.

SEC. 13006. EDUCATION AND TRAINING ON EATING DISORDERS.

42 USC 237a note.

The Secretary of Health and Human Services may facilitate the identification of model programs and materials for educating and training health professionals in effective strategies to—

(1) identify individuals with eating disorders;

(2) provide early intervention services for individuals with eating disorders;

(3) refer patients with eating disorders for appropriate treatment;

(4) prevent the development of eating disorders; and

(5) provide appropriate treatment services for individuals with eating disorders.

SEC. 13007. CLARIFICATION OF EXISTING PARITY RULES.

42 USC 300gg–26 note.

If a group health plan or a health insurance issuer offering group or individual health insurance coverage provides coverage for eating disorder benefits, including residential treatment, such group health plan or health insurance issuer shall provide such benefits consistent with the requirements of section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26), section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a), and section 9812 of the Internal Revenue Code of 1986.

TITLE XIV—MENTAL HEALTH AND SAFE COMMUNITIES

Subtitle A—Mental Health and Safe Communities

SEC. 14001. LAW ENFORCEMENT GRANTS FOR CRISIS INTERVENTION TEAMS, MENTAL HEALTH PURPOSES.

(a) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.—Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

"(H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.".

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAM.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (17), by striking "and" at the end;

(2) by redesignating paragraph (18) as paragraph (22);

(3) by inserting after paragraph (17) the following:

"(18) to provide specialized training to law enforcement officers to—

"(A) recognize individuals who have a mental illness; and

"(B) properly interact with individuals who have a mental illness, including strategies for verbal de-escalation of crises;

"(19) to establish collaborative programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered by law enforcement officers in the line of duty;

"(20) to provide specialized training to corrections officers to recognize individuals who have a mental illness;

"(21) to enhance the ability of corrections officers to address the mental health of individuals under the care and custody of jails and prisons, including specialized training and strategies for verbal de-escalation of crises; and"; and

(4) in paragraph (22), as redesignated, by striking "through (17)" and inserting "through (21)".

(c) MODIFICATIONS TO THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—Section 34(a)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(B)) is amended by inserting before the period at the end the following: "and to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises".

SEC. 14002. ASSISTED OUTPATIENT TREATMENT PROGRAMS.

(a) IN GENERAL.—Section 2201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ii) is amended in paragraph (2)(B), by inserting before the semicolon the following: ", or court-ordered assisted outpatient treatment when the court has determined such treatment to be necessary".

(b) DEFINITIONS.—Section 2202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ii—1) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) the term 'court-ordered assisted outpatient treatment' means a program through which a court may order a treatment plan for an eligible patient that—

"(A) requires such patient to obtain outpatient mental health treatment while the patient is not currently residing in a correctional facility or inpatient treatment facility; and

"(B) is designed to improve access and adherence by such patient to intensive behavioral health services in order to—

"(i) avert relapse, repeated hospitalizations, arrest, incarceration, suicide, property destruction, and violent behavior; and

"(ii) provide such patient with the opportunity to live in a less restrictive alternative to incarceration or involuntary hospitalization; and

"(4) the term 'eligible patient' means an adult, mentally ill person who, as determined by a court—

"(A) has a history of violence, incarceration, or medically unnecessary hospitalizations;

"(B) without supervision and treatment, may be a danger to self or others in the community;

"(C) is substantially unlikely to voluntarily participate in treatment;

"(D) may be unable, for reasons other than indigence, to provide for any of his or her basic needs, such as food, clothing, shelter, health, or safety;

"(E) has a history of mental illness or a condition that is likely to substantially deteriorate if the person is not provided with timely treatment; or

"(F) due to mental illness, lacks capacity to fully understand or lacks judgment to make informed decisions regarding his or her need for treatment, care, or supervision.".

SEC. 14003. FEDERAL DRUG AND MENTAL HEALTH COURTS.

42 USC 3796ii note.

(a) DEFINITIONS.—In this section—

(1) the term "eligible offender" means a person who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court;

(B) comes into contact with the criminal justice system or is arrested or charged with an offense that is not—

(i) a crime of violence, as defined under applicable State law or in section 3156 of title 18, United States Code; or

(ii) a serious drug offense, as defined in section 924(e)(2)(A) of title 18, United States Code; and

(C) is determined by a judge to be eligible; and

(2) the term "mental illness" means a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall establish a pilot program to determine the effectiveness of diverting eligible offenders from Federal prosecution, Federal probation, or a Bureau of Prisons facility, and placing such eligible offenders in drug or mental health courts.

(c) PROGRAM SPECIFICATIONS.—The pilot program established under subsection (b) shall involve—

(1) continuing judicial supervision, including periodic review, of program participants who have a substance abuse problem or mental illness; and

(2) the integrated administration of services and sanctions, which shall include—

(A) mandatory periodic testing, as appropriate, for the use of controlled substances or other addictive substances during any period of supervised release or probation for each program participant;

(B) substance abuse treatment for each program participant who requires such services;

(C) diversion, probation, or other supervised release with the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress toward completing program requirements;

(D) programmatic offender management, including case management, and aftercare services, such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each program participant who requires such services;

(E) outpatient or inpatient mental health treatment, as ordered by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of such treatment;

(F) centralized case management, including—

(i) the consolidation of all cases, including violations of probations, of the program participant; and

(ii) coordination of all mental health treatment plans and social services, including life skills and vocational training, housing and job placement, education, health care, and relapse prevention for each program participant who requires such services; and

(G) continuing supervision of treatment plan compliance by the program participant for a term not to exceed the maximum allowable sentence or probation period for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

(d) IMPLEMENTATION; DURATION.—The pilot program established under subsection (b) shall be conducted—

(1) in not less than 1 United States judicial district, designated by the Attorney General in consultation with the Director of the Administrative Office of the United States Courts, as appropriate for the pilot program; and

(2) during fiscal year 2017 through fiscal year 2021.

(e) CRITERIA FOR DESIGNATION.—Before making a designation under subsection (d)(1), the Attorney General shall—

(1) obtain the approval, in writing, of the United States Attorney for the United States judicial district being designated;

(2) obtain the approval, in writing, of the chief judge for the United States judicial district being designated; and

(3) determine that the United States judicial district being designated has adequate behavioral health systems for treatment, including substance abuse and mental health treatment.

(f) ASSISTANCE FROM OTHER FEDERAL ENTITIES.—The Administrative Office of the United States Courts and the United States Probation Offices shall provide such assistance and carry out such functions as the Attorney General may request in monitoring, supervising, providing services to, and evaluating eligible offenders placed in a drug or mental health court under this section.

(g) REPORTS.—The Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall monitor the drug and mental health courts under this section, and shall submit a report to Congress on the outcomes of the program at the end of the period described in subsection (d)(2).

SEC. 14004. MENTAL HEALTH IN THE JUDICIAL SYSTEM. 42 USC 3796ii–8.

Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ii et seq.) is amended by inserting at the end the following:

"SEC. 2209. MENTAL HEALTH RESPONSES IN THE JUDICIAL SYSTEM.

"(a) PRETRIAL SCREENING AND SUPERVISION.—

"(1) IN GENERAL.—The Attorney General may award grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand pretrial services programs to improve the identification and outcomes of individuals with mental illness.

"(2) ALLOWABLE USES.—Grants awarded under this subsection may be may be used for—

"(A) behavioral health needs and risk screening of defendants, including verification of interview information, mental health evaluation, and criminal history screening;

"(B) assessment of risk of pretrial misconduct through objective, statistically validated means, and presentation to the court of recommendations based on such assessment, including services that will reduce the risk of pre-trial misconduct;

"(C) followup review of defendants unable to meet the conditions of pretrial release;

"(D) evaluation of process and results of pre-trial service programs;

"(E) supervision of defendants who are on pretrial release, including reminders to defendants of scheduled court dates;

"(F) reporting on process and results of pretrial services programs to relevant public and private mental health stakeholders; and

"(G) data collection and analysis necessary to make available information required for assessment of risk.

"(b) BEHAVIORAL HEALTH ASSESSMENTS AND INTERVENTION.—

"(1) IN GENERAL.—The Attorney General may award grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop,

implement, or expand a behavioral health screening and assessment program framework for State or local criminal justice systems.

"(2) ALLOWABLE USES.—Grants awarded under this subsection may be used for—

"(A) promotion of the use of validated assessment tools to gauge the criminogenic risk, substance abuse needs, and mental health needs of individuals;

"(B) initiatives to match the risk factors and needs of individuals to programs and practices associated with research-based, positive outcomes;

"(C) implementing methods for identifying and treating individuals who are most likely to benefit from coordinated supervision and treatment strategies, and identifying individuals who can do well with fewer interventions; and

"(D) collaborative decision-making among the heads of criminal justice agencies, mental health systems, judicial systems, substance abuse systems, and other relevant systems or agencies for determining how treatment and intensive supervision services should be allocated in order to maximize benefits, and developing and utilizing capacity accordingly.

"(c) USE OF GRANT FUNDS.—A State, unit of local government, territory, Indian Tribe, or nonprofit agency that receives a grant under this section shall, in accordance with subsection (b)(2), use grant funds for the expenses of a treatment program, including—

"(1) salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including costs relating to enforcement;

"(2) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to program participants, including aftercare supervision, vocational training, education, and job placement; and

"(3) payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

"(d) SUPPLEMENT OF NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—Grants awarded under this section shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this section.

"(2) FEDERAL SHARE.—The Federal share of a grant made under this section may not exceed 50 percent of the total costs of the program described in an application under subsection (e).

"(e) APPLICATIONS.—To request a grant under this section, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(f) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this section is equitable and includes—

"(1) each State; and

"(2) a unit of local government, territory, Indian Tribe, or nonprofit agency—

"(A) in each State; and

"(B) in rural, suburban, Tribal, and urban jurisdictions.

"(g) REPORTS AND EVALUATIONS.—For each fiscal year, each grantee under this section during that fiscal year shall submit to the Attorney General a report on the effectiveness of activities carried out using such grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"(h) ACCOUNTABILITY.—Grants awarded under this section shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice under subparagraph (C) that the audited grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year after the date on which final audit report is issued.

"(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of grantees under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

"(C) FINAL AUDIT REPORT.—The Inspector General of the Department of Justice shall submit to the Attorney General a final report on each audit conducted under subparagraph (B).

"(D) MANDATORY EXCLUSION.—Grantees under this section about which there is an unresolved audit finding shall not be eligible to receive a grant under this section during the 2 fiscal years beginning after the end of the 1-year period described in subparagraph (A).

"(E) PRIORITY.—In making grants under this section, the Attorney General shall give priority to applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

"(F) REIMBURSEMENT.—If an entity receives a grant under this section during the 2-fiscal-year period during which the entity is prohibited from receiving grants under subparagraph (D), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant that was improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment under clause (i) from the grantee that was erroneously awarded grant funds.

"(2) NONPROFIT AGENCY REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant program under this section, the term 'nonprofit agency' means an organization that is described in section

501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

"(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit agency that holds money in an offshore account for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 (26 U.S.C. 511(a)).

"(C) DISCLOSURE.—Each nonprofit agency that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—Not more than $20,000 of the amounts made available to the Department of Justice to carry out this section may be used by the Attorney General, or by any individual or entity awarded a grant under this section to host, or make any expenditures relating to, a conference unless the Deputy Attorney General provides prior written authorization that the funds may be expended to host the conference or make such expenditure.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives an annual certification—

"(A) indicating whether—

"(i) all final audit reports issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(D) have been issued; and

"(iii) any reimbursements required under paragraph (1)(F) have been made; and

"(B) that includes a list of any grantees excluded under paragraph (1)(D) from the previous year.

"(i) PREVENTING DUPLICATIVE GRANTS.—

"(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare the possible grant with any other grants awarded to the applicant under this Act to determine whether the grants are for the same purpose.

"(2) REPORT.—If the Attorney General awards multiple grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

"(A) a list of all duplicate grants awarded, including the total dollar amount of any such grants awarded; and

"(B) the reason the Attorney General awarded the duplicate grants.".

SEC. 14005. FORENSIC ASSERTIVE COMMUNITY TREATMENT INITIATIVES.

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by—

(1) redesignating subsection (j) as subsection (o); and

(2) inserting after subsection (i) the following:

"(j) FORENSIC ASSERTIVE COMMUNITY TREATMENT (FACT) INITIATIVE PROGRAM.—

"(1) IN GENERAL.—The Attorney General may make grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand Assertive Community Treatment initiatives to develop forensic assertive community treatment (referred to in this subsection as 'FACT') programs that provide high intensity services in the community for individuals with mental illness with involvement in the criminal justice system to prevent future incarcerations.

"(2) ALLOWABLE USES.—Grant funds awarded under this subsection may be used for—

"(A) multidisciplinary team initiatives for individuals with mental illnesses with criminal justice involvement that address criminal justice involvement as part of treatment protocols;

"(B) FACT programs that involve mental health professionals, criminal justice agencies, chemical dependency specialists, nurses, psychiatrists, vocational specialists, forensic peer specialists, forensic specialists, and dedicated administrative support staff who work together to provide recovery oriented, 24/7 wraparound services;

"(C) services such as integrated evidence-based practices for the treatment of co-occurring mental health and substance-related disorders, assertive outreach and engagement, community-based service provision at participants' residence or in the community, psychiatric rehabilitation, recovery oriented services, services to address criminogenic risk factors, and community tenure;

"(D) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to eligible offenders

participating in the program, including behavioral health services and aftercare supervision; and

"(E) training for all FACT teams to promote high-fidelity practice principles and technical assistance to support effective and continuing integration with criminal justice agency partners.

"(3) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this subsection shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subsection.

"(4) APPLICATIONS.—To request a grant under this subsection, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.".

SEC. 14006. ASSISTANCE FOR INDIVIDUALS TRANSITIONING OUT OF SYSTEMS.

Section 2976(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(f)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) provide mental health treatment and transitional services for those with mental illnesses or with co-occurring disorders, including housing placement or assistance; and".

SEC. 14007. CO-OCCURRING SUBSTANCE ABUSE AND MENTAL HEALTH CHALLENGES IN DRUG COURTS.

Part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u et seq.) is amended—

(1) in section 2951(a)(1) (42 U.S.C. 3797u(a)(1)), by inserting ", including co-occurring substance abuse and mental health problems," after "problems"; and

(2) in section 2959(a) (42 U.S.C. 3797u–8(a)), by inserting ", including training for drug court personnel and officials on identifying and addressing co-occurring substance abuse and mental health problems" after "part".

42 USC 3797aa–1 note.

SEC. 14008. MENTAL HEALTH TRAINING FOR FEDERAL UNIFORMED SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce shall provide the following to each of the uniformed services (as that term is defined in section 101 of title 10, United States Code) under their direction:

(1) TRAINING PROGRAMS.—Programs that offer specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(2) IMPROVED TECHNOLOGY.—Computerized information systems or technological improvements to provide timely information to Federal law enforcement personnel, other branches of the uniformed services, and criminal justice system personnel to improve the Federal response to mentally ill individuals.

(3) COOPERATIVE PROGRAMS.—The establishment and expansion of cooperative efforts to promote public safety through the use of effective intervention with respect to mentally ill individuals encountered by members of the uniformed services.

SEC. 14009. ADVANCING MENTAL HEALTH AS PART OF OFFENDER REENTRY.

(a) REENTRY DEMONSTRATION PROJECTS.—Section 2976(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(f)), as amended by section 14006, is amended—

(1) in paragraph (3)(C), by inserting "mental health services," before "drug treatment"; and

(2) by adding at the end the following:

"(8) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.".

(b) MENTORING GRANTS.—Section 211(b)(2) of the Second Chance Act of 2007 (42 U.S.C. 17531(b)(2)) is amended by inserting ", including mental health care" after "community".

SEC. 14010. SCHOOL MENTAL HEALTH CRISIS INTERVENTION TEAMS.

Section 2701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) is amended—

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

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

"(4) The development and operation of crisis intervention teams that may include coordination with law enforcement agencies and specialized training for school officials in responding to mental health crises.".

SEC. 14011. ACTIVE-SHOOTER TRAINING FOR LAW ENFORCEMENT.

42 USC 3752 note.

The Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice, may provide safety training and technical assistance to local law enforcement agencies, including active-shooter response training.

SEC. 14012. CO-OCCURRING SUBSTANCE ABUSE AND MENTAL HEALTH CHALLENGES IN RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAMS.

Section 1901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff(a)) is amended—

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

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

(3) by adding at the end the following:

"(3) developing and implementing specialized residential substance abuse treatment programs that identify and provide appropriate treatment to inmates with co-occurring mental health and substance abuse disorders or challenges.".

SEC. 14013. MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking part CC and inserting the following:

"PART CC—MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS

42 USC 3797q.

"SEC. 2901. MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'eligible entity' means a State, unit of local government, Indian tribe, or nonprofit organization; and

"(2) the term 'eligible participant' means an individual who—

"(A) comes into contact with the criminal justice system or is arrested or charged with an offense that is not—

"(i) a crime of violence, as defined under applicable State law or in section 3156 of title 18, United States Code; or

"(ii) a serious drug offense, as defined in section 924(e)(2)(A) of title 18, United States Code;

"(B) has a history of, or a current—

"(i) substance use disorder;

"(ii) mental illness; or

"(iii) co-occurring mental illness and substance use disorder; and

"(C) has been approved for participation in a program funded under this section by the relevant law enforcement agency, prosecuting attorney, defense attorney, probation official, corrections official, judge, representative of a mental health agency, or representative of a substance abuse agency, as required by law.

"(b) PROGRAM AUTHORIZED.—The Attorney General may make grants to eligible entities to develop, implement, or expand a treatment alternative to incarceration program for eligible participants, including—

"(1) pre-booking treatment alternative to incarceration programs, including—

"(A) law enforcement training on substance use disorders, mental illness, and co-occurring mental illness and substance use disorders;

"(B) receiving centers as alternatives to incarceration of eligible participants;

"(C) specialized response units for calls related to substance use disorders, mental illness, or co-occurring mental illness and substance use disorders; and

"(D) other arrest and pre-booking treatment alternatives to incarceration models; or

"(2) post-booking treatment alternative to incarceration programs, including—

"(A) specialized clinical case management;

"(B) pre-trial services related to substances use disorders, mental illness, and co-occurring mental illness and substance use disorders;

"(C) prosecutor and defender based programs;

"(D) specialized probation;

"(E) treatment and rehabilitation programs; and

"(F) problem-solving courts, including mental health courts, drug courts, co-occurring mental health and substance abuse courts, DWI courts, and veterans treatment courts.

"(c) APPLICATION.—

"(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General—

"(A) that meets the criteria under paragraph (2); and

"(B) at such time, in such manner, and accompanied by such information as the Attorney General may require.

"(2) CRITERIA.—An eligible entity, in submitting an application under paragraph (1), shall—

"(A) provide extensive evidence of collaboration with State and local government agencies overseeing health, community corrections, courts, prosecution, substance abuse, mental health, victims services, and employment services, and with local law enforcement agencies;

"(B) demonstrate consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007);

"(C) demonstrate that evidence-based treatment practices will be utilized; and

"(D) demonstrate that evidence-based screening and assessment tools will be used to place participants in the treatment alternative to incarceration program.

"(d) REQUIREMENTS.—Each eligible entity awarded a grant for a treatment alternative to incarceration program under this section shall—

"(1) determine the terms and conditions of participation in the program by eligible participants, taking into consideration the collateral consequences of an arrest, prosecution or criminal conviction;

"(2) ensure that each substance abuse and mental health treatment component is licensed and qualified by the relevant jurisdiction;

"(3) for programs described in subsection (b)(2), organize an enforcement unit comprised of appropriately trained law enforcement professionals under the supervision of the State, Tribal, or local criminal justice agency involved, the duties of which shall include—

"(A) the verification of addresses and other contact information of each eligible participant who participates or desires to participate in the program; and

"(B) if necessary, the location, apprehension, arrest, and return to custody of an eligible participant in the program who has absconded from the facility of a treatment provider or has otherwise significantly violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements;

"(4) notify the relevant criminal justice entity if any eligible participant in the program absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements;

"(5) submit periodic reports on the progress of treatment or other measured outcomes from participation in the program of each eligible participant in the program to the relevant State, Tribal, or local criminal justice agency, including mental health courts, drug courts, co-occurring mental health and substance abuse courts, DWI courts, and veterans treatment courts;

"(6) describe the evidence-based methodology and outcome measurements that will be used to evaluate the program, and specifically explain how such measurements will provide valid measures of the impact of the program; and

"(7) describe how the program could be broadly replicated if demonstrated to be effective.

"(e) USE OF FUNDS.—An eligible entity shall use a grant received under this section for expenses of a treatment alternative to incarceration program, including—

"(1) salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit;

"(2) payments for treatment providers that are approved by the relevant State or Tribal jurisdiction and licensed, if necessary, to provide needed treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement; and

"(3) payments to public and nonprofit private entities that are approved by the State or Tribal jurisdiction and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program.

"(f) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of those Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant those funds. The Federal share of a grant made under this section may not exceed 50 percent of the total costs of the program described in an application under subsection (d).

"(g) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, the geographical distribution of grants under this section is equitable and includes a grant to an eligible entity in—

"(1) each State;

"(2) rural, suburban, and urban areas; and

"(3) Tribal jurisdictions.

"(h) REPORTS AND EVALUATIONS.—Each fiscal year, each recipient of a grant under this section during that fiscal year shall submit to the Attorney General a report on the outcomes of activities carried out using that grant in such form, containing such information, and on such dates as the Attorney General shall specify.

"(i) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date on which the final audit report is issued.

"(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

"(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

"(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

"(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

"(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

"(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used,

and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

"(A) indicating whether—

"(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

"(iii) all reimbursements required under paragraph (1)(E) have been made; and

"(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

"(5) PREVENTING DUPLICATIVE GRANTS.—

"(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

"(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

"(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

"(ii) the reason the Attorney General awarded the duplicate grants.".

SEC. 14014. NATIONAL CRIMINAL JUSTICE AND MENTAL HEALTH TRAINING AND TECHNICAL ASSISTANCE.

42 USC 3797aa–1.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa et seq.) is amended by adding at the end the following:

"SEC. 2992. NATIONAL CRIMINAL JUSTICE AND MENTAL HEALTH TRAINING AND TECHNICAL ASSISTANCE.

"(a) AUTHORITY.—The Attorney General may make grants to eligible organizations to provide for the establishment of a National Criminal Justice and Mental Health Training and Technical Assistance Center.

"(b) ELIGIBLE ORGANIZATION.—For purposes of subsection (a), the term 'eligible organization' means a national nonprofit organization that provides technical assistance and training to, and has special expertise and broad, national-level experience in, mental health, crisis intervention, criminal justice systems, law enforcement, translating evidence into practice, training, and research, and education and support of people with mental illness and the families of such individuals.

"(c) USE OF FUNDS.—Any organization that receives a grant under subsection (a) shall collaborate with other grant recipients to establish and operate a National Criminal Justice and Mental Health Training and Technical Assistance Center to—

"(1) provide law enforcement officer training regarding mental health and working with individuals with mental illnesses, with an emphasis on de-escalation of encounters between law enforcement officers and those with mental disorders or in crisis, which shall include support the development of in-person and technical information exchanges between systems and the individuals working in those systems in support of the concepts identified in the training;

"(2) provide education, training, and technical assistance for States, Indian tribes, territories, units of local government, service providers, nonprofit organizations, probation or parole officers, prosecutors, defense attorneys, emergency response providers, and corrections institutions to advance practice and knowledge relating to mental health crisis and approaches to mental health and criminal justice across systems;

"(3) provide training and best practices to mental health providers and criminal justice agencies relating to diversion initiatives, jail and prison strategies, reentry of individuals with mental illnesses into the community, and dispatch protocols and triage capabilities, including the establishment of learning sites;

"(4) develop suicide prevention and crisis intervention training and technical assistance for criminal justice agencies;

"(5) develop a receiving center system and pilot strategy that provides, for a jurisdiction, a single point of entry into the mental health and substance abuse system for assessments and appropriate placement of individuals experiencing a crisis;

"(6) collect data and best practices in mental health and criminal health and criminal justice initiatives and policies from grantees under this part, other recipients of grants under this section, Federal, State, and local agencies involved in the provision of mental health services, and nongovernmental organizations involved in the provision of mental health services;

"(7) develop and disseminate to mental health providers and criminal justice agencies evaluation tools, mechanisms, and measures to better assess and document performance measures and outcomes relating to the provision of mental health services;

"(8) disseminate information to States, units of local government, criminal justice agencies, law enforcement agencies, and other relevant entities about best practices, policy standards, and research findings relating to the provision of mental health services; and

"(9) provide education and support to individuals with mental illness involved with, or at risk of involvement with, the criminal justice system, including the families of such individuals.

"(d) ACCOUNTABILITY.—Grants awarded under this section shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice under subparagraph (C) that the audited grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year after the date on which the final audit report is issued.

"(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of grantees under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

"(C) FINAL AUDIT REPORT.—The Inspector General of the Department of Justice shall submit to the Attorney General a final report on each audit conducted under subparagraph (B).

"(D) MANDATORY EXCLUSION.—Grantees under this section about which there is an unresolved audit finding shall not be eligible to receive a grant under this section during the 2 fiscal years beginning after the end of the 1-year period described in subparagraph (A).

"(E) PRIORITY.—In making grants under this section, the Attorney General shall give priority to applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

"(F) REIMBURSEMENT.—If an entity receives a grant under this section during the 2-fiscal-year period during

which the entity is prohibited from receiving grants under subparagraph (D), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant that was improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment under clause (i) from the grantee that was erroneously awarded grant funds.

"(2) NONPROFIT AGENCY REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant program under this section, the term 'nonprofit agency' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

"(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit agency that holds money in an offshore account for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 (26 U.S.C. 511(a)).

"(C) DISCLOSURE.—Each nonprofit agency that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit to the Committee on the

Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives an annual certification—

"(A) indicating whether—

"(i) all final audit reports issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(D) have been issued; and

"(iii) any reimbursements required under paragraph (1)(F) have been made; and

"(B) that includes a list of any grantees excluded under paragraph (1)(D) from the previous year.

"(5) PREVENTING DUPLICATIVE GRANTS.—

"(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

"(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

"(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

"(ii) the reason the Attorney General awarded the duplicate grants.".

28 USC 534 note.

SEC. 14015. IMPROVING DEPARTMENT OF JUSTICE DATA COLLECTION ON MENTAL ILLNESS INVOLVED IN CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, on or after the date that is 90 days after the date on which the Attorney General promulgates regulations under subsection (b), any data prepared by, or submitted to, the Attorney General or the Director of the Federal Bureau of Investigation with respect to the incidences of homicides, law enforcement officers killed, seriously injured, and assaulted, or individuals killed or seriously injured by law enforcement officers shall include data with respect to the involvement of mental illness in such incidences, if any.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall promulgate or revise regulations as necessary to carry out subsection (a).

SEC. 14016. REPORTS ON THE NUMBER OF MENTALLY ILL OFFENDERS IN PRISON.

(a) REPORT ON THE COST OF TREATING THE MENTALLY ILL IN THE CRIMINAL JUSTICE SYSTEM.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report detailing the cost of imprisonment for individuals who have serious mental illness by the Federal Government or a State or unit of local government, which shall include—

(1) the number and type of crimes committed by individuals with serious mental illness each year; and

(2) detail strategies or ideas for preventing crimes by those individuals with serious mental illness from occurring.

(b) DEFINITION.—For purposes of this section, the Attorney General, in consultation with the Assistant Secretary of Mental Health and Substance Use Disorders, shall define "serious mental illness" based on the "Health Care Reform for Americans with Severe Mental Illnesses: Report" of the National Advisory Mental Health Council, American Journal of Psychiatry 1993; 150:1447–1465.

SEC. 14017. CODIFICATION OF DUE PROCESS FOR DETERMINATIONS BY SECRETARY OF VETERANS AFFAIRS OF MENTAL CAPACITY OF BENEFICIARIES.

38 USC 5501A.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5501 the following new section:

"§ 5501A. Beneficiaries' rights in mental competence determinations

"The Secretary may not make an adverse determination concerning the mental capacity of a beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title unless such beneficiary has been provided all of the following, subject to the procedures and timelines prescribed by the Secretary for determinations of incompetency:

"(1) Notice of the proposed adverse determination and the supporting evidence.

"(2) An opportunity to request a hearing.

"(3) An opportunity to present evidence, including an opinion from a medical professional or other person, on the capacity of the beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title.

"(4) An opportunity to be represented at no expense to the Government (including by counsel) at any such hearing and to bring a medical professional or other person to provide relevant testimony at any such hearing.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 55 is amended by inserting after the item relating to section 5501 the following new item:

38 USC 5501 prec.

"5501A. Beneficiaries' rights in mental competence determinations".

(c) EFFECTIVE DATE.—Section 5501A of title 38, United States Code, as added by subsection (a), shall apply to determinations made by the Secretary of Veterans Affairs on or after the date of the enactment of this Act.

38 USC 5501A note.

SEC. 14018. REAUTHORIZATION OF APPROPRIATIONS.

Subsection (o) of section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa), as redesignated by section 14006, is amended—

(1) in paragraph (1)(C), by striking "2009 through 2014" and inserting "2017 through 2021"; and

(2) by adding at the end the following:

"(3) LIMITATION.—Not more than 20 percent of the funds authorized to be appropriated under this section may be used for purposes described in subsection (i) (relating to veterans).".

Subtitle B—Comprehensive Justice and Mental Health

SEC. 14021. SEQUENTIAL INTERCEPT MODEL.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa), as amended by section 14005, is amended by inserting after subsection (j), the following:

"(k) SEQUENTIAL INTERCEPT GRANTS.—

"(1) DEFINITION.—In this subsection, the term 'eligible entity' means a State, unit of local government, Indian tribe, or tribal organization.

"(2) AUTHORIZATION.—The Attorney General may make grants under this subsection to an eligible entity for sequential intercept mapping and implementation in accordance with paragraph (3).

"(3) SEQUENTIAL INTERCEPT MAPPING; IMPLEMENTATION.—An eligible entity that receives a grant under this subsection may use funds for—

"(A) sequential intercept mapping, which—

"(i) shall consist of—

"(I) convening mental health and criminal justice stakeholders to—

"(aa) develop a shared understanding of the flow of justice-involved individuals with mental illnesses through the criminal justice system; and

"(bb) identify opportunities for improved collaborative responses to the risks and needs of individuals described in item (aa); and

"(II) developing strategies to address gaps in services and bring innovative and effective programs to scale along multiple intercepts, including—

"(aa) emergency and crisis services;

"(bb) specialized police-based responses;

"(cc) court hearings and disposition alternatives;

"(dd) reentry from jails and prisons; and

"(ee) community supervision, treatment and support services; and

"(ii) may serve as a starting point for the development of strategic plans to achieve positive public health and safety outcomes; and

"(B) implementation, which shall—

"(i) be derived from the strategic plans described in subparagraph (A)(ii); and

"(ii) consist of—

"(I) hiring and training personnel;

"(II) identifying the eligible entity's target population;

"(III) providing services and supports to reduce unnecessary penetration into the criminal justice system;

"(IV) reducing recidivism;

"(V) evaluating the impact of the eligible entity's approach; and

"(VI) planning for the sustainability of effective interventions.".

SEC. 14022. PRISON AND JAILS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (k), as added by section 14021, the following:

"(l) CORRECTIONAL FACILITIES.—

"(1) DEFINITIONS.—

"(A) CORRECTIONAL FACILITY.—The term 'correctional facility' means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

"(B) ELIGIBLE INMATE.—The term 'eligible inmate' means an individual who—

"(i) is being held, detained, or incarcerated in a correctional facility; and

"(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

"(2) CORRECTIONAL FACILITY GRANTS.—The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

"(A) to identify and screen for eligible inmates;

"(B) to plan and provide—

"(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

"(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

"(C) to develop, implement, and enhance—

"(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

"(ii) the availability of mental health care services and substance abuse treatment services; and

"(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

"(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.".

SEC. 14023. ALLOWABLE USES.

Section 2991(b)(5)(I) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(b)(5)(I)) is amended by adding at the end the following:

"(v) TEAMS ADDRESSING FREQUENT USERS OF CRISIS SERVICES.—Multidisciplinary teams that—

"(I) coordinate, implement, and administer community-based crisis responses and long-term plans for frequent users of crisis services;

"(II) provide training on how to respond appropriately to the unique issues involving frequent users of crisis services for public service personnel,

including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

"(III) develop or support alternatives to hospital and jail admissions for frequent users of crisis services that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; and

"(IV) develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to frequent users of crisis services.".

SEC. 14024. LAW ENFORCEMENT TRAINING.

Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders."; and

(2) by adding at the end the following:

"(4) PRIORITY CONSIDERATION.—The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.".

42 USC 3797aa–1 note.

SEC. 14025. FEDERAL LAW ENFORCEMENT TRAINING.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall provide direction and guidance for the following:

(1) TRAINING PROGRAMS.—Programs that offer specialized and comprehensive training, in procedures to identify and appropriately respond to incidents in which the unique needs of individuals who have a mental illness are involved, to first responders and tactical units of—

(A) Federal law enforcement agencies; and

(B) other Federal criminal justice agencies such as the Bureau of Prisons, the Administrative Office of the United States Courts, and other agencies that the Attorney General determines appropriate.

(2) IMPROVED TECHNOLOGY.—The establishment of, or improvement of existing, computerized information systems to provide timely information to employees of Federal law enforcement agencies, and Federal criminal justice agencies to improve the response of such employees to situations involving individuals who have a mental illness.

SEC. 14026. GAO REPORT.

No later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in coordination with the Attorney General, shall submit to Congress a report on—

(1) the practices that Federal first responders, tactical units, and corrections officers are trained to use in responding to individuals with mental illness;

(2) procedures to identify and appropriately respond to incidents in which the unique needs of individuals who have a mental illness are involved, to Federal first responders and tactical units;

(3) the application of evidence-based practices in criminal justice settings to better address individuals with mental illnesses; and

(4) recommendations on how the Department of Justice can expand and improve information sharing and dissemination of best practices.

SEC. 14027. EVIDENCE BASED PRACTICES.

Section 2991(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) by redesignating paragraph (4) as paragraph (6); and

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

"(4) propose interventions that have been shown by empirical evidence to reduce recidivism;

"(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or".

SEC. 14028. TRANSPARENCY, PROGRAM ACCOUNTABILITY, AND ENHANCEMENT OF LOCAL AUTHORITY.

(a) IN GENERAL.—Section 2991(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(1) in paragraph (7)—

(A) in the heading, by striking "MENTAL ILLNESS" and inserting "MENTAL ILLNESS; MENTAL HEALTH DISORDER"; and

(B) by striking "term 'mental illness' means" and inserting "terms 'mental illness' and 'mental health disorder' mean"; and

(2) by striking paragraph (9) and inserting the following:

"(9) PRELIMINARILY QUALIFIED OFFENDER.—

"(A) IN GENERAL.—The term 'preliminarily qualified offender' means an adult or juvenile accused of an offense who—

"(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

"(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

"(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder;

"(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate—

"(I) the relevant—

"(aa) prosecuting attorney;

"(bb) defense attorney;

"(cc) probation or corrections official; and

"(dd) judge; and

"(II) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i);

"(iii) has been determined, by each person described in clause (ii) who is involved in approving the adult or juvenile for participation in a program funded under this section, to not pose a risk of violence to any person in the program, or the public, if selected to participate in the program; and

"(iv) has not been charged with or convicted of—

"(I) any sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) or any offense relating to the sexual exploitation of children; or

"(II) murder or assault with intent to commit murder.

"(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

"(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

"(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

"(iii) the views of any relevant victims to the offense;

"(iv) the extent to which the defendant would benefit from participation in the program;

"(v) the extent to which the community would realize cost savings because of the defendant's participation in the program; and

"(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2927(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended by striking "has the meaning given that term in section 2991(a)." and inserting "means an offense that—

"(A) does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 14029. GRANT ACCOUNTABILITY.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (l), as added by section 14022, the following:

"(m) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

"(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

"(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

"(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

"(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

"(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

"(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

"(A) indicating whether—

"(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

"(iii) all reimbursements required under paragraph (1)(E) have been made; and

"(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

"(n) PREVENTING DUPLICATIVE GRANTS.—

"(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

"(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

"(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

"(B) the reason the Attorney General awarded the duplicate grants.".

DIVISION C—INCREASING CHOICE, ACCESS, AND QUALITY IN HEALTH CARE FOR AMERICANS

Increasing Choice, Access, and Quality in Health Care for Americans Act.

SEC. 15000. SHORT TITLE.

42 USC 1305 note.

This division may be cited as the "Increasing Choice, Access, and Quality in Health Care for Americans Act".

TITLE XV—PROVISIONS RELATING TO MEDICARE PART A

SEC. 15001. DEVELOPMENT OF MEDICARE HCPCS VERSION OF MS–DRG CODES FOR SIMILAR HOSPITAL SERVICES.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(t) RELATING SIMILAR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.—

"(1) DEVELOPMENT OF HCPCS VERSION OF MS–DRG CODES.—Not later than January 1, 2018, the Secretary shall develop HCPCS versions for MS–DRGs that are similar to the ICD–10–PCS for such MS–DRGs such that, to the extent possible, the MS–DRG assignment shall be similar for a claim coded with the HCPCS version as an identical claim coded with a ICD–10–PCS code.

"(2) COVERAGE OF SURGICAL MS–DRGS.—In carrying out paragraph (1), the Secretary shall develop HCPCS versions of MS–DRG codes for not fewer than 10 surgical MS–DRGs.

"(3) PUBLICATION AND DISSEMINATION OF THE HCPCS VERSIONS OF MS–DRGS.—

"(A) IN GENERAL.—The Secretary shall develop a HCPCS MS–DRG definitions manual and software that is similar to the definitions manual and software for ICD–10–PCS codes for such MS–DRGs. The Secretary shall post the HCPCS MS–DRG definitions manual and software on the Internet website of the Centers for Medicare & Medicaid Services. The HCPCS MS–DRG definitions

manual and software shall be in the public domain and available for use and redistribution without charge.

"(B) USE OF PREVIOUS ANALYSIS DONE BY MEDPAC.—In developing the HCPCS MS–DRG definitions manual and software under subparagraph (A), the Secretary shall consult with the Medicare Payment Advisory Commission and shall consider the analysis done by such Commission in translating outpatient surgical claims into inpatient surgical MS–DRGs in preparing chapter 7 (relating to hospital short-stay policy issues) of its 'Medicare and the Health Care Delivery System' report submitted to Congress in June 2015.

"(4) DEFINITION AND REFERENCE.—In this subsection:

"(A) HCPCS.—The term 'HCPCS' means, with respect to hospital items and services, the code under the Healthcare Common Procedure Coding System (HCPCS) (or a successor code) for such items and services.

"(B) ICD–10–PCS.—The term 'ICD–10–PCS' means the International Classification of Diseases, 10th Revision, Procedure Coding System, and includes any subsequent revision of such International Classification of Diseases, Procedure Coding System.".

SEC. 15002. ESTABLISHING BENEFICIARY EQUITY IN THE MEDICARE HOSPITAL READMISSION PROGRAM.

(a) TRANSITIONAL ADJUSTMENT FOR DUAL ELIGIBLE POPULATION.—Section 1886(q)(3) of the Social Security Act (42 U.S.C. 1395ww(q)(3)) is amended—

(1) in subparagraph (A), by inserting "subject to subparagraph (D)," after "purposes of paragraph (1),"; and

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

"(D) TRANSITIONAL ADJUSTMENT FOR DUAL ELIGIBLES.—

"(i) IN GENERAL.—In determining a hospital's adjustment factor under this paragraph for purposes of making payments for discharges occurring during and after fiscal year 2019, and before the application of clause (i) of subparagraph (E), the Secretary shall assign hospitals to groups (as defined by the Secretary under clause (ii)) and apply the applicable provisions of this subsection using a methodology in a manner that allows for separate comparison of hospitals within each such group, as determined by the Secretary.

"(ii) DEFINING GROUPS.—For purposes of this subparagraph, the Secretary shall define groups of hospitals, based on their overall proportion, of the inpatients who are entitled to, or enrolled for, benefits under part A, and who are full-benefit dual eligible individuals (as defined in section 1935(c)(6)). In defining groups, the Secretary shall consult the Medicare Payment Advisory Commission and may consider the analysis done by such Commission in preparing the portion of its report submitted to Congress in June 2013 relating to readmissions.

"(iii) MINIMIZING REPORTING BURDEN ON HOSPITALS.—In carrying out this subparagraph, the Secretary shall not impose any additional reporting requirements on hospitals.

"(iv) BUDGET NEUTRAL DESIGN METHODOLOGY.—The Secretary shall design the methodology to implement this subparagraph so that the estimated total amount of reductions in payments under this subsection equals the estimated total amount of reductions in payments that would otherwise occur under this subsection if this subparagraph did not apply.".

(b) CHANGES IN RISK ADJUSTMENT.—Section 1886(q)(3) of the Social Security Act (42 U.S.C. 1395ww(q)(3)), as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(E) CHANGES IN RISK ADJUSTMENT.—

"(i) CONSIDERATION OF RECOMMENDATIONS IN IMPACT REPORTS.—The Secretary may take into account the studies conducted and the recommendations made by the Secretary under section 2(d)(1) of the IMPACT Act of 2014 (Public Law 113–185; 42 U.S.C. 1395lll note) with respect to the application under this subsection of risk adjustment methodologies. Nothing in this clause shall be construed as precluding consideration of the use of groupings of hospitals.

"(ii) CONSIDERATION OF EXCLUSION OF PATIENT CASES BASED ON V OR OTHER APPROPRIATE CODES.—In promulgating regulations to carry out this subsection with respect to discharges occurring after fiscal year 2018, the Secretary may consider the use of V or other ICD-related codes for removal of a readmission. The Secretary may consider modifying measures under this subsection to incorporate V or other ICD-related codes at the same time as other changes are being made under this subparagraph.

"(iii) REMOVAL OF CERTAIN READMISSIONS.—In promulgating regulations to carry out this subsection, with respect to discharges occurring after fiscal year 2018, the Secretary may consider removal as a readmission of an admission that is classified within one or more of the following: transplants, end-stage renal disease, burns, trauma, psychosis, or substance abuse. The Secretary may consider modifying measures under this subsection to remove readmissions at the same time as other changes are being made under this subparagraph.".

(c) MEDPAC STUDY ON READMISSIONS PROGRAM.—The Medicare Payment Advisory Commission shall conduct a study to review overall hospital readmissions described in section 1886(q)(5)(E) of the Social Security Act (42 U.S.C. 1395ww(q)(5)(E)) and whether such readmissions are related to any changes in outpatient and emergency services furnished. The Commission shall submit to Congress a report on such study in its report to Congress in June 2018.

SEC. 15003. FIVE-YEAR EXTENSION OF THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.

(a) EXTENSION.—Section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 42 U.S.C. 1395ww note) is amended—

(1) in subsection (a)(5), by striking "5-year extension period" and inserting "10-year extension period"; and

(2) in subsection (g)—

(A) in the subsection heading, by striking "FIVE-YEAR" and inserting "TEN-YEAR";

(B) in paragraph (1), by striking "additional 5-year" and inserting "additional 10-year";

(C) by striking "5-year extension period" and inserting "10-year extension period" each place it appears;

(D) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by inserting "each 5-year period in" after "hospital during"; and

(ii) in clause (i), by inserting "each applicable 5-year period in" after "the first day of"; and

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

"(5) OTHER HOSPITALS IN DEMONSTRATION PROGRAM.—During the second 5 years of the 10-year extension period, the Secretary shall apply the provisions of paragraph (4) to rural community hospitals that are not described in paragraph (4) but are participating in the demonstration program under this section as of December 30, 2014, in a similar manner as such provisions apply to rural community hospitals described in paragraph (4).

"(6) EXPANSION OF DEMONSTRATION PROGRAM TO RURAL AREAS IN ANY STATE.—

"(A) IN GENERAL.—The Secretary shall, notwithstanding subsection (a)(2) or paragraph (2) of this subsection, not later than 120 days after the date of the enactment of this paragraph, issue a solicitation for applications to select up to the maximum number of additional rural community hospitals located in any State to participate in the demonstration program under this section for the second 5 years of the 10-year extension period without exceeding the limitation under paragraph (3) of this subsection.

"(B) PRIORITY.—In determining which rural community hospitals that submitted an application pursuant to the solicitation under subparagraph (A) to select for participation in the demonstration program, the Secretary—

"(i) shall give priority to rural community hospitals located in one of the 20 States with the lowest population densities (as determined by the Secretary using the 2015 Statistical Abstract of the United States); and

"(ii) may consider—

"(I) closures of hospitals located in rural areas in the State in which the rural community hospital is located during the 5-year period immediately preceding the date of the enactment of this paragraph; and

"(II) the population density of the State in which the rural community hospital is located.".

(b) CHANGE IN TIMING FOR REPORT.—Subsection (e) of such section 410A is amended—

(1) by striking "Not later than 6 months after the completion of the demonstration program under this section" and inserting "Not later than August 1, 2018"; and

(2) by striking "such program" and inserting "the demonstration program under this section".

SEC. 15004. REGULATORY RELIEF FOR LTCHS.

(a) TECHNICAL CHANGE TO THE MEDICARE LONG-TERM CARE HOSPITAL MORATORIUM EXCEPTION.—

(1) IN GENERAL.—Section 114(d)(7) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by sections 3106(b) and 10312(b) of Public Law 111–148, section 1206(b)(2) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67), and section 112 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), is amended by striking "The moratorium under paragraph (1)(A)" and inserting "Any moratorium under paragraph (1)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 112 of the Protecting Access to Medicare Act of 2014. 42 USC 1395ww note.

(b) MODIFICATION TO MEDICARE LONG-TERM CARE HOSPITAL HIGH COST OUTLIER PAYMENTS.—Section 1886(m) of the Social Security Act (42 U.S.C. 1395ww(m)) is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF HIGH COST OUTLIER PAYMENTS.—

"(A) ADJUSTMENT TO THE STANDARD FEDERAL PAYMENT RATE FOR ESTIMATED HIGH COST OUTLIER PAYMENTS.—Under the system described in paragraph (1), for fiscal years beginning on or after October 1, 2017, the Secretary shall reduce the standard Federal payment rate as if the estimated aggregate amount of high cost outlier payments for standard Federal payment rate discharges for each such fiscal year would be equal to 8 percent of estimated aggregate payments for standard Federal payment rate discharges for each such fiscal year.

"(B) LIMITATION ON HIGH COST OUTLIER PAYMENT AMOUNTS.—Notwithstanding subparagraph (A), the Secretary shall set the fixed loss amount for high cost outlier payments such that the estimated aggregate amount of high cost outlier payments made for standard Federal payment rate discharges for fiscal years beginning on or after October 1, 2017, shall be equal to 99.6875 percent of 8 percent of estimated aggregate payments for standard Federal payment rate discharges for each such fiscal year.

"(C) WAIVER OF BUDGET NEUTRALITY.—Any reduction in payments resulting from the application of subparagraph (B) shall not be taken into account in applying any budget neutrality provision under such system.

"(D) NO EFFECT ON SITE NEUTRAL HIGH COST OUTLIER PAYMENT RATE.—This paragraph shall not apply with respect to the computation of the applicable site neutral payment rate under paragraph (6).".

SEC. 15005. SAVINGS FROM IPPS MACRA PAY-FOR THROUGH NOT APPLYING DOCUMENTATION AND CODING ADJUSTMENTS.

Section 7(b)(1)(B) of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), as amended by section 631(b) of the American Taxpayer Relief Act of 2012 (Public Law 112–240) and section 414(1)(B)(iii) of the Medicare

Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), is amended in clause (iii) by striking "an increase of 0.5 percentage points for discharges occurring during each of fiscal years 2018 through 2023" and inserting "an increase of 0.4588 percentage points for discharges occurring during fiscal year 2018 and 0.5 percentage points for discharges occurring during each of fiscal years 2019 through 2023".

SEC. 15006. EXTENSION OF CERTAIN LTCH MEDICARE PAYMENT RULES.

(a) 25–PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT.—Section 114(c)(1)(A) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of division B of the American Recovery and Reinvestment Act (Public Law 111–5), sections 3106(a) and 10312(a) of Public Law 111–148, and section 1206(b)(1)(B) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67), is amended by striking "for a 9-year period" and inserting "through June 30, 2016, and for discharges occurring on or after October 1, 2016, and before October 1, 2017".

(b) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—Section 114(c)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of division B of the American Recovery and Reinvestment Act (Public Law 111–5), sections 3106(a) and 10312(a) of Public Law 111–148, and section 1206(b)(1)(A) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67), is amended—

(1) in subparagraph (A), by inserting "or any similar provision," after "Regulations,";

(2) in subparagraph (B)—

(A) in clause (i), by inserting "or any similar provision," after "Regulations,"; and

(B) in clause (ii), by inserting ", or any similar provision," after "Regulations"; and

(3) in subparagraph (C), by striking "for a 9-year period" and inserting "through June 30, 2016, and for discharges occurring on or after October 1, 2016, and before October 1, 2017".

SEC. 15007. APPLICATION OF RULES ON THE CALCULATION OF HOSPITAL LENGTH OF STAY TO ALL LTCHS.

(a) IN GENERAL.—Section 1206(a)(3) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67; 42 U.S.C. 1395ww note) is amended—

(1) by striking subparagraph (B);

(2) by striking "SITE NEUTRAL BASIS.—" and all that follows through "For discharges occurring" and inserting "SITE NEUTRAL BASIS.—For discharges occurring";

(3) by striking "subject to subparagraph (B),"; and

(4) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving each of such subparagraphs (as so redesignated) 2 ems to the left.

42 USC 1395ww note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 1206(a)(3) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67; 42 U.S.C. 1395ww note).

SEC. 15008. CHANGE IN MEDICARE CLASSIFICATION FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Subsection (d)(1)(B)(iv) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II)—

(A) by striking ", or" at the end and inserting a semicolon;

(B) by redesignating such subclause as clause (vi) and by moving it to immediately follow clause (v); and

(C) in clause (v), by striking the semicolon at the end and inserting ", or"; and

(3) by striking "(iv)(I) a hospital" and inserting "(iv) a hospital".

(b) CONFORMING PAYMENT REFERENCES.—The second sentence of subsection (d)(1)(B) of such section is amended—

(1) by inserting "(as in effect as of such date)" after "clause (iv)"; and

(2) by inserting "(or, in the case of a hospital described in clause (iv)(II), as so in effect, shall be classified under clause (vi) on and after the effective date of such clause (vi) and for cost reporting periods beginning on or after January 1, 2015, shall not be subject to subsection (m) as of the date of such classification)" after "so classified".

(c) APPLICATION.— 42 USC 1395ww note.

(1) IN GENERAL.—For cost reporting periods beginning on or after January 1, 2015, in the case of an applicable hospital (as defined in paragraph (3)), the following shall apply:

(A) Payment for inpatient operating costs shall be made on a reasonable cost basis in the manner provided in section 412.526(c)(3) of title 42, Code of Federal Regulations (as in effect on January 1, 2015) and in any subsequent modifications.

(B) Payment for capital costs shall be made in the manner provided by section 412.526(c)(4) of title 42, Code of Federal Regulations (as in effect on such date).

(C) Claims for payment for Medicare beneficiaries who are discharged on or after January 1, 2017, shall be processed as claims which are paid on a reasonable cost basis as described in section 412.526(c) of title 42, Code of Federal Regulations (as in effect on such date).

(2) APPLICABLE HOSPITAL DEFINED.—In this subsection, the term "applicable hospital" means a hospital that is classified under clause (iv)(II) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) on the day before the date of the enactment of this Act and which is classified under clause (vi) of such section, as redesignated and moved by subsection (a), on or after such date of enactment.

(d) CONFORMING TECHNICAL AMENDMENTS.—

(1) Section 1899B(a)(2)(A)(iv) of the Social Security Act (42 U.S.C. 1395lll(a)(2)(A)(iv)) is amended by striking "1886(d)(1)(B)(iv)(II)" and inserting "1886(d)(1)(B)(vi)".

(2) Section 1886(m)(5)(F) of such Act (42 U.S.C. 1395ww(m)(5)(F)) is amended in each of clauses (i) and (ii) by striking "(d)(1)(B)(iv)(II)" and inserting "(d)(1)(B)(vi)".

SEC. 15009. TEMPORARY EXCEPTION TO THE APPLICATION OF THE MEDICARE LTCH SITE NEUTRAL PROVISIONS FOR CERTAIN SPINAL CORD SPECIALTY HOSPITALS.

(a) EXCEPTION.—Section 1886(m)(6) of the Social Security Act (42 U.S.C. 1395ww(m)(6)) is amended—

(1) in subparagraph (A)(i), by striking "and (E)" and inserting ", (E), and (F)"; and

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

"(F) TEMPORARY EXCEPTION FOR CERTAIN SPINAL CORD SPECIALTY HOSPITALS.—For discharges in cost reporting periods beginning during fiscal years 2018 and 2019, subparagraph (A)(i) shall not apply (and payment shall be made to a long-term care hospital without regard to this paragraph) if such discharge is from a long-term care hospital that meets each of the following requirements:

"(i) NOT-FOR-PROFIT.—The long-term care hospital was a not-for-profit long-term care hospital on June 1, 2014, as determined by cost report data.

"(ii) PRIMARILY PROVIDING TREATMENT FOR CATASTROPHIC SPINAL CORD OR ACQUIRED BRAIN INJURIES OR OTHER PARALYZING NEUROMUSCULAR CONDITIONS.—Of the discharges in calendar year 2013 from the long-term care hospital for which payment was made under this section, at least 50 percent were classified under MS–LTCH–DRGs 28, 29, 52, 57, 551, 573, and 963.

"(iii) SIGNIFICANT OUT-OF-STATE ADMISSIONS.—

"(I) IN GENERAL.—The long-term care hospital discharged inpatients (including both individuals entitled to, or enrolled for, benefits under this title and individuals not so entitled or enrolled) during fiscal year 2014 who had been admitted from at least 20 of the 50 States, determined by the States of residency of such inpatients and based on such data submitted by the hospital to the Secretary as the Secretary may require.

"(II) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement subclause (I) by program instruction or otherwise.

"(III) NON-APPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to data collected under this clause.".

(b) STUDY AND REPORT ON THE STATUS AND VIABILITY OF CERTAIN SPINAL CORD SPECIALTY LONG-TERM CARE HOSPITALS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on long-term care hospitals described in section 1886(m)(6)(F) of the Social Security Act, as added by subsection (a). Such report shall include an analysis of the following:

(A) The impact on such hospitals of the classification and facility licensure by State agencies of such hospitals.

(B) The Medicare payment rates for such hospitals.

(C) Data on the number and health care needs of Medicare beneficiaries who have been diagnosed with catastrophic spinal cord or acquired brain injuries or other paralyzing neuromuscular conditions (as described within

the discharge classifications specified in clause (ii) of such section) who are receiving services from such hospitals.

(2) REPORT.—Not later than October 1, 2018, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1), including recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 15010. TEMPORARY EXTENSION TO THE APPLICATION OF THE MEDICARE LTCH SITE NEUTRAL PROVISIONS FOR CERTAIN DISCHARGES WITH SEVERE WOUNDS.

(a) IN GENERAL.—Section 1886(m)(6) of the Social Security Act (42 U.S.C. 1395ww(m)(6)), as amended by section 15009, is further amended—

(1) in subparagraph (A)(i) by striking "and (F)" and inserting "(F), and (G)";

(2) in subparagraph (E)(i)(I)(aa), by striking "the amendment made" and all that follows before the semicolon and inserting "the last sentence of subsection (d)(1)(B)"; and

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

"(G) ADDITIONAL TEMPORARY EXCEPTION FOR CERTAIN SEVERE WOUND DISCHARGES FROM CERTAIN LONG-TERM CARE HOSPITALS.—

"(i) IN GENERAL.—For a discharge occurring in a cost reporting period beginning during fiscal year 2018, subparagraph (A)(i) shall not apply (and payment shall be made to a long-term care hospital without regard to this paragraph) if such discharge—

"(I) is from a long-term care hospital identified by the last sentence of subsection (d)(1)(B);

"(II) is classified under MS–LTCH–DRG 602, 603, 539, or 540; and

"(III) is with respect to an individual treated by a long-term care hospital for a severe wound.

"(ii) SEVERE WOUND DEFINED.—In this subparagraph, the term 'severe wound' means a wound which is a stage 3 wound, stage 4 wound, unstageable wound, non-healing surgical wound, or fistula as identified in the claim from the long-term care hospital.

"(iii) WOUND DEFINED.—In this subparagraph, the term 'wound' means an injury involving division of tissue or rupture of the integument or mucous membrane with exposure to the external environment.".

(c) STUDY AND REPORT TO CONGRESS.—

(1) STUDY.—The Comptroller General of the United States shall, in consultation with relevant stakeholders, conduct a study on the treatment needs of individuals entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title who require specialized wound care, and the cost, for such individuals and the Medicare program under such title, of treating severe wounds in rural and urban areas. Such study shall include an assessment of—

(A) access of such individuals to appropriate levels of care for such cases;

(B) the potential impact that section 1886(m)(6)(A)(i) of such Act (42 U.S.C. 1395ww(m)(6)(A)(i)) will have on

the access, quality, and cost of care for such individuals; and

(C) how to appropriately pay for such care under the Medicare program under such title.

(2) REPORT.—Not later than October 1, 2020, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1), including recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

TITLE XVI—PROVISIONS RELATING TO MEDICARE PART B

SEC. 16001. CONTINUING MEDICARE PAYMENT UNDER HOPD PROSPECTIVE PAYMENT SYSTEM FOR SERVICES FURNISHED BY MID-BUILD OFF-CAMPUS OUTPATIENT DEPARTMENTS OF PROVIDERS.

(a) IN GENERAL.—Section 1833(t)(21) of the Social Security Act (42 U.S.C. 1395l(t)(21)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking "clause (ii)" and inserting "the subsequent provisions of this subparagraph"; and

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

"(iii) DEEMED TREATMENT FOR 2017.—For purposes of applying clause (ii) with respect to applicable items and services furnished during 2017, a department of a provider (as so defined) not described in such clause is deemed to be billing under this subsection with respect to covered OPD services furnished prior to November 2, 2015, if the Secretary received from the provider prior to December 2, 2015, an attestation (pursuant to section 413.65(b)(3) of title 42 of the Code of Federal Regulations) that such department was a department of a provider (as so defined).

"(iv) ALTERNATIVE EXCEPTION BEGINNING WITH 2018.—For purposes of paragraph (1)(B)(v) and this paragraph with respect to applicable items and services furnished during 2018 or a subsequent year, the term 'off-campus outpatient department of a provider' also shall not include a department of a provider (as so defined) that is not described in clause (ii) if—

"(I) the Secretary receives from the provider an attestation (pursuant to such section 413.65(b)(3)) not later than December 31, 2016 (or, if later, 60 days after the date of the enactment of this clause), that such department met the requirements of a department of a provider specified in section 413.65 of title 42 of the Code of Federal Regulations;

"(II) the provider includes such department as part of the provider on its enrollment form in accordance with the enrollment process under section 1866(j); and

"(III) the department met the mid-build requirement of clause (v) and the Secretary receives, not later than 60 days after the date

of the enactment of this clause, from the chief executive officer or chief operating officer of the provider a written certification that the department met such requirement.

"(v) MID-BUILD REQUIREMENT DESCRIBED.—The mid-build requirement of this clause is, with respect to a department of a provider, that before November 2, 2015, the provider had a binding written agreement with an outside unrelated party for the actual construction of such department.

"(vii) AUDIT.—Not later than December 31, 2018, the Secretary shall audit the compliance with requirements of clause (iv) with respect to each department of a provider to which such clause applies. If the Secretary finds as a result of an audit under this clause that the applicable requirements were not met with respect to such department, the department shall not be excluded from the term 'off-campus outpatient department of a provider' under such clause.

"(viii) IMPLEMENTATION.—For purposes of implementing clauses (iii) through (vii):

"(I) Notwithstanding any other provision of law, the Secretary may implement such clauses by program instruction or otherwise.

"(II) Subchapter I of chapter 35 of title 44, United States Code, shall not apply.

"(III) For purposes of carrying out this subparagraph with respect to clauses (iii) and (iv) (and clause (vii) insofar as it relates to clause (iv)), $10,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841, to remain available until December 31, 2018."; and

(2) in subparagraph (E), by adding at the end the following new clause:

"(iv) The determination of an audit under subparagraph (B)(vii).".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 603 of the Bipartisan Budget Act of 2015 (Public Law 114–74). 42 USC 1395*l* note.

SEC. 16002. TREATMENT OF CANCER HOSPITALS IN OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER POLICY.

(a) IN GENERAL.—Section 1833(t)(21)(B) of the Social Security Act (42 U.S.C. 1395l(t)(21)(B)), as amended by section 16001(a), is amended—

(1) by inserting after clause (v) the following new clause:

"(vi) EXCLUSION FOR CERTAIN CANCER HOSPITALS.—For purposes of paragraph (1)(B)(v) and this paragraph with respect to applicable items and services furnished during 2017 or a subsequent year, the term 'off-campus outpatient department of a provider' also shall not include a department of a provider (as so defined) that is not described in clause (ii) if the provider is a hospital described in section 1886(d)(1)(B)(v) and—

"(I) in the case of a department that met the requirements of section 413.65 of title 42 of the

Code of Federal Regulations after November 1, 2015, and before the date of the enactment of this clause, the Secretary receives from the provider an attestation that such department met such requirements not later than 60 days after such date of enactment; or

"(II) in the case of a department that meets such requirements after such date of enactment, the Secretary receives from the provider an attestation that such department meets such requirements not later than 60 days after the date such requirements are first met with respect to such department.";

(2) in clause (vii), by inserting after the first sentence the following: "Not later than 2 years after the date the Secretary receives an attestation under clause (vi) relating to compliance of a department of a provider with requirements referred to in such clause, the Secretary shall audit the compliance with such requirements with respect to the department."; and

(3) in clause (viii)(III), by adding at the end the following: "For purposes of carrying out this subparagraph with respect to clause (vi) (and clause (vii) insofar as it relates to such clause), $2,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841, to remain available until expended.".

(b) OFFSETTING SAVINGS.—Section 1833(t)(18) of the Social Security Act (42 U.S.C. 1395l(t)(18)) is amended—

(1) in subparagraph (B), by inserting ", subject to subparagraph (C)," after "shall"; and

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

"(C) TARGET PCR ADJUSTMENT.—In applying section 419.43(i) of title 42 of the Code of Federal Regulations to implement the appropriate adjustment under this paragraph for services furnished on or after January 1, 2018, the Secretary shall use a target PCR that is 1.0 percentage points less than the target PCR that would otherwise apply. In addition to the percentage point reduction under the previous sentence, the Secretary may consider making an additional percentage point reduction to such target PCR that takes into account payment rates for applicable items and services described in paragraph (21)(C) other than for services furnished by hospitals described in section 1886(d)(1)(B)(v). In making any budget neutrality adjustments under this subsection for 2018 or a subsequent year, the Secretary shall not take into account the reduced expenditures that result from the application of this subparagraph.".

42 USC 1395*l* note.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 603 of the Bipartisan Budget Act of 2015 (Public Law 114–74).

SEC. 16003. TREATMENT OF ELIGIBLE PROFESSIONALS IN AMBULATORY SURGICAL CENTERS FOR MEANINGFUL USE AND MIPS.

Section 1848(a)(7)(D) of the Social Security Act (42 U.S.C. 1395w–4(a)(7)(D)) is amended—

(1) by striking "HOSPITAL-BASED ELIGIBLE PROFESSIONALS" and all that follows through "No payment" and inserting the following: "HOSPITAL-BASED AND AMBULATORY SURGICAL CENTER-BASED ELIGIBLE PROFESSIONALS.—

"(i) HOSPITAL-BASED.—No payment"; and

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

"(ii) AMBULATORY SURGICAL CENTER-BASED.—Subject to clause (iv), no payment adjustment may be made under subparagraph (A) for 2017 and 2018 in the case of an eligible professional with respect to whom substantially all of the covered professional services furnished by such professional are furnished in an ambulatory surgical center.

"(iii) DETERMINATION.—The determination of whether an eligible professional is an eligible professional described in clause (ii) may be made on the basis of—

"(I) the site of service (as defined by the Secretary); or

"(II) an attestation submitted by the eligible professional.

Determinations made under subclauses (I) and (II) shall be made without regard to any employment or billing arrangement between the eligible professional and any other supplier or provider of services.

"(iv) SUNSET.—Clause (ii) shall no longer apply as of the first year that begins more than 3 years after the date on which the Secretary determines, through notice and comment rulemaking, that certified EHR technology applicable to the ambulatory surgical center setting is available.".

SEC. 16004. CONTINUING ACCESS TO HOSPITALS ACT OF 2016.

(a) EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2016.—Section 1 of Public Law 113–198, as amended by section 1 of Public Law 114–112, is amended—

(1) in the heading, by striking "**2014 AND 2015**" and inserting "**2016**"; and

(2) by striking "and 2015" and inserting ", 2015, and 2016".

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6)) shall submit to Congress a report analyzing the effect of the extension of the enforcement instruction under section 1 of Public Law 113–198, as amended by section 1 of Public Law 114–112 and subsection (a) of this section, on the access to health care by Medicare beneficiaries, on the economic impact and the impact upon hospital staffing needs, and on the quality of health care furnished to such beneficiaries.

SEC. 16005. DELAY OF IMPLEMENTATION OF MEDICARE FEE SCHEDULE ADJUSTMENTS FOR WHEELCHAIR ACCESSORIES AND SEATING SYSTEMS WHEN USED IN CONJUNCTION WITH COMPLEX REHABILITATION TECHNOLOGY (CRT) WHEELCHAIRS.

Section 2(a) of the Patient Access and Medicare Protection Act (42 U.S.C. 1305 note) is amended by striking "January 1, 2017" and inserting "July 1, 2017".

SEC. 16006. ALLOWING PHYSICAL THERAPISTS TO UTILIZE LOCUM TENENS ARRANGEMENTS UNDER MEDICARE.

(a) IN GENERAL.—The first sentence of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)), as amended by section 5012, is further amended—

(1) by striking "and" before "(I)"; and

(2) by inserting before the period at the end the following: ", and (J) in the case of outpatient physical therapy services furnished by physical therapists in a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act), a medically underserved area (as designated pursuant to section 330(b)(3)(A) of such Act), or a rural area (as defined in section 1886(d)(2)(D)), subparagraph (D) of this sentence shall apply to such services and therapists in the same manner as such subparagraph applies to physicians' services furnished by physicians".

42 USC 1395u note.

(b) EFFECTIVE DATE; IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished beginning not later than six months after the date of the enactment of this Act.

(2) IMPLEMENTATION.—The Secretary of Health and Human Services may implement subparagraph (J) of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)), as added by subsection (a)(2), by program instruction or otherwise.

SEC. 16007. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of title 42, Code of Federal Regulations, from June 30, 2016, to December 31, 2016 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after January 1, 2017).

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines the impact of applicable payment adjustments upon—

(i) the number of suppliers of durable medical equipment that, on a date that is not before January 1, 2016, and not later than December 31, 2016, ceased to conduct business as such suppliers; and

(ii) the availability of durable medical equipment, during the period beginning on January 1, 2016, and ending on December 31, 2016, to individuals entitled to benefits under part A of title XVIII of the Social

Security Act (42 U.S.C. 1395 et seq.) or enrolled under part B of such title.

(B) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(i) SUPPLIER; DURABLE MEDICAL EQUIPMENT.—The terms "supplier" and "durable medical equipment" have the meanings given such terms by section 1861 of the Social Security Act (42 U.S.C. 1395x).

(ii) APPLICABLE PAYMENT ADJUSTMENT.—The term "applicable payment adjustment" means a payment adjustment described in section 414.210(g) of title 42, Code of Federal Regulations, that is phased in by paragraph (9)(i) of such section. For purposes of the preceding sentence, a payment adjustment that is phased in pursuant to the extension under subsection (a) shall be considered a payment adjustment that is phased in by such paragraph (9)(i).

(2) REPORT.—The Secretary of Health and Human Services shall, not later than January 12, 2017, submit to the Committees on Ways and Means and on Energy and Commerce of the House of Representatives, and to the Committee on Finance of the Senate, a report on the findings of the study conducted under paragraph (1).

SEC. 16008. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: "In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

"(i) solicit and take into account stakeholder input; and

"(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

"(I) The average travel distance and cost associated with furnishing items and services in the area.

"(II) The average volume of items and services furnished by suppliers in the area.

"(III) The number of suppliers in the area.".

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking "the Secretary" and inserting "subject to subsection (a)(1)(G), the Secretary".

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking "the Secretary" and inserting "subject to section 1834(a)(1)(G), the Secretary".

TITLE XVII—OTHER MEDICARE PROVISIONS

SEC. 17001. DELAY IN AUTHORITY TO TERMINATE CONTRACTS FOR MEDICARE ADVANTAGE PLANS FAILING TO ACHIEVE MINIMUM QUALITY RATINGS.

42 USC 1395w–27 note.

(a) FINDINGS.—Consistent with the studies provided under the IMPACT Act of 2014 (Public Law 113–185), it is the intent of Congress—

(1) to continue to study and request input on the effects of socioeconomic status and dual-eligible populations on the Medicare Advantage STARS rating system before reforming such system with the input of stakeholders; and

(2) pending the results of such studies and input, to provide for a temporary delay in authority of the Centers for Medicare & Medicaid Services (CMS) to terminate Medicare Advantage plan contracts solely on the basis of performance of plans under the STARS rating system.

(b) DELAY IN MA CONTRACT TERMINATION AUTHORITY FOR PLANS FAILING TO ACHIEVE MINIMUM QUALITY RATINGS.—Section 1857(h) of the Social Security Act (42 U.S.C. 1395w–27(h)) is amended by adding at the end the following new paragraph:

"(3) DELAY IN CONTRACT TERMINATION AUTHORITY FOR PLANS FAILING TO ACHIEVE MINIMUM QUALITY RATING.—During the period beginning on the date of the enactment of this paragraph and through the end of plan year 2018, the Secretary may not terminate a contract under this section with respect to the offering of an MA plan by a Medicare Advantage organization solely because the MA plan has failed to achieve a minimum quality rating under the 5-star rating system under section 1853(o)(4).".

SEC. 17002. REQUIREMENT FOR ENROLLMENT DATA REPORTING FOR MEDICARE.

Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

"(g) REQUIREMENT FOR ENROLLMENT DATA REPORTING.—

"(1) IN GENERAL.—Each year (beginning with 2016), the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on Medicare enrollment data (and, in the case of part A, on data on individuals receiving benefits under such part) as of a date in such year specified by the Secretary. Such data shall be presented—

"(A) by Congressional district and State; and

"(B) in a manner that provides for such data based on—

"(i) fee-for-service enrollment (as defined in paragraph (2));

"(ii) enrollment under part C (including separate for aggregate enrollment in MA–PD plans and aggregate enrollment in MA plans that are not MA–PD plans); and

"(iii) enrollment under part D.

"(2) FEE-FOR-SERVICE ENROLLMENT DEFINED.—For purpose of paragraph (1)(B)(i), the term 'fee-for-service enrollment' means aggregate enrollment (including receipt of benefits other than through enrollment) under—

"(A) part A only;

"(B) part B only; and

"(C) both part A and part B.".

SEC. 17003. UPDATING THE WELCOME TO MEDICARE PACKAGE.

42 USC 1395a note.

(a) IN GENERAL.—Not later than 12 months after the last day of the period for the request of information described in subsection (b), the Secretary of Health and Human Services shall, taking into consideration information collected pursuant to subsection (b), update the information included in the Welcome to Medicare package to include information, presented in a clear and simple manner, about options for receiving benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including through the original medicare fee-for-service program under parts A and B of such title (42 U.S.C. 1395c et seq., 42 U.S.C. 1395j et seq.), Medicare Advantage plans under part C of such title (42 U.S.C. 1395w–21 et seq.), and prescription drug plans under part D of such title (42 U.S.C. 1395w–101 et seq.)). The Secretary shall make subsequent updates to the information included in the Welcome to Medicare package as appropriate.

(b) REQUEST FOR INFORMATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall request information, including recommendations, from stakeholders (including patient advocates, issuers, and employers) on information included in the Welcome to Medicare package, including pertinent data and information regarding enrollment and coverage for Medicare eligible individuals.

SEC. 17004. NO PAYMENT FOR ITEMS AND SERVICES FURNISHED BY NEWLY ENROLLED PROVIDERS OR SUPPLIERS WITHIN A TEMPORARY MORATORIUM AREA.

(a) MEDICARE.—Section 1866(j)(7) of the Social Security Act (42 U.S.C. 1395cc(j)(7)) is amended—

(1) in the paragraph heading, by inserting "; NONPAYMENT" before the period; and

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

"(C) NONPAYMENT.—

"(i) IN GENERAL.—No payment may be made under this title or under a program described in subparagraph (A) with respect to an item or service described in clause (ii) furnished on or after October 1, 2017.

"(ii) ITEM OR SERVICE DESCRIBED.—An item or service described in this clause is an item or service furnished—

"(I) within a geographic area with respect to which a temporary moratorium imposed under subparagraph (A) is in effect; and

"(II) by a provider of services or supplier that meets the requirements of clause (iii).

"(iii) REQUIREMENTS.—For purposes of clause (ii), the requirements of this clause are that a provider of services or supplier—

"(I) enrolls under this title on or after the effective date of such temporary moratorium; and

"(II) is within a category of providers of services and suppliers (as described in subparagraph (A)) subject to such temporary moratorium.

"(iv) PROHIBITION ON CHARGES FOR SPECIFIED ITEMS OR SERVICES.—In no case shall a provider of services or supplier described in clause (ii)(II) charge an individual or other person for an item or service described in clause (ii) furnished on or after October 1, 2017, to an individual entitled to benefits under part A or enrolled under part B or an individual under a program specified in subparagraph (A).".

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID.—

(A) IN GENERAL.—Section 1903(i)(2) of the Social Security Act (42 U.S.C. 1396b(i)(2)), as amended by section 5005(a)(4), is further amended—

(i) in subparagraph (C), by striking "or" at the end; and

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

"(E) with respect to any amount expended for such an item or service furnished during calendar quarters beginning on or after October 1, 2017, subject to section 1902(kk)(4)(A)(ii)(II), within a geographic area that is subject to a moratorium imposed under section 1866(j)(7) by a provider or supplier that meets the requirements specified in subparagraph (C)(iii) of such section, during the period of such moratorium; or".

(B) EXCEPTION WITH RESPECT TO ACCESS.—Section 1902(kk)(4)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(kk)(4)(A)(ii)) is amended to read as follows:

"(ii) EXCEPTIONS.—

"(I) COMPLIANCE WITH MORATORIUM.—A State shall not be required to comply with a temporary moratorium described in clause (i) if the State determines that the imposition of such temporary moratorium would adversely impact beneficiaries' access to medical assistance.

"(II) FFP AVAILABLE.—Notwithstanding section 1903(i)(2)(E), payment may be made to a State under this title with respect to amounts expended for items and services described in such section if the Secretary, in consultation with the State agency administering the State plan under this title (or a waiver of the plan), determines that denying payment to the State pursuant to such section would adversely impact beneficiaries' access to medical assistance. ".

(C) STATE PLAN REQUIREMENT WITH RESPECT TO LIMITATION ON CHARGES TO BENEFICIARIES.—Section 1902(kk)(4)(A) of the Social Security Act (42 U.S.C. 1396a(kk)(4)(A)) is amended by adding at the end the following new clause:

"(iii) LIMITATION ON CHARGES TO BENEFICIARIES.—With respect to any amount expended for items or services furnished during calendar quarters beginning on or after October 1, 2017, the State prohibits, during

the period of a temporary moratorium described in clause (i), a provider meeting the requirements specified in subparagraph (C)(iii) of section 1866(j)(7) from charging an individual or other person eligible to receive medical assistance under the State plan under this title (or a waiver of the plan) for an item or service described in section 1903(i)(2)(E) furnished to such an individual.".

(2) CORRECTING AMENDMENTS TO RELATED PROVISIONS.—

(A) SECTION 1866(J).—Section 1866(j) of the Social Security Act (42 U.S.C. 1395cc(j)) is amended—

(i) in paragraph (1)(A)—

(I) by striking "paragraph (4)" and inserting "paragraph (5)";

(II) by striking "moratoria in accordance with paragraph (5)" and inserting "moratoria in accordance with paragraph (7)"; and

(III) by striking "paragraph (6)" and inserting "paragraph (9)"; and

(ii) by redesignating the second paragraph (8) (redesignated by section 1304(1) of Public Law 111–152) as paragraph (9).

(B) SECTION 1902(KK).—Section 1902(kk) of such Act (42 U.S.C. 1396a(kk)) is amended—

(i) in paragraph (1), by striking "section 1886(j)(2)" and inserting "section 1866(j)(2)";

(ii) in paragraph (2), by striking "section 1886(j)(3)" and inserting "section 1866(j)(3)";

(iii) in paragraph (3), by striking "section 1886(j)(4)" and inserting "section 1866(j)(5)"; and

(iv) in paragraph (4)(A), by striking "section 1886(j)(6)" and inserting "section 1866(j)(7)".

SEC. 17005. PRESERVATION OF MEDICARE BENEFICIARY CHOICE UNDER MEDICARE ADVANTAGE.

Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)) is amended—

(1) in subparagraph (C)—

(A) in the heading, by inserting "FROM 2011 THROUGH 2018" after "45-DAY PERIOD"; and

(B) by inserting "and ending with 2018" after "beginning with 2011"; and

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

"(G) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT FOR FIRST 3 MONTHS IN 2016 AND SUBSEQUENT YEARS.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D)—

"(I) in the case of an MA eligible individual who is enrolled in an MA plan, at any time during the first 3 months of a year (beginning with 2019); or

"(II) in the case of an individual who first becomes an MA eligible individual during a year (beginning with 2019) and enrolls in an MA plan, during the first 3 months during such year in which the individual is an MA eligible individual;

such MA eligible individual may change the election under subsection (a)(1).

"(ii) LIMITATION OF ONE CHANGE DURING OPEN ENROLLMENT PERIOD EACH YEAR.—An individual may change the election pursuant to clause (i) only once during the applicable 3-month period described in such clause in each year. The limitation under this clause shall not apply to changes in elections effected during an annual, coordinated election period under paragraph (3) or during a special enrollment period under paragraph (4).

"(iii) LIMITED APPLICATION TO PART D.—Clauses (i) and (ii) of this subparagraph shall only apply with respect to changes in enrollment in a prescription drug plan under part D in the case of an individual who, previous to such change in enrollment, is enrolled in a Medicare Advantage plan.

"(iv) LIMITATIONS ON MARKETING.— Pursuant to subsection (j), no unsolicited marketing or marketing materials may be sent to an individual described in clause (i) during the continuous open enrollment and disenrollment period established for the individual under such clause, notwithstanding marketing guidelines established by the Centers for Medicare & Medicaid Services.".

SEC. 17006. ALLOWING END-STAGE RENAL DISEASE BENEFICIARIES TO CHOOSE A MEDICARE ADVANTAGE PLAN.

(a) REMOVING PROHIBITION.—

(1) IN GENERAL.—Section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–21(a)(3)) is amended—

(A) by striking subparagraph (B); and

(B) by striking "ELIGIBLE INDIVIDUAL" and all that follows through "In this title, subject to subparagraph (B)," and inserting "ELIGIBLE INDIVIDUAL.—In this title,".

(2) CONFORMING AMENDMENTS.—

(A) Section 1852(b)(1) of the Social Security Act (42 U.S.C. 1395w–22(b)(1)) is amended—

(i) by striking subparagraph (B); and

(ii) by striking "BENEFICIARIES" and all that follows through "A Medicare+Choice organization" and inserting "BENEFICIARIES.—A Medicare Advantage organization".

(B) Section 1859(b)(6) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)) is amended, in the last sentence, by striking "may waive" and all that follows through "subparagraph and".

42 USC 1395w–21 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan years beginning on or after January 1, 2021.

(b) EXCLUDING COSTS FOR KIDNEY ACQUISITIONS FROM MA BENCHMARK.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (k)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "paragraphs (2) and (4)" and inserting "paragraphs (2), (4), and (5)"; and

(ii) in subparagraph (B)(i), by striking "paragraphs (2) and (4)" and inserting "paragraphs (2), (4), and (5)"; and

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

"(5) EXCLUSION OF COSTS FOR KIDNEY ACQUISITIONS FROM CAPITATION RATES.—After determining the applicable amount for an area for a year under paragraph (1) (beginning with 2021), the Secretary shall adjust such applicable amount to exclude from such applicable amount the Secretary's estimate of the standardized costs for payments for organ acquisitions for kidney transplants covered under this title (including expenses covered under section 1881(d)) in the area for the year."; and

(2) in subsection (n)(2)—

(A) in subparagraph (A)(i), by inserting "and, for 2021 and subsequent years, the exclusion of payments for organ acquisitions for kidney transplants from the capitation rate as described in subsection (k)(5)" before the semicolon at the end;

(B) in subparagraph (E), in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraphs (F) and (G)"; and

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

"(G) APPLICATION OF KIDNEY ACQUISITIONS ADJUSTMENT.—The base payment amount specified in subparagraph (E) for a year (beginning with 2021) shall be adjusted in the same manner under paragraph (5) of subsection (k) as the applicable amount is adjusted under such subsection.".

(c) FFS COVERAGE OF KIDNEY ACQUISITIONS.—

(1) IN GENERAL.—Section 1852(a)(1)(B)(i) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)(i)) is amended by inserting "or coverage for organ acquisitions for kidney transplants, including as covered under section 1881(d)" after "hospice care".

(2) CONFORMING AMENDMENT.—Section 1851(i) of the Social Security Act (42 U.S.C. 1395w–21(i)) is amended by adding at the end the following new paragraph:

"(3) FFS PAYMENT FOR EXPENSES FOR KIDNEY ACQUISITIONS.—Paragraphs (1) and (2) shall not apply with respect to expenses for organ acquisitions for kidney transplants described in section 1852(a)(1)(B)(i).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan years beginning on or after January 1, 2021.

42 USC 1395w–21 note.

(d) EVALUATION OF QUALITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct an evaluation of whether the 5-star rating system based on the data collected under section 1852(e) of the Social Security Act (42 U.S.C. 1395w–22(e)) should include a quality measure specifically related to care for enrollees in Medicare

Advantage plans under part C of title XVIII of such Act determined to have end-stage renal disease.

(2) PUBLIC AVAILABILITY.—Not later than April 1, 2020, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services the results of the evaluation under paragraph (1).

(e) REPORT.—Not later than December 31, 2023, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall submit to Congress a report on the impact of the provisions of, and amendments made by, this section with respect to the following:

(1) Spending under—

(A) the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act; and

(B) the Medicare Advantage program under part C of such title.

(2) The number of enrollees determined to have end-stage renal disease—

(A) in the original Medicare fee-for-service program; and

(B) in the Medicare Advantage program.

(3) The sufficiency of the amount of data under the original Medicare fee-for-service program for individuals determined to have end-stage renal disease for purposes of determining payment rates for end-stage renal disease under the Medicare Advantage program.

(f) IMPROVEMENTS TO RISK ADJUSTMENT UNDER MEDICARE ADVANTAGE.—

(1) IN GENERAL.—Section 1853(a)(1) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)) is amended—

(A) in subparagraph (C)(i), by striking "The Secretary" and inserting "Subject to subparagraph (I), the Secretary"; and

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

"(I) IMPROVEMENTS TO RISK ADJUSTMENT FOR 2019 AND SUBSEQUENT YEARS.—

"(i) IN GENERAL.—In order to determine the appropriate adjustment for health status under subparagraph (C)(i), the following shall apply:

"(I) TAKING INTO ACCOUNT TOTAL NUMBER OF DISEASES OR CONDITIONS.—The Secretary shall take into account the total number of diseases or conditions of an individual enrolled in an MA plan. The Secretary shall make an additional adjustment under such subparagraph as the number of diseases or conditions of an individual increases.

"(II) USING AT LEAST 2 YEARS OF DIAGNOSTIC DATA.—The Secretary may use at least 2 years of diagnosis data.

"(III) PROVIDING SEPARATE ADJUSTMENTS FOR DUAL ELIGIBLE INDIVIDUALS.—With respect to individuals who are dually eligible for benefits under this title and title XIX, the Secretary shall

make separate adjustments for each of the following:

"(aa) Full-benefit dual eligible individuals (as defined in section 1935(c)(6)).

"(bb) Such individuals not described in item (aa).

"(IV) EVALUATION OF MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—The Secretary shall evaluate the impact of including additional diagnosis codes related to mental health and substance use disorders in the risk adjustment model.

"(V) EVALUATION OF CHRONIC KIDNEY DISEASE.—The Secretary shall evaluate the impact of including the severity of chronic kidney disease in the risk adjustment model.

"(VI) EVALUATION OF PAYMENT RATES FOR END-STAGE RENAL DISEASE.—The Secretary shall evaluate whether other factors (in addition to those described in subparagraph (H)) should be taken into consideration when computing payment rates under such subparagraph.

"(ii) PHASED-IN IMPLEMENTATION.—The Secretary shall phase-in any changes to risk adjustment payment amounts under subparagraph (C)(i) under this subparagraph over a 3-year period, beginning with 2019, with such changes being fully implemented for 2022 and subsequent years.

"(iii) OPPORTUNITY FOR REVIEW AND PUBLIC COMMENT.—The Secretary shall provide an opportunity for review of the proposed changes to such risk adjustment payment amounts under this subparagraph and a public comment period of not less than 60 days before implementing such changes.".

(2) STUDIES AND REPORTS.—

(A) REPORTS ON THE RISK ADJUSTMENT SYSTEM.—

(i) MEDPAC EVALUATION AND REPORT.—

(I) EVALUATION.—The Medicare Payment Advisory Commission shall conduct an evaluation of the impact of the provisions of, and amendments made by, this section on risk scores for enrollees in Medicare Advantage plans under part C of title XVIII of the Social Security Act and payments to Medicare Advantage plans under such part, including the impact of such provisions and amendments on the overall accuracy of risk scores under the Medicare Advantage program.

(II) REPORT.—Not later than July 1, 2020, the Medicare Payment Advisory Commission shall submit to Congress a report on the evaluation under subclause (I), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(ii) REPORTS BY SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than December 31, 2018, and every 3 years thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the risk adjustment model and the ESRD risk

42 USC 1395w–23 note.

adjustment model under the Medicare Advantage program under part C of title XVIII of the Social Security Act, including any revisions to either such model since the previous report. Such report shall include information on how such revisions impact the predictive ratios under either such model for groups of enrollees in Medicare Advantage plans, including very high and very low cost enrollees, and groups defined by the number of chronic conditions of enrollees.

(B) STUDY AND REPORT ON FUNCTIONAL STATUS.—

(i) STUDY.—The Comptroller General of the United States (in this subparagraph referred to as the "Comptroller General") shall conduct a study on how to most accurately measure the functional status of enrollees in Medicare Advantage plans and whether the use of such functional status would improve the accuracy of risk adjustment payments under the Medicare Advantage program under part C of title XVIII of the Social Security Act. Such study shall include an analysis of the challenges in collecting and reporting functional status information for Medicare Advantage plans under such part, providers of services and suppliers under the Medicare program, and the Centers for Medicare & Medicaid Services.

(ii) REPORT.—Not later than June 30, 2018, the Comptroller General shall submit to Congress a report containing the results of the study under clause (i), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 17007. IMPROVEMENTS TO THE ASSIGNMENT OF BENEFICIARIES UNDER THE MEDICARE SHARED SAVINGS PROGRAM.

Section 1899(c) of the Social Security Act (42 U.S.C. 1395jjj(c)) is amended—

(1) by striking "utilization of primary" and inserting "utilization of—

"(1) in the case of performance years beginning on or after April 1, 2012, primary";

(2) in paragraph (1), as added by paragraph (1) of this section, by striking the period at the end and inserting "; and";

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

"(2) in the case of performance years beginning on or after January 1, 2019, services provided under this title by a Federally qualified health center or rural health clinic (as those terms are defined in section 1861(aa)), as may be determined by the Secretary.".

TITLE XVIII—OTHER PROVISIONS

SEC. 18001. EXCEPTION FROM GROUP HEALTH PLAN REQUIREMENTS FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 AND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Section 9831 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) EXCEPTION FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—

"(1) IN GENERAL.—For purposes of this title (except as provided in section 4980I(f)(4) and notwithstanding any other provision of this title), the term 'group health plan' shall not include any qualified small employer health reimbursement arrangement.

"(2) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified small employer health reimbursement arrangement' means an arrangement which—

"(i) is described in subparagraph (B), and

"(ii) is provided on the same terms to all eligible employees of the eligible employer.

"(B) ARRANGEMENT DESCRIBED.—An arrangement is described in this subparagraph if—

"(i) such arrangement is funded solely by an eligible employer and no salary reduction contributions may be made under such arrangement,

"(ii) such arrangement provides, after the employee provides proof of coverage, for the payment of, or reimbursement of, an eligible employee for expenses for medical care (as defined in section 213(d)) incurred by the eligible employee or the eligible employee's family members (as determined under the terms of the arrangement), and

"(iii) the amount of payments and reimbursements described in clause (ii) for any year do not exceed $4,950 ($10,000 in the case of an arrangement that also provides for payments or reimbursements for family members of the employee).

"(C) CERTAIN VARIATION PERMITTED.—For purposes of subparagraph (A)(ii), an arrangement shall not fail to be treated as provided on the same terms to each eligible employee merely because the employee's permitted benefit under such arrangement varies in accordance with the variation in the price of an insurance policy in the relevant individual health insurance market based on—

"(i) the age of the eligible employee (and, in the case of an arrangement which covers medical expenses of the eligible employee's family members, the age of such family members), or

"(ii) the number of family members of the eligible employee the medical expenses of which are covered under such arrangement.

The variation permitted under the preceding sentence shall be determined by reference to the same insurance policy with respect to all eligible employees.

"(D) RULES RELATING TO MAXIMUM DOLLAR LIMITATION.—

"(i) AMOUNT PRORATED IN CERTAIN CASES.—In the case of an individual who is not covered by an arrangement for the entire year, the limitation under subparagraph (B)(iii) for such year shall be an amount which bears the same ratio to the amount which would (but for this clause) be in effect for such individual for such year under subparagraph (B)(iii) as the number of months for which such individual is covered by the arrangement for such year bears to 12.

"(ii) INFLATION ADJUSTMENT.—In the case of any year beginning after 2016, each of the dollar amounts in subparagraph (B)(iii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any dollar amount increased under the preceding sentence is not a multiple of $50, such dollar amount shall be rounded to the next lowest multiple of $50.

"(3) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means any employee of an eligible employer, except that the terms of the arrangement may exclude from consideration employees described in any clause of section 105(h)(3)(B) (applied by substituting '90 days' for '3 years' in clause (i) thereof).

"(B) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an employer that—

"(i) is not an applicable large employer as defined in section 4980H(c)(2), and

"(ii) does not offer a group health plan to any of its employees.

"(C) PERMITTED BENEFIT.—The term 'permitted benefit' means, with respect to any eligible employee, the maximum dollar amount of payments and reimbursements which may be made under the terms of the qualified small employer health reimbursement arrangement for the year with respect to such employee.

"(4) NOTICE.—

"(A) IN GENERAL.—An employer funding a qualified small employer health reimbursement arrangement for any year shall, not later than 90 days before the beginning of such year (or, in the case of an employee who is not eligible to participate in the arrangement as of the beginning of such year, the date on which such employee is first so eligible), provide a written notice to each eligible employee which includes the information described in subparagraph (B).

"(B) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include each of the following:

"(i) A statement of the amount which would be such eligible employee's permitted benefit under the arrangement for the year.

"(ii) A statement that the eligible employee should provide the information described in clause (i) to any health insurance exchange to which the employee applies for advance payment of the premium assistance tax credit.

"(iii) A statement that if the employee is not covered under minimum essential coverage for any month the employee may be subject to tax under section 5000A for such month and reimbursements under the arrangement may be includible in gross income.".

(2) LIMITATION ON EXCLUSION FROM GROSS INCOME.—Section 106 of such Code is amended by adding at the end the following:

"(g) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this section and section 105, payments or reimbursements from a qualified small employer health reimbursement arrangement (as defined in section 9831(d)) of an individual for medical care (as defined in section 213(d)) shall not be treated as paid or reimbursed under employer-provided coverage for medical expenses under an accident or health plan if for the month in which such medical care is provided the individual does not have minimum essential coverage (within the meaning of section 5000A(f)).".

(3) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Section 36B(c) of such Code is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—

"(A) IN GENERAL.—The term 'coverage month' shall not include any month with respect to an employee (or any spouse or dependent of such employee) if for such month the employee is provided a qualified small employer health reimbursement arrangement which constitutes affordable coverage.

"(B) DENIAL OF DOUBLE BENEFIT.—In the case of any employee who is provided a qualified small employer health reimbursement arrangement for any coverage month (determined without regard to subparagraph (A)), the credit otherwise allowable under subsection (a) to the taxpayer for such month shall be reduced (but not below zero) by the amount described in subparagraph (C)(i)(II) for such month.

"(C) AFFORDABLE COVERAGE.—For purposes of subparagraph (A), a qualified small employer health reimbursement arrangement shall be treated as constituting affordable coverage for a month if—

"(i) the excess of—

"(I) the amount that would be paid by the employee as the premium for such month for self-only coverage under the second lowest cost silver plan offered in the relevant individual health insurance market, over

"(II) 1/12 of the employee's permitted benefit (as defined in section 9831(d)(3)(C)) under such arrangement, does not exceed—

"(ii) 1/12 of 9.5 percent of the employee's household income.

"(D) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this paragraph, the term 'qualified small employer health reimbursement arrangement' has the meaning given such term by section 9831(d)(2).

"(E) COVERAGE FOR LESS THAN ENTIRE YEAR.—In the case of an employee who is provided a qualified small employer health reimbursement arrangement for less than an entire year, subparagraph (C)(i)(II) shall be applied by substituting 'the number of months during the year for which such arrangement was provided' for '12'.

"(F) INDEXING.—In the case of plan years beginning in any calendar year after 2014, the Secretary shall adjust the 9.5 percent amount under subparagraph (C)(ii) in the same manner as the percentages are adjusted under subsection (b)(3)(A)(ii).".

(4) APPLICATION OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.—

(A) IN GENERAL.—Section 4980I(f)(4) of such Code is amended by adding at the end the following: "Section 9831(d)(1) shall not apply for purposes of this section.".

(B) DETERMINATION OF COST OF COVERAGE.—Section 4980I(d)(2) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—In the case of applicable employer-sponsored coverage consisting of coverage under any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2)), the cost of coverage shall be equal to the amount described in section 6051(a)(15).".

(5) ENFORCEMENT OF NOTICE REQUIREMENT.—Section 6652 of such Code is amended by adding at the end the following new subsection:

"(o) FAILURE TO PROVIDE NOTICES WITH RESPECT TO QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—In the case of each failure to provide a written notice as required by section 9831(d)(4), unless it is shown that such failure is due to reasonable cause and not willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such written notice, an amount equal to $50 per employee per incident of failure to provide such notice, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $2,500.".

(6) REPORTING.—

(A) W–2 REPORTING.—Section 6051(a) of such Code is amended by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", and", and by inserting after paragraph (14) the following new paragraph:

"(15) the total amount of permitted benefit (as defined in section 9831(d)(3)(C)) for the year under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2)) with respect to the employee.".

(B) INFORMATION REQUIRED TO BE PROVIDED BY EXCHANGE SUBSIDY APPLICANTS.—Section 1411(b)(3) of the Patient Protection and Affordable Care Act is amended

by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) CERTAIN INDIVIDUAL HEALTH INSURANCE POLICIES OBTAINED THROUGH SMALL EMPLOYERS.—The amount of the enrollee's permitted benefit (as defined in section 9831(d)(3)(C) of the Internal Revenue Code of 1986) under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of such Code).".

(7) EFFECTIVE DATES.— 26 USC 36B note.

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to years beginning after December 31, 2016.

(B) TRANSITION RELIEF.—The relief under Treasury Notice 2015–17 shall be treated as applying to any plan year beginning on or before December 31, 2016.

(C) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—The amendments made by paragraph (3) shall apply to taxable years beginning after December 31, 2016.

(D) EMPLOYEE NOTICE.—

(i) IN GENERAL.—The amendments made by paragraph (5) shall apply to notices with respect to years beginning after December 31, 2016.

(ii) TRANSITION RELIEF.—For purposes of section 6652(o) of the Internal Revenue Code of 1986 (as added by this Act), a person shall not be treated as failing to provide a written notice as required by section 9831(d)(4) of such Code if such notice is so provided not later than 90 days after the date of the enactment of this Act.

(E) W–2 REPORTING.—The amendments made by paragraph (6)(A) shall apply to calendar years beginning after December 31, 2016.

(F) INFORMATION PROVIDED BY EXCHANGE SUBSIDY APPLICANTS.—

(i) IN GENERAL.—The amendments made by paragraph (6)(B) shall apply to applications for enrollment made after December 31, 2016.

(ii) VERIFICATION.—Verification under section 1411 of the Patient Protection and Affordable Care Act of information provided under section 1411(b)(3)(B) of such Act shall apply with respect to months beginning after October 2016.

(iii) TRANSITIONAL RELIEF.—In the case of an application for enrollment under section 1411(b) of the Patient Protection and Affordable Care Act made before April 1, 2017, the requirement of section 1411(b)(3)(B) of such Act shall be treated as met if the information described therein is provided not later than 30 days after the date on which the applicant receives the notice described in section 9831(d)(4) of the Internal Revenue Code of 1986.

(8) SUBSTANTIATION REQUIREMENTS.—The Secretary of the Treasury (or his designee) may issue substantiation requirements as necessary to carry out this subsection. 26 USC 36B note.

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)) is amended by adding at the end the following: "Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).".

(2) EXCEPTION FROM CONTINUATION COVERAGE REQUIREMENTS, ETC.—Section 607(1) of such Act (29 U.S.C. 1167(1)) is amended by adding at the end the following: "Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).".

29 USC 1167 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2016.

(c) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) IN GENERAL.—Section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(1)) is amended by adding at the end the following: "Except for purposes of part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).".

(2) EXCEPTION FROM CONTINUATION COVERAGE REQUIREMENTS.—Section 2208(1) of the Public Health Service Act (42 U.S.C. 300bb–8(1)) is amended by adding at the end the following: "Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).".

42 USC 300bb–8 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2016.

Approved December 13, 2016.

LEGISLATIVE HISTORY—H.R. 34:

SENATE REPORTS: No. 114–146 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 161 (2015): Jan. 7, considered and passed House.
Oct. 6, considered and passed Senate, amended.

Vol. 162 (2016): Nov. 30, House concurred in Senate amendment with an amendment.
Dec. 1, 5–7, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Dec. 13, Presidential remarks.

Public Law 114–256
114th Congress

An Act

To amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

Dec. 14, 2016
[H.R. 3471]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Mobility Safety Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Mobility Safety Act of 2016".

SEC. 2. PERSONAL SELECTIONS OF AUTOMOBILES AND ADAPTIVE EQUIPMENT.

Section 3903(b) of title 38, United States Code, is amended—

(1) by striking "Except" and inserting "(1) Except"; and

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

"(2) The Secretary shall ensure that to the extent practicable an eligible person who is provided an automobile or other conveyance under this chapter is given the opportunity to make personal selections relating to such automobile or other conveyance.".

38 USC 3902 note.

SEC. 3. COMPREHENSIVE POLICY FOR THE AUTOMOBILES ADAPTIVE EQUIPMENT PROGRAM.

(a) COMPREHENSIVE POLICY.—The Secretary of Veterans Affairs shall develop a comprehensive policy regarding quality standards for providers who provide modification services to veterans under the automobile adaptive equipment program.

(b) SCOPE.—The policy developed under subsection (a) shall cover each of the following:

(1) The Department of Veterans Affairs-wide management of the automobile adaptive equipment program.

(2) The development of standards for safety and quality of equipment and installation of equipment through the automobile adaptive equipment program, including with respect to the defined differentiations in levels of modification complexity.

(3) The consistent application of standards for safety and quality of both equipment and installation throughout the Department.

(4) In accordance with subsection (c)(1), the certification of a provider by a manufacturer if the Secretary designates the quality standards of such manufacturer as meeting or exceeding the standards developed under this section.

(5) In accordance with subsection (c)(2), the certification of a provider by a third party, nonprofit organization if the

Secretary designates the quality standards of such organization as meeting or exceeding the standards developed under this section.

(6) The education and training of personnel of the Department who administer the automobile adaptive equipment program.

(7) The compliance of the provider with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) when furnishing automobile adaptive equipment at the facility of the provider.

(8) The allowance, where technically appropriate, for veterans to receive modifications at their residence or location of choice, including standards that ensure such receipt and notification to veterans of the availability of such receipt.

(c) CERTIFICATION OF MANUFACTURERS AND THIRD PARTY, NONPROFIT ORGANIZATIONS.—

(1) CERTIFICATION OF MANUFACTURERS.—The Secretary shall approve a manufacturer as a certifying manufacturer for purposes of subsection (b)(4), if the manufacturer demonstrates that its certification standards meet or exceed the quality standards developed under this section.

(2) CERTIFICATION OF THIRD PARTY, NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—The Secretary may approve two or more private, nonprofit organizations as third party, nonprofit certifying organizations for purposes of subsection (b)(5).

(B) LIMITATION.—If at any time there is only one third party, nonprofit certifying organization approved by the Secretary for purposes of subsection (b)(5), such organization shall not be permitted to provide certifications under such subsection until such time as the Secretary approves a second third party, nonprofit certifying organization for purposes of such subsection.

Deadlines.

(d) UPDATES.—

(1) INITIAL UPDATES.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall update Veterans Health Administration Handbook 1173.4, or any successor handbook or directive, in accordance with the policy developed under subsection (a).

(2) SUBSEQUENT UPDATES.—Not less frequently than once every 6 years thereafter, the Secretary shall update such handbook, or any successor handbook or directive.

(e) CONSULTATION.—The Secretary shall develop the policy under subsection (a), and revise such policy under subsection (d), in consultation with veterans service organizations, the National Highway Transportation Administration, industry representatives, manufacturers of automobile adaptive equipment, and other entities with expertise in installing, repairing, replacing, or manufacturing mobility equipment or developing mobility accreditation standards for automobile adaptive equipment.

(f) CONFLICTS.—In developing and implementing the policy under subsection (a), the Secretary shall—

(1) minimize the possibility of conflicts of interest, to the extent practicable; and

Procedures.

(2) establish procedures that ensure against the use of a certifying organization referred to in subsection (b)(5) that

has a financial conflict of interest regarding the certification of an eligible provider.

(g) BIENNIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary updates Veterans Health Administration Handbook 1173.4, or any successor handbook or directive, under subsection (d), and not less frequently than once every other year thereafter through 2022, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation and facility compliance with the policy developed under subsection (a).

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

(A) A description of the implementation plan for the policy developed under subsection (a) and any revisions to such policy under subsection (d). Plan.

(B) A description of the performance measures used to determine the effectiveness of such policy in ensuring the safety of veterans enrolled in the automobile adaptive equipment program.

(C) An assessment of safety issues due to improper installations based on a survey of recipients of adaptive equipment from the Department.

(D) An assessment of the adequacy of the adaptive equipment services of the Department based on a survey of recipients of adaptive equipment from the Department.

(E) An assessment of the training provided to the personnel of the Department with respect to administering the program.

(F) An assessment of the certified providers of the Department of adaptive equipment with respect to meeting the minimum standards developed under subsection (b)(2).

(h) DEFINITIONS.—In this section:

(1) AUTOMOBILE ADAPTIVE EQUIPMENT PROGRAM.—The term "automobile adaptive equipment program" means the program administered by the Secretary of Veterans Affairs pursuant to chapter 39 of title 38, United States Code.

(2) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 4. APPOINTMENT OF LICENSED HEARING AID SPECIALISTS IN VETERANS HEALTH ADMINISTRATION.

(a) LICENSED HEARING AID SPECIALISTS.—

(1) APPOINTMENT.—Section 7401(3) of title 38, United States Code, is amended by inserting "licensed hearing aid specialists," after "Audiologists,".

(2) QUALIFICATIONS.—Section 7402(b)(14) of such title is amended by inserting ", hearing aid specialist" after "dental technologist".

(b) REQUIREMENTS.—With respect to appointing hearing aid specialists under sections 7401 and 7402 of title 38, United States Code, as amended by subsection (a), and providing services furnished by such specialists, the Secretary shall ensure that— 38 USC 7401 note.

(1) a hearing aid specialist may only perform hearing services consistent with the hearing aid specialist's State license related to the practice of fitting and dispensing hearing aids without excluding other qualified professionals, including audiologists, from rendering services in overlapping practice areas;

(2) services provided to veterans by hearing aid specialists shall be provided as part of the non-medical treatment plan developed by an audiologist; and

(3) the medical facilities of the Department of Veterans Affairs provide to veterans access to the full range of professional services provided by an audiologist.

38 USC 7401 note.

(c) CONSULTATION.—In determining the qualifications required for hearing aid specialists and in carrying out subsection (b), the Secretary shall consult with veterans service organizations, audiologists, otolaryngologists, hearing aid specialists, and other stakeholder and industry groups as the Secretary determines appropriate.

Time periods. Effective date.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter during the 5-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the following:

(A) Timely access of veterans to hearing health services through the Department of Veterans Affairs.

(B) Contracting policies of the Department with respect to providing hearing health services to veterans in facilities that are not facilities of the Department.

(2) TIMELY ACCESS TO SERVICES.—Each report shall, with respect to the matter specified in paragraph (1)(A) for the 1-year period preceding the submittal of such report, include the following:

(A) The staffing levels of audiologists, hearing aid specialists, and health technicians in audiology in the Veterans Health Administration.

(B) A description of the metrics used by the Secretary in measuring performance with respect to appointments and care relating to hearing health.

(C) The average time that a veteran waits to receive an appointment, beginning on the date on which the veteran makes the request, for the following:

(i) A disability rating evaluation for a hearing-related disability.

(ii) A hearing aid evaluation.

(iii) Dispensing of hearing aids.

(iv) Any follow-up hearing health appointment.

(D) The percentage of veterans whose total wait time for appointments described in subparagraph (C), including an initial and follow-up appointment, if applicable, is more than 30 days.

(3) CONTRACTING POLICIES.—Each report shall, with respect to the matter specified in paragraph (1)(B) for the 1-year period preceding the submittal of such report, include the following:

(A) The number of veterans that the Secretary refers to non-Department audiologists for hearing health care appointments.

(B) The number of veterans that the Secretary refers to non-Department hearing aid specialists for follow-up appointments for a hearing aid evaluation, the dispensing of hearing aids, or any other purpose relating to hearing health.

Approved December 14, 2016.

LEGISLATIVE HISTORY—H.R. 3471:

HOUSE REPORTS: No. 114–709 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 12, considered and passed House.
Nov. 17, considered and passed Senate, amended.
Nov. 29, House concurred in Senate amendment.

Public Law 114–257
114th Congress

An Act

Dec. 14, 2016
[H.R. 4419]

To update the financial disclosure requirements for judges of the District of Columbia courts and to make other improvements to the District of Columbia courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Judicial Financial Transparency Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Judicial Financial Transparency Act".

SEC. 2. FINANCIAL DISCLOSURE REQUIREMENTS FOR JUDGES OF DISTRICT OF COLUMBIA COURTS.

(a) REQUIREMENTS DESCRIBED.—Section 11–1530, D.C. Official Code, is amended to read as follows:

"§ 11–1530. Financial statements

"(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within 1 year following the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission a report containing the following information:

"(1)(A) The source, type and amount of the judge's income which exceeds $200 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.

"(B) The source and type of the judge's spouse's income which exceeds $1,000 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.

"(C) The source and type of income which consists of dividends, rents, interest, and capital gains received by the judge and the judge's spouse during such period which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within—

"(i) not more than $1,000;
"(ii) greater than 1,000 but not more than $2,500;
"(iii) greater than $2,500 but not more than $5,000;
"(iv) greater than $5,000 but not more than $15,000;
"(v) greater than $15,000 but not more than $50,000;
"(vi) greater than $50,000 but not more than $100,000;
"(vii) greater than $100,000 but not more than $1,000,000;

"(viii) greater than $1,000,000 but not more than $5,000,000; or

"(ix) greater than $5,000,000.

"(2) The name and address of each private foundation or eleemosynary institution, and of each business or professional corporation, firm, or enterprise in which the judge was an officer, director, proprietor, or partner during such period.

"(3) The identity and category of value (as set forth in subsection (b)) of each liability of $10,000 or more owed by the judge or by the judge and the judge's spouse jointly at any time during such period.

"(4) The source and value of all gifts in the aggregate amount or value of $250 or more from any single source received by the judge during such period, except gifts from the judge's spouse or any of the judge's children or parents.

"(5) The identity of each trust in which the judge held a beneficial interest having a value of $10,000 or more at any time during such period, and in the case of any trust in which the judge held any beneficial interest during such period, the identity, if known, of each interest in real or personal property in which the trust held a beneficial interest having a value of $10,000 or more at any time during such period. If the judge cannot obtain the identity of the trust interest, the judge shall request the trustee to report that information to the Commission.

"(6) The identity and category of value (as set forth in subsection (b)) of each interest in real or personal property having a value of $10,000 or more which the judge owned at any time during such period.

"(7) The amount or value and source of each honorarium of $250 or more received by the judge and the judge's spouse during such period.

"(8) The source and amount of all money, other than that received from the United States government, received in the form of an expense account or as reimbursement for expenditures from any source aggregating more than $250 during such period.

"(9) The source and amount of all waivers or partial waivers of fees or charges accepted by the judge on behalf of the judge or the judge's spouse, domestic partner, or guest during such period.

"(b) For purposes of paragraphs (3) and (6) of subsection (a), the categories of value set forth in this subsection are—

"(1) not more than $15,000;

"(2) greater than $15,000 but not more than $50,000;

"(3) greater than $50,000 but not more than $100,000;

"(4) greater than $100,000 but not more than $250,000;

"(5) greater than $250,000 but not more than $500,000;

"(6) greater than $500,000 but not more than $1,000,000;

"(7) greater than $1,000,000 but not more than $5,000,000;

"(8) greater than $5,000,000 but not more than $25,000,000;

"(9) greater than $25,000,000 but not more than $50,000,000; and

"(10) greater than $50,000,000.

"(c)(1) Reports filed pursuant to this section shall, upon written request, and notice to the reporting judge for purposes of making

an application to the Commission for a redaction pursuant to paragraph (2), be made available for public inspection and copying within a reasonable time after filing and during the period they are kept by the Commission (in accordance with rules promulgated by the Commission), and shall be kept by the Commission for not less than 3 years.

"(2) This section does not require the public availability of reports filed by a judge if upon application by the reporting judge, a finding is made by the Commission that revealing personal and sensitive information could endanger that judge or a family member of that judge, except that a report may be redacted pursuant to this paragraph only—

"(A) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

"(B) for as long as the danger to such individual exists.

"(d) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report, shall constitute willful misconduct in office and shall be grounds for removal from office under section 11–1526(a)(2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports filed under section 11–1530, D.C. Official Code, that cover periods beginning during or after 2016.

SEC. 3. AUTHORITY OF PROBATE DIVISION TO USE MAGISTRATE JUDGES.

(a) IN GENERAL.—Section 11–1732(j)(5), District of Columbia Official Code, is amended by striking "Family Divisions" and inserting "Probate Divisions, and the Family Court,".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11–1732(j)(4)(A), District of Columbia Official Code, is amended by striking "Family Division" and inserting "Family Court".

SEC. 4. AUTHORITY OF DISTRICT OF COLUMBIA COURTS TO ACCEPT CERTAIN TYPES OF PAYMENTS.

(a) IN GENERAL.—Subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following:

"§ 11–1748. Authority of courts to accept certain types of payments

"(a) DEFINITIONS.—In this section, the term 'electronic funds transfer'—

"(1) means a transfer of funds, other than a transaction by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account; and

"(2) includes point of sale transfers, automated teller machine transfers, direct deposit or withdrawal of funds, transfers initiated by telephone, and transfers resulting from debit card transactions.

"(b) AUTHORITY TO ACCEPT CREDIT CARD PAYMENTS AND ELECTRONIC FUNDS TRANSFERS.—

"(1) IN GENERAL.—The District of Columbia courts may accept payment of fines, fees, escrow payments, restitution,

bonds, and other payments to the courts by credit card or electronic funds transfer.

"(2) USE OF VENDORS AND THIRD PARTY PROVIDERS.—The Executive officer—

"(A) may contract with a bank or credit card vendor, or other third party provider, for purposes of accepting payments by credit card or electronic funds transfer; and

"(B) shall make every effort to find the lowest cost vendor for purposes of accepting such payments.

"(3) RESPONSIBILITY FOR PAYING FEES.—Under any contract entered into under paragraph (2), the person making the payment shall be responsible for covering any fee or charge associated or imposed with respect to the method of payment.

"(4) COMPLETION OF PAYMENT.—If a person elects to make a payment to the District of Columbia courts by a method authorized under paragraph (1), the payment shall not be deemed to be made until the courts receive the funds.

"(c) AUTHORITY TO ACCEPT CHECKS.—

"(1) IN GENERAL.—The District of Columbia courts may accept payment of fines, fees, escrow payments, restitution, bonds, and other payments to the courts by check.

"(2) USE OF CHECK GUARANTEE VENDOR.—The Executive Officer—

"(A) may contract with a check guarantee vendor for purposes of accepting payments by check; and

"(B) shall make every effort to find the lowest cost vendor for purposes of accepting such payments.

"(3) RESPONSIBILITY FOR PAYING FEES.—Under any contract entered into under paragraph (2), the person making the payment by check shall be responsible for covering any fee or charge associated or imposed with respect to the method of payment.

"(d) LIABILITY FOR NON-PAYMENT.—If a check or other method of payment, including payment by credit card, debit card, or charge card, so received is not duly paid, or is paid and subsequently charged back to the District of Columbia courts, the person by whom such check or other method of payment has been tendered shall remain liable for the payment, to the same extent as if such check or other method of payment had not been tendered.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by adding at the end the following:

"11–1748. Authority of courts to accept certain types of payments.".

SEC. 5. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY PERMITTED FOR CASES UNDER JURISDICTION OF SMALL CLAIMS AND CONCILIATION BRANCH OF SUPERIOR COURT.

(a) IN GENERAL.—Section 11–1321, District of Columbia Official Code, is amended by striking "$5,000" and inserting "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any case filed in the Superior Court of the District of Columbia on or after the date of enactment of this Act.

SEC. 6. AUTHORITY TO APPROVE COMPENSATION OF ATTORNEYS IN EXCESS OF MAXIMUM AMOUNT.

(a) IN GENERAL.—

(1) CRIMINAL DEFENSE APPOINTMENTS.—Section 11–2604(c), District of Columbia Official Code, is amended by striking the last sentence and inserting the following: "Each chief judge may delegate such approval authority to an active or senior judge in the court in which the chief judge sits.".

(2) CHILD ABUSE AND NEGLECT APPOINTMENTS.—Section 16–2326.01(f), District of Columbia Official Code, is amended—

(A) by striking "(f)(1)" and inserting "(f)";

(B) by striking paragraph (2); and

(C) by adding at the end the following: "Each chief judge may delegate such approval authority to an active or senior judge in the court in which the chief judge sits.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any case or proceeding initiated on or after the date of enactment of this Act.

Approved December 14, 2016.

LEGISLATIVE HISTORY—H.R. 4419 (S. 2966):

HOUSE REPORTS: No. 114–745 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–359 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2966.
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 22, considered and passed House.
Nov. 29, considered and passed Senate.

Public Law 114–258
114th Congress

An Act

To prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

Dec. 14, 2016
[H.R. 5111]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consumer Review Fairness Act of 2016.
15 USC 58 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Review Fairness Act of 2016".

15 USC 45b.

SEC. 2. CONSUMER REVIEW PROTECTION.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) COVERED COMMUNICATION.—The term "covered communication" means a written, oral, or pictorial review, performance assessment of, or other similar analysis of, including by electronic means, the goods, services, or conduct of a person by an individual who is party to a form contract with respect to which such person is also a party.

(3) FORM CONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "form contract" means a contract with standardized terms—

(i) used by a person in the course of selling or leasing the person's goods or services; and

(ii) imposed on an individual without a meaningful opportunity for such individual to negotiate the standardized terms.

(B) EXCEPTION.—The term "form contract" does not include an employer-employee or independent contractor contract.

(4) PICTORIAL.—The term "pictorial" includes pictures, photographs, video, illustrations, and symbols.

(b) INVALIDITY OF CONTRACTS THAT IMPEDE CONSUMER REVIEWS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a provision of a form contract is void from the inception of such contract if such provision—

(A) prohibits or restricts the ability of an individual who is a party to the form contract to engage in a covered communication;

(B) imposes a penalty or fee against an individual who is a party to the form contract for engaging in a covered communication; or

(C) transfers or requires an individual who is a party to the form contract to transfer to any person any intellectual property rights in review or feedback content, with the exception of a non-exclusive license to use the content, that the individual may have in any otherwise lawful covered communication about such person or the goods or services provided by such person.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to affect—

(A) any duty of confidentiality imposed by law (including agency guidance);

(B) any civil cause of action for defamation, libel, or slander, or any similar cause of action;

(C) any party's right to remove or refuse to display publicly on an Internet website or webpage owned, operated, or otherwise controlled by such party any content of a covered communication that—

(i) contains the personal information or likeness of another person, or is libelous, harassing, abusive, obscene, vulgar, sexually explicit, or is inappropriate with respect to race, gender, sexuality, ethnicity, or other intrinsic characteristic;

(ii) is unrelated to the goods or services offered by or available at such party's Internet website or webpage; or

(iii) is clearly false or misleading; or

(D) a party's right to establish terms and conditions with respect to the creation of photographs or video of such party's property when those photographs or video are created by an employee or independent contractor of a commercial entity and solely intended for commercial purposes by that entity.

(3) EXCEPTIONS.—Paragraph (1) shall not apply to the extent that a provision of a form contract prohibits disclosure or submission of, or reserves the right of a person or business that hosts online consumer reviews or comments to remove—

(A) trade secrets or commercial or financial information obtained from a person and considered privileged or confidential;

(B) personnel and medical files and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(C) records or information compiled for law enforcement purposes, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(D) content that is unlawful or otherwise meets the requirements of paragraph (2)(C); or

(E) content that contains any computer viruses, worms, or other potentially damaging computer code, processes, programs, applications, or files.

(c) PROHIBITION.—It shall be unlawful for a person to offer a form contract containing a provision described as void in subsection (b).

(d) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (c) by a person with respect to which the Commission is empowered under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(e) ENFORCEMENT BY STATES.—

(1) AUTHORIZATION.—Subject to paragraph (2), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (c) in a practice that violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person described in subsection (d)(1).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action. Records.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State

from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (c), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

Deadline.

(f) EDUCATION AND OUTREACH FOR BUSINESSES.—Not later than 60 days after the date of the enactment of this Act, the Commission shall commence conducting education and outreach that provides businesses with non-binding best practices for compliance with this Act.

(g) RELATION TO STATE CAUSES OF ACTION.—Nothing in this section shall be construed to affect any cause of action brought by a person that exists or may exist under State law.

(h) SAVINGS PROVISION.—Nothing in this section shall be construed to limit, impair, or supersede the operation of the Federal Trade Commission Act or any other provision of Federal law.

Applicability.

(i) EFFECTIVE DATES.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subsections (b) and (c) shall apply with respect to contracts in effect on or after the date that is 90 days after the date of the enactment of this Act; and

(2) subsections (d) and (e) shall apply with respect to contracts in effect on or after the date that is 1 year after the date of the enactment of this Act.

Approved December 14, 2016.

LEGISLATIVE HISTORY—H.R. 5111:

HOUSE REPORTS: No. 114–731 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 12, considered and passed House.
Nov. 28, considered and passed Senate.

Public Law 114–259
114th Congress

An Act

Dec. 14, 2016
[H.R. 5509]

To name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the "Dr. Otis Bowen Veteran House".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS TEMPORARY LODGING FACILITY, INDIANAPOLIS, INDIANA.

The Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, shall after the date of the enactment of this Act be known and designated as the "Dr. Otis Bowen Veteran House". Any reference to such temporary lodging facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Dr. Otis Bowen Veteran House.

Approved December 14, 2016.

LEGISLATIVE HISTORY—H.R. 5509:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 26, considered and passed House.
Nov. 30, considered and passed Senate.

Public Law 114–260
114th Congress

An Act

To strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code.

Dec. 14, 2016
[H.R. 5995]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GAO Civilian Task and Delivery Order Protest Authority Act of 2016.
41 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "GAO Civilian Task and Delivery Order Protest Authority Act of 2016".

SEC. 2. ORDERS.

Section 4106(f) of title 41, United States Code, is amended by striking paragraph (3).

Approved December 14, 2016.

LEGISLATIVE HISTORY—H.R. 5995:

HOUSE REPORTS: No. 114–779 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 21, considered and passed House.
Nov. 30, considered and passed Senate.

Public Law 114–261
114th Congress

An Act

Dec. 14, 2016
[S. 795]

To enhance whistleblower protection for contractor and grantee employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTECTION FOR CONTRACTOR AND GRANTEE EMPLOYEES.

(a) PROTECTION FOR EMPLOYEES OF GRANTEES AND SUBGRANTEES.—

(1) DEFENSE GRANTS.—Section 2409(a)(1) of title 10, United States Code, is amended by inserting "or personal services contractor" after "subgrantee".

(2) CIVILIAN GRANTS.—Section 4712(a)(1) of title 41, United States Code, is amended by striking "or grantee" and inserting "grantee, or subgrantee or personal services contractor".

(3) PERMANENT EXTENSION OF PILOT PROGRAM FOR ENHANCEMENT OF CONTRACTOR PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.—

(A) IN GENERAL.—Section 4712 of title 41, United States Code, is amended—

(i) in the section heading by striking "**Pilot program for enhancement**" and inserting "**Enhancement**"; and

(ii) by striking subsection (i).

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 41, United States Code, is amended by striking the item relating to section 4712 and inserting the following new item:

47 USC prec. 4701.

"4712. Enhancement of contractor protection from reprisal for disclosure of certain information.".

(b) PROHIBITION ON REIMBURSEMENT FOR LEGAL FEES ACCRUED IN DEFENSE AGAINST REPRISAL CLAIMS.—

(1) DEFENSE CONTRACTS.—Section 2324(k) of title 10, United States Code, is amended—

(A) by inserting "or subcontractor, or personal services contractor" after "contractor" each place it appears;

(B) by inserting ", subcontract, or personal services contract" after "contract" each place it appears; and

(C) in paragraph (1), by inserting "or to any other activity described in subparagraphs (A) through (C) of section 2409(a)(1) of this title" after "statute or regulation".

(2) CIVILIAN CONTRACTS.—

(A) IN GENERAL.—Section 4310 of title 41, United States Code, is amended—

(i) by inserting ", subcontractor, or personal services contractor" after "contractor" each place it appears;

(ii) by inserting ", subcontract, or personal services contract" after "contract" each place it appears; and

(iii) in subsection (b)(1), by inserting "or to any other activity described in section 4712(a)(1) of this title" after "statute or regulation".

(B) CONFORMING AMENDMENT.—Section 4304(a)(15) of title 41, United States Code, is amended by inserting "or subcontractor, or personal service contractor" after "contractor".

(c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1833).

Applicability. 10 USC 2324 note.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 795:

SENATE REPORTS: No. 114–270 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 23, considered and passed Senate.
Dec. 5, considered and passed House.

Public Law 114–262
114th Congress

An Act

Dec. 14, 2016
[S. 817]

To provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE; CLARIFICATION.

(a) PURPOSE.—The purpose of this Act is to facilitate fee-to-trust applications for the Siletz Tribe within the geographic area specified in the amendment made by this Act.

(b) CLARIFICATION.—Except as specifically provided otherwise by this Act or the amendment made by this Act, nothing in this Act or the amendment made by this Act, shall prioritize for any purpose the claims of any federally recognized Indian tribe over the claims of any other federally recognized Indian tribe.

SEC. 2. TREATMENT OF CERTAIN PROPERTY OF THE SILETZ TRIBE OF THE STATE OF OREGON.

Section 7 of the Siletz Tribe Indian Restoration Act (25 U.S.C. 711e) is amended by adding at the end the following:

"(f) TREATMENT OF CERTAIN PROPERTY.—

"(1) IN GENERAL.—

"(A) TITLE.—The Secretary may accept title to any additional number of acres of real property located within the boundaries of the original 1855 Siletz Coast Reservation established by Executive order dated November 9, 1855, comprised of land within the political boundaries of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties in the State of Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.

"(B) TRUST.—Land to which title is accepted by the Secretary under this paragraph shall be held in trust by the United States for the benefit of the tribe.

"(2) TREATMENT AS PART OF RESERVATION.—All real property that is taken into trust under paragraph (1) shall—

"(A) be considered and evaluated as an on-reservation acquisition under part 151.10 of title 25, Code of Federal Regulations (or successor regulations); and

"(B) become part of the reservation of the tribe.

"(3) PROHIBITION ON GAMING.—Any real property taken into trust under paragraph (1) shall not be eligible, or used,

for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 817 (H.R. 3211):

HOUSE REPORTS: No. 114–563 (Comm. on Natural Resources) accompanying H.R. 3211.
SENATE REPORTS: No. 114–219 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
July 14, considered and passed Senate.
Dec. 6, considered and passed House.

Public Law 114–263
114th Congress

An Act

Dec. 14, 2016
[S. 818]

To amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes.

Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL LAND FOR GRAND RONDE RESERVATION.

Section 1 of Public Law 100–425 (commonly known as the "Grand Ronde Reservation Act") (25 U.S.C. 713f note; 102 Stat. 1594; 104 Stat. 207; 108 Stat. 708; 108 Stat. 4566; 112 Stat. 1896), is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "Subject to valid existing rights, including (but not limited to) all" and inserting the following:

"(1) IN GENERAL.—Subject to valid existing rights, including all"; and

(ii) by inserting "(referred to in this Act as the 'Tribes')" before the period at the end;

(B) in the second sentence, by striking "Such land" and inserting the following:

"(2) TREATMENT.—The land referred to in paragraph (1)"; and

(C) by adding at the end the following:

"(3) ADDITIONAL TRUST ACQUISITIONS.—

"(A) IN GENERAL.—The Secretary may accept title in and to any additional real property located within the boundaries of the original 1857 reservation of the Tribes (as established by the Executive order dated June 30, 1857, and comprised of land within the political boundaries of Polk and Yamhill Counties, Oregon), if that real property is conveyed or otherwise transferred to the United States by, or on behalf of, the Tribes.

"(B) TREATMENT OF TRUST LAND.—

"(i) IN GENERAL.—An application to take land into trust within the boundaries of the original 1857 reservation of the Tribes shall be treated by the Secretary as an on-reservation trust acquisition.

"(ii) GAMING.—

"(I) IN GENERAL.—Except as provided in subclause (II), real property taken into trust pursuant to this paragraph shall not be eligible, or used, for any class II gaming or class III gaming (as

those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

"(II) EXCEPTION.—Subclause (I) shall not apply to any real property located within 2 miles of the gaming facility in existence on the date of enactment of this paragraph located on State Highway 18 in the Grand Ronde community, Oregon.

"(C) RESERVATION.—All real property taken into trust within the boundaries described in subparagraph (A) at any time after September 9, 1988, shall be considered to be a part of the reservation of the Tribes."; and

(2) in subsection (c)—

(A) in the matter preceding the table, by striking "in subsection (a) are approximately 10,311.60" and inserting "in subsection (a)(1) are the approximately 11,349.92"; and

(B) by striking the table and inserting the following:

"South	West	Section	Subdivision	Acres
4	8	36	SE¼ SE¼	40
4	7	31	Lots 1,2, NE¼, E½ NW¼	320.89
5	7	6	All	634.02
5	7	7	All	638.99
5	7	18	Lots 1 & 2, NE¼, E½ NW¼	320.07
5	8	1	SE¼	160
5	8	3	All	635.60
5	8	7	All	661.75
5	8	8	All	640
5	8	9	All	640
5	8	10	All	640
5	8	11	All	640
5	8	12	All	640
5	8	13	All	640
5	8	14	All	640
5	8	15	All	640
5	8	16	All	640
5	8	17	All	640
6	8	1	SW¼ SW¼, W½ SE¼ SW¼	53.78
6	8	1	S½ E½ SE¼ SW¼	10.03

"South	West	Section	Subdivision	Acres
6	7	7, 8, 17, 18	Former tax lot 800, located within the SE¼ SE¼ of sec. 7; SW¼ SW¼ of sec. 8; NW¼ NW¼ of sec. 17; and NE¼ NE¼ of sec. 18	5.55
4	7	30	Lots 3,4, SW¼ NE¼, SE¼ NW¼, E½ SW¼	241.06
6	8	1	N½ SW¼	29.59
6	8	12	W½ SW¼ NE¼, SE¼ SW¼ NE¼ NW¼, N½ SE¼ NW¼, N½ SW¼ SW¼ SE¼	21.70
6	8	13	W½ E½ NW¼ NW¼	5.31
6	7	7	E½ E½	57.60
6	7	8	SW¼ SW¼ NW¼, W½ SW¼	22.46
6	7	17	NW¼ NW¼, N½ SW¼ NW¼	10.84
6	7	18	E½ NE¼	43.42
6	8	1	W½ SE¼ SE¼	20.6
6	8	1	N½ SW¼ SE¼	19.99
6	8	1	SE¼ NE¼	9.99
6	8	1	NE¼ SW¼	10.46
6	8	1	NE¼ SW¼, NW¼ SW¼	12.99
6	7	6	SW¼ NW¼	37.39
6	7	5	SE¼ SW¼	24.87
6	7	5, 8	SW¼ SE¼ of sec. 5; and NE¼ NE¼, NW¼ NE¼, NE¼ NW¼ of sec. 8	109.9
6	8	1	NW¼ SE¼	31.32
6	8	1	NE¼ SW¼	8.89
6	8	1	SW¼ NE¼, NW¼ NE¼	78.4
6	7	8, 17	SW¼ SW¼ of sec. 8; and NE¼ NW¼, NW¼ NW¼ of sec. 17	14.33
6	7	17	NW¼ NW¼	6.68
6	8	12	SW¼ NE¼	8.19
6	8	1	SE¼ SW¼	2.0
6	8	1	SW¼ SW¼	5.05

"South	West	Section	Subdivision	Acres
6	8	12	SE¼, SW¼	54.64
6	7	17, 18	SW¼, NW¼ of sec. 17; and SE¼, NE¼ of sec. 18	136.83
6	8	1	SW¼ SE¼	20.08
6	7	5	NE¼ SE¼, SE¼ SE¼, E½ SE¼ SW¼	97.38
4	7	31	SE¼	159.60
6	7	17	NW¼ NW¼	3.14
6	8	12	NW¼ SE¼	1.10
6	7	8	SW¼ SW¼	0.92
6	8	12	NE¼ NW¼	1.99
6	7, 8	7, 12	NW¼ NW¼ of sec. 7; and S½ NE¼ E½ NE¼ NE¼ of sec. 12	86.48
6	8	12	NE¼ NW¼	1.56
6	7,8	6,1	W½ SW¼ SW¼ of sec. 6; and E½ SE¼ SE¼ of sec. 1	35.82
6	7	5	E½ NW¼ SE¼	19.88
6	8	12	NW¼ NE¼	0.29
6	8	1	SE¼ SW¼	2.5
6	7	8	NE¼ NW¼	7.16

South	West	Section	Subdivision	Acres
6	8	1	SE¼ SW¼	5.5
6	8	1	SE¼ NW¼	1.34
			Total	11,349.92.”.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 818 (H.R. 3212):

HOUSE REPORTS: No. 114–700 (Comm. on Natural Resources) accompanying H.R. 3212.
SENATE REPORTS: No. 114–230 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
July 14, considered and passed Senate.
Dec. 6, considered and passed House.

Public Law 114–264
114th Congress

An Act

To amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

Dec. 14, 2016
[S. 1550]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Program Management Improvement Accountability Act.
31 USC 501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Program Management Improvement Accountability Act".

SEC. 2. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

"(c) PROGRAM AND PROJECT MANAGEMENT.—

"(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

"(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

"(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

"(C) chair the Program Management Policy Council established under section 1126(b);

"(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

"(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

"(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

"(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

"(H) establish a 5-year strategic plan for program and project management.

"(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent

that the provisions of that paragraph are substantially similar to or duplicative of—

"(A) the provisions of chapter 87 of title 10; or

"(B) policy, guidance, or instruction of the Department related to program management.".

31 USC 503 note.

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

Deadline.
Consultation.
31 USC 503 note.

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

31 USC 1126.

"§ 1126. Program management improvement officers and program management policy council

"(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

"(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

"(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

"(A) implement program management policies established by the agency under section 503(c); and

"(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

"(i) Enhanced training and educational opportunities for program managers that shall include—

"(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

"(II) training that emphasizes cost containment for large projects and programs.

"(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

"(iii) Improved career paths and career opportunities for program managers.

"(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

"(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

"(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

"(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10. For purposes of paragraph (1), the Under Secretary of Defense for Acquisition, Technology, and Logistics (or a designee of the Under Secretary) shall be considered the Program Management Improvement Officer.

"(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

"(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

"(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

"(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

"(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee; Review.

"(C) discuss topics of importance to the workforce, including—

"(i) career development and workforce development needs;

"(ii) policy to support continuous improvement in program and project management; and

"(iii) major challenges across agencies in managing programs;

"(D) advise on the development and applicability of standards governmentwide for program management transparency; and

"(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122. Review.

"(3) MEMBERSHIP.—

"(A) COMPOSITION.—The Council shall be composed of the following members:

"(i) Five members from the Office of Management and Budget as follows:

"(I) The Deputy Director for Management.

"(II) The Administrator of the Office of Electronic Government.

"(III) The Administrator of Federal Procurement Policy.

"(IV) The Controller of the Office of Federal Financial Management.

"(V) The Director of the Office of Performance and Personnel Management.

"(ii) The Program Management Improvement Officer from each agency described in section 901(b).

"(iii) Any other full-time or permanent part-time officer or employee of the Federal Government or member of the Armed Forces designated by the Chairperson.

"(B) CHAIRPERSON AND VICE CHAIRPERSON.—

"(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

"(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

"(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

"(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.".

Consultation.

(2) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

31 USC 503 note.

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term "agency" means each agency described in section 901(b) of title 31, United States Code, other than the Department of Defense.

Deadline. Consultation.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall issue, in conjunction with the High Risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 1550:

HOUSE REPORTS: No. 114–637 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–162 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Nov. 19, considered and passed Senate.
Vol. 162 (2016): Sept. 20, 22, considered and passed House, amended.
Nov. 30, Senate concurred in House amendment.

Public Law 114–265
114th Congress

An Act

Dec. 14, 2016
[S. 1555]

To award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Filipino Veterans of World War II Congressional Gold Medal Act of 2015.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans of World War II Congressional Gold Medal Act of 2015".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The First Philippine Republic was founded as a result of the Spanish-American War in which Filipino revolutionaries and the United States Armed Forces fought to overthrow Spanish colonial rule. On June 12, 1898, Filipinos declared the Philippines to be an independent and sovereign nation. The Treaty of Paris negotiated between the United States and Spain ignored this declaration of independence, and the United States paid Spain $20,000,000 to cede control of the Philippines to the United States. Filipino nationalists who sought independence rather than a change in colonial rulers clashed with forces of the United States in the Islands. The Philippine-American War, which officially lasted for 3 years from 1899 to 1902, led to the establishment of the United States civil government in the Philippines.

(2) In 1901, units of Filipino soldiers who fought for the United States against the nationalist insurrection were formally incorporated into the United States Army as the Philippine Scouts.

(3) In 1934, the Philippine Independence Act (Public Law 73–127; 48 Stat. 456) established a timetable for ending colonial rule of the United States. Between 1934 and Philippine independence in 1946, the United States retained sovereignty over Philippine foreign policy and reserved the right to call Filipinos into the service of the United States Armed Forces.

(4) On December 21 1935, President of the Philippine Commonwealth, Manuel Quezon, signed the National Defense Act, passed by the Philippine Assembly. General Douglas MacArthur set upon the task of creating an independent army in the Philippines, consisting of a small regular force, the Philippine Constabulary, a police force created during the colonial period of the United States, and reservists. By July 1941, the Philippine army had 130,000 reservists and 6,000 officers.

(5) On July 26, 1941, as tensions with Japan rose in the Pacific, President Franklin D. Roosevelt used his authority vested in the Constitution of the United States and the Philippine Independence Act to "call into service of the United States . . . all of the organized military forces of the Government of the Philippines." On July 27th, 1941, in accordance with a War Department directive received a day earlier, the United States Forces in the Far East (USAFFE) was established, and Manila was designated as the command headquarters. Commander of the USAFFE, General Douglas MacArthur, planned to absorb the entire Philippine army into the USAFFE in phases. The first phase, which began on September 1, 1941, included 25,000 men and 4,000 officers.

(6) Filipinos who served in the USAFFE included—

(A) the Philippine Scouts, who comprised half of the 22,532 soldiers in the Philippine Department, or United States Army garrison stationed in the Islands at the start of the war;

(B) the Philippine Commonwealth Army;

(C) the new Philippine Scouts, or Filipinos who volunteered to serve with the United States Army when the United States Armed Forces returned to the island;

(D) Filipino civilians who volunteered to serve in the United States Armed Forces in 1945 and 1946, and who became "attached" to various units of the United States Army; and

(E) the "Guerrilla Services" who had fought behind enemy lines throughout the war.

(7) Even after hostilities ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded until it was disestablished in 1950.

(8) On December 8th, 1941, not even 24 hours after the bombing of Pearl Harbor, Japanese Imperial forces attacked bases of the United States Army in the Philippines.

(9) In the spring of 1942, the Japanese 14th Army overran the Bataan Peninsula, and, after a heroic but futile defense, more than 78,000 members of the United States Armed Forces were captured, specifically 66,000 Filipinos and 12,000 service members from the United States. The Japanese transferred the captured soldiers from Bataan to Camp O'Donnell, in what is now known as the infamous Bataan Death March. Forced to march the 70-mile distance in 1 week, without adequate food, water, or medicine, nearly 700 members of the United States Armed Forces and an estimated 6,000 to 10,000 Filipinos perished during the journey.

(10) After the fall of the Bataan Peninsula, the Japanese Army turned its sights on Corregidor. The estimated forces in defense of Corregidor totaled 13,000, and were comprised of members of the United States Armed Forces and Filipino troops. Of this number, 800 were killed, 1,000 were wounded, and 11,000 were captured and forced to march through the city of Manila, after which the captured troops were distributed to various POW camps. The rest of the captured troops escaped to organize or join an underground guerrilla army.

(11) Even before the fall of Corregidor, Philippine resistance, in the form of guerrilla armies, began to wage warfare

on the Japanese invaders. Guerrilla armies, from Northern Luzon to Mindanao—

(A) raided Japanese camps, stealing weapons and supplies;

(B) sabotaged and ambushed Japanese troops on the move; and

(C) with little weaponry, and severely outmatched in numbers, began to extract victories.

(12) Japanese intelligence reports reveal that from the time the Japanese invaded until the return of the United States Armed Forces in the summer of 1944, an estimated 300,000 Filipinos continued to fight against Japanese forces. Filipino resistance against the Japanese was so strong that, in 1942, the Imperial Army formed the Morista Butai, a unit designated to suppress guerrillas.

(13) Because Philippine guerrillas worked to restore communication with United States forces in the Pacific, General MacArthur was able to use the guerrillas in advance of a conventional operation and provided the headquarters of General MacArthur with valuable information. Guerrillas captured and transmitted to the headquarters of General MacArthur Japanese naval plans for the Central Pacific, including defense plans for the Mariana Islands. Intelligence derived from guerrillas relating to aircraft, ship, and troop movements allowed for Allied forces to attack Japanese supply lines and guerrillas and even directed United States submarines where to land agents and cargo on the Philippine coast.

(14) On December 20, 1941, President Roosevelt signed the Selective Training and Service Amendments Act (Public Law 77–360; 55 Stat. 844) which, among other things, allowed Filipinos in the United States to enlist in the United States Armed Forces. In February 1942, President Roosevelt issued the Second War Powers Act (Public Law 77–507; 56 Stat. 176), promising a simplified naturalization process for Filipinos who served in the United States Armed Forces. Subsequently, 16,000 Filipinos in California alone decided to enlist.

(15) The mobilization of forces included the activation and assumption of command of the First Filipino Infantry Battalion on April 1, 1942, at Camp San Luis Obispo, California. Orders were issued to activate the First Filipino Infantry Regiment and Band at Salinas, California, effective July 13, 1942. The activation of the Second Filipino Infantry Regiment occurred at Fort Ord, California, on November 21, 1942. Nearly 9,000 Filipinos and Filipino Americans fought in the United States Army 1st and 2nd Filipino Infantry Regiments.

(16) Soldiers of the 1st and 2nd Infantry Regiments participated in the bloody combat and mop-up operations at New Guinea, Leyte, Samar, Luzon, and the Southern Philippines. In 1943, 800 men were selected from the 1st and 2nd Regiments and shipped to Australia to receive training in intelligence gathering, sabotage, and demolition. Reorganized as part of the 1st Reconnaissance Battalion, this group was sent to the Philippines to coordinate with major guerrilla armies in the Islands. Members of the 1st Regiment were also attached to the United States 6th Army "Alamo Scouts", a reconnaissance group that traveled 30 miles behind enemy lines to free Allied prisoners from the Cabanatuan death camp on January 30,

1945. In addition, in 1945, according to the 441st Counter Intelligence Unit of the United States Armed Forces, Philippine guerrillas provided "very important information and sketches of enemy positions and installations" for the liberation of the Santo Tomas prisoner of war camp, an event that made front page news across the United States.

(17) In March 1944, members of the 2nd Filipino Infantry Regiment were selected for special assignments, including intelligence missions, and reorganized as the 2nd Filipino Infantry Battalion (Separate). The 2nd Filipino Infantry Battalion (Separate) contributed to mop-up operations as a civil affairs unit.

(18) Filipinos participated in the war out of national pride, as well as out of a commitment to the Allied forces struggle against fascism. 57,000 Filipinos in uniform died in the war effort. Estimates of civilian deaths range from 700,000 to upwards of 1,000,000, or between 4.38 to 6.25 percent of the prewar population of 16,000,000.

(19) Because Filipinos who served in the Commonwealth Army of the Philippines were originally considered a part of the Allied struggle, the military order issued by President Roosevelt on July 26, 1941, stated that Filipinos who served in the Commonwealth Army of the Philippines were entitled to full veterans benefits. The guarantee to pay back the service of Filipinos through veterans benefits was reversed by the Rescission Acts of 1946 (Public Laws 79–301 and 79–391; 60 Stat. 6 and 60 Stat. 221), which deemed that the wartime service of the Commonwealth Army of the Philippines and the new Philippine Scouts was not considered active and, therefore, did not qualify for benefits.

(20) The loyal and valiant Filipino Veterans of World War II fought, suffered, and, in many instances, died in the same manner and under the same commander as other members of the United States Armed Forces during World War II.

(21) The Filipino Veterans of World War II fought alongside, and as an integral part of, the United States Armed Forces. The Philippines remained a territory of the United States for the duration of the war and, accordingly, the United States maintained sovereignty over Philippine foreign relations, including Philippine laws enacted by the Philippine Government. Filipinos who fought in the Philippines were not only defending or fighting for the Philippines, but also defending, and ultimately liberating, sovereign territory held by the United States Government.

(22) The United States remains forever indebted to the bravery, valor, and dedication that the Filipino Veterans of World War II displayed. Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

SEC. 3. DEFINITIONS.

In this Act—

(a) the term "Filipino Veterans of World War II" includes any individual who served—

(1) honorably at any time during the period beginning on July 26, 1941, and ending on December 31, 1946; Time period.

(2) in an active-duty status under the command of the United States Armed Forces in the Far East; and

(3)(A) within the Philippine Commonwealth Army, the Philippine Scouts, the Philippine Constabulary, Recognized Guerrilla units, the New Philippine Scouts, the First Filipino Infantry Regiment, the Second Filipino Infantry Battalion (Separate), or the First Reconnaissance Battalion; or

(B) commanding or serving in a unit described in paragraph (3)(A) as a United States military officer or enlisted soldier; and

(b) the term "Secretary" means the Secretary of the Treasury.

SEC. 4. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the Filipino Veterans of World War II in recognition of the dedicated service of the veterans during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary shall strike the Gold Medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Filipino Veterans of World War II, the gold medal shall be given to the Smithsonian Institution, where it will be available for display as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the Filipino Veterans of World War II.

(d) DUPLICATE MEDALS.—

(1) IN GENERAL.—Under regulations that the Secretary may promulgate, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

(2) SALE OF DUPLICATE MEDALS.—The amounts received from the sale of duplicate medals under paragraph (1) shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 1555:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 13, considered and passed Senate.
Nov. 30, considered and passed House.

Public Law 114–266
114th Congress

An Act

Dec. 14, 2016
[S. 1632]

To require a regional strategy to address the threat posed by Boko Haram.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nigeria.

SECTION 1. REGIONAL STRATEGY TO ADDRESS THE THREAT POSED BY BOKO HARAM.

(a) STRATEGY REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall jointly develop and submit to the appropriate committees of Congress a five-year strategy to help enable the Government of Nigeria, members of the Multinational Joint Task Force to Combat Boko Haram (MNJTF) authorized by the African Union, and relevant partners to counter the regional threat of Boko Haram and assist the Government of Nigeria and its neighbors to accept and address legitimate grievances of vulnerable populations in areas affected by Boko Haram.

(2) ELEMENTS.—At a minimum, the strategy must address the following elements:

(A) Enhance, pursuant to existing authorities and restrictions, the institutional capacity, including military capabilities, of the Government of Nigeria and partner nations in the region, as appropriate, to counter the threat posed by Boko Haram.

(B) Provide humanitarian support to civilian populations impacted by Boko Haram's activity.

Human rights.

(C) Specific activities through which the United States Government intends to improve and enhance the capacity of Multinational Joint Task Force to Combat Boko Haram partner nations to investigate and prosecute human rights abuses by security forces and promote respect for the rule of law within the military.

(D) A means for assisting Nigeria, and as appropriate, Multinational Joint Task Force to Combat Boko Haram nations, to counter violent extremism, including efforts to address underlying societal factors shown to contribute to the ability of Boko Haram to radicalize and recruit individuals.

(E) A plan to strengthen and promote the rule of law, including by improving the capacity of the civilian police and judicial system in Nigeria, enhancing public safety, and responding to crime (including gender-based violence),

while respecting human rights and strengthening accountability measures, including measures to prevent corruption.

(F) Strengthen the long-term capacity of the Government of Nigeria to enhance security for schools such that children are safer and girls seeking an education are better protected, and to combat gender-based violence and gender inequality.

(G) Identify and develop mechanisms for coordinating the implementation of the strategy across the inter-agency and with the Government of Nigeria, regional partners, and other relevant foreign partners.

(H) Identify the resources required to achieve the strategy's objectives.

(b) ASSESSMENT.—The Director of National Intelligence shall submit, to the appropriate committees of Congress, an assessment regarding—

(1) the willingness and capability of the Government of Nigeria and regional partners to implement the strategy developed under subsection (a), including the capability gaps, if any, of the Government and military forces of Nigeria that would need to be addressed to enable the Government of Nigeria and the governments of its partner countries in the region—

(A) to counter the threat of Boko Haram; and

(B) to address the legitimate grievances of vulnerable populations in areas affected by Boko Haram; and

(2) significant United States intelligence gaps concerning Boko Haram or on the willingness and capacity of the Government of Nigeria and regional partners to implement the strategy developed under subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that lack of economic opportunity and access to education, justice, and other social services contributes to the ability of Boko Haram to radicalize and recruit individuals.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the

Permanent Select Committee on Intelligence of the House of Representatives.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 1632:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Sept. 22, considered and passed Senate.
Vol. 162 (2016): Dec. 7, considered and passed House.

Public Law 114–267
114th Congress

An Act

To require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

Dec. 14, 2016
[S. 1808]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Northern Border Security Review Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border Security Review Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(2) NORTHERN BORDER.—The term "Northern Border" means the land and maritime borders between the United States and Canada.

SEC. 3. NORTHERN BORDER THREAT ANALYSIS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a Northern Border threat analysis to the appropriate congressional committees that includes— Deadline.

(1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(A) to enter the United States through the Northern Border; or

(B) to exploit border vulnerabilities on the Northern Border;

(2) improvements needed at and between ports of entry along the Northern Border—

(A) to prevent terrorists and instruments of terrorism from entering the United States; and

(B) to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and

trafficked persons moved in either direction across to the Northern Border;

(3) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(4) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

Examination.

(b) ANALYSIS REQUIREMENTS.—For the threat analysis required under subsection (a), the Secretary of Homeland Security shall consider and examine—

(1) technology needs and challenges;

(2) personnel needs and challenges;

(3) the role of State, tribal, and local law enforcement in general border security activities;

(4) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(5) the terrain, population density, and climate along the Northern Border; and

(6) the needs and challenges of Department facilities, including the physical approaches to such facilities.

(c) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis required under subsection (a) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 1808 (H.R. 455):

HOUSE REPORTS: No. 114–232 (Comm. on Homeland Security) accompanying H.R. 455.

SENATE REPORTS: No. 114–155 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Nov. 16, considered and passed Senate.

Nov. 29, considered and passed House.

Public Law 114–268
114th Congress

An Act

To direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

Dec. 14, 2016
[S. 1915]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

First Responder Anthrax Preparedness Act.
42 USC 247d–6b.

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responder Anthrax Preparedness Act".

SEC. 2. VOLUNTARY PRE-EVENT ANTHRAX VACCINATION PILOT PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.

(a) PILOT PROGRAM.—

Coordination.

(1) ESTABLISHMENT.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall carry out a pilot program to provide eligible anthrax vaccines from the Strategic National Stockpile under section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) that will be nearing the end of their labeled dates of use at the time such vaccines are made available to States for administration to emergency response providers who would be at high risk of exposure to anthrax if such an attack should occur and who voluntarily consent to such administration.

(2) DETERMINATION.—The Secretary of Health and Human Services shall determine whether an anthrax vaccine is eligible to be provided to the Secretary of Homeland Security for the pilot program described in paragraph (1) based on—

(A) a determination that the vaccine is not otherwise allotted for other purposes;

(B) a determination that the provision of the vaccine will not reduce, or otherwise adversely affect, the capability to meet projected requirements for this product during a public health emergency, including a significant reduction of available quantities of vaccine in the Strategic National Stockpile; and

(C) such other considerations as determined appropriate by the Secretary of Health and Human Services.

Coordination.

(3) PRELIMINARY REQUIREMENTS.—Before implementing the pilot program required under this subsection, the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall—

(A) establish a communication platform for the pilot program;

(B) develop and deliver education and training for the pilot program;

Analysis.

(C) conduct economic analysis of the pilot program, including a preliminary estimate of total costs and expected benefits;

(D) create a logistical platform for the anthrax vaccine request process under the pilot program;

(E) establish goals and desired outcomes for the pilot program; and

Reimbursement.

(F) establish a mechanism to reimburse the Secretary of Health and Human Services for—

(i) the costs of shipment and transportation of such vaccines provided to the Secretary of Homeland Security from the Strategic National Stockpile under such pilot program, including staff time directly supporting such shipment and transportation; and

(ii) the amount, if any, by which the warehousing costs of the Strategic National Stockpile are increased in order to operate such pilot program.

State and local governments.

(4) LOCATION.—

(A) IN GENERAL.—In carrying out the pilot program required under this subsection, the Secretary of Homeland Security shall select not fewer than 2 nor more than 5 States for voluntary participation in the pilot program.

(B) REQUIREMENT.—Each State that participates in the pilot program under this subsection shall ensure that such participation is consistent with the All-Hazards Public Health Emergency Preparedness and Response Plan of the State developed under section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a).

Coordination.

(5) GUIDANCE FOR SELECTION.—To ensure that participation in the pilot program under this subsection strategically increases State and local response readiness in the event of an anthrax release, the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall provide guidance to participating States and units of local government on identifying emergency response providers who are at high risk of exposure to anthrax.

(6) DISTRIBUTION OF INFORMATION.—The Secretary of Homeland Security shall require that each State that participates in the pilot program under this subsection submit a written certification to the Secretary of Homeland Security stating that each emergency response provider within the State that participates in the pilot program is provided with disclosures and educational materials designated by the Secretary of Health and Human Services, which may include—

(A) materials regarding the associated benefits and risks of any vaccine provided under the pilot program, and of exposure to anthrax;

(B) additional material consistent with the Centers for Disease Control and Prevention's clinical guidance; and

(C) notice that the Federal Government is not obligated to continue providing anthrax vaccine after the date on which the pilot program ends.

(7) MEMORANDUM OF UNDERSTANDING.—Before implementing the pilot program under this subsection, the Secretary of Homeland Security shall enter into a memorandum of understanding with the Secretary of Health and Human Services to—

(A) define the roles and responsibilities of each Department for the pilot program; and

(B) establish other performance metrics and policies for the pilot program, as appropriate.

(8) REPORT.—

(A) IN GENERAL.—Notwithstanding subsection (c), not later than 1 year after the date on which the initial vaccines are administered under this section, and annually thereafter until 1 year after the completion of the pilot program under this section, the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the progress and results of the pilot program, including—

(i) a detailed tabulation of the costs to administer the program, including—

(I) total costs for management and administration;

(II) total costs to ship vaccines;

(III) total number of full-time equivalents allocated to the program; and

(IV) total costs to the Strategic National Stockpile;

(ii) the number and percentage of eligible emergency response providers, as determined by each pilot location, that volunteer to participate;

(iii) the degree to which participants complete the vaccine regimen;

(iv) the total number of doses of vaccine administered; and

(v) recommendations to improve initial and recurrent participation in the pilot program. Recommendations.

(B) FINAL REPORT.—The final report required under subparagraph (A) shall—

(i) consider whether the pilot program required under this subsection should continue after the date described in subsection (c); and

(ii) include—

(I) an analysis of the costs and benefits of continuing the program to provide anthrax vaccines to emergency response providers; Analysis.

(II) an explanation of the economic, health, and other risks and benefits of administering vaccines through the pilot program rather than post-event treatment; and

(III) in the case of a recommendation under clause (i) to continue the pilot program after the date described in subsection (c), a plan under which the pilot program could be continued.

(b) DEADLINE FOR IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall begin implementing the pilot program under this section.

(c) SUNSET.—The authority to carry out the pilot program under this section shall expire on the date that is 5 years after the date of enactment of this Act.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 1915 (H.R. 1300):

HOUSE REPORTS: No. 114–222, Pt. 1 (Comm. on Homeland Security) accompanying H.R. 1300.

SENATE REPORTS: No. 114–251 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 16, considered and passed Senate.
Nov. 29, considered and passed House.

Public Law 114–269
114th Congress

An Act

To award the Congressional Gold Medal, collectively, to the members of the Office of Strategic Services (OSS) in recognition of their superior service and major contributions during World War II.

Dec. 14, 2016
[S. 2234]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Office of Strategic Services Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Strategic Services Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Office of Strategic Services (OSS) was America's first effort to implement a system of strategic intelligence during World War II and provided the basis for the modern-day American intelligence and special operations communities. The U.S. Special Operations Command and the National Clandestine Service chose the OSS spearhead as their insignias.

(2) OSS founder General William J. Donovan is the only person in American history to receive our Nation's four highest decorations, including the Medal of Honor. Upon learning of his death in 1959, President Eisenhower called General Donovan the "last hero". In addition to founding and leading the OSS, General Donovan was also selected by President Roosevelt, who called him his "secret legs", as an emissary to Great Britain and continental Europe before the United States entered World War II.

(3) All the military branches during World War II contributed personnel to the OSS. The present-day Special Operations Forces trace their lineage to the OSS. Its Maritime Unit was a precursor to the U.S. Navy SEALs. The OSS Operational Groups and Jedburghs were forerunners to U.S. Army Special Forces. The 801st/492nd Bombardment Group ("Carpetbaggers") were progenitors to the Air Force Special Operations Command. The Marines who served in the OSS, including the actor Sterling Hayden (a Silver Star recipient), Col. William Eddy (a Distinguished Service Cross recipient who was described as the "nearest thing the United States has had to a Lawrence of Arabia"), and Col. Peter Ortiz (a two-time Navy Cross recipient), were predecessors to the Marine Special Operations Command. U.S. Coast Guard personnel were recruited for the Maritime Unit and its Operational Swimmer Group.

(4) The OSS organized, trained, supplied, and fought with resistance organizations throughout Europe and Asia that played an important role in America's victory during World War II. General Eisenhower credited the OSS's covert contribution in France to the equivalent to having an extra military division. General Eisenhower told General Donovan that if it did nothing else, the photographic reconnaissance conducted by the OSS prior to the D-Day Invasion justified its creation.

(5) Four future directors of central intelligence served as OSS officers: William Casey, William Colby, Allen Dulles, and Richard Helms.

(6) Women comprised more than one-third of OSS personnel and played a critical role in the organization. They included Virginia Hall, the only civilian female to receive a Distinguished Service Cross in World War II, and Julia Child.

(7) OSS recruited Fritz Kolbe, a German diplomat who became America's most important spy against the Nazis in World War II.

(8) America's leading scientists and scholars served in the OSS Research and Analysis Branch, including Ralph Bunche, the first African-American to receive the Nobel Peace Prize; Pulitzer Prize-winning historian Arthur Schlesinger, Jr.; Supreme Court Justice Arthur Goldberg; Sherman Kent; John King Fairbank; and Walt Rostow. Its ranks included seven future presidents of the American Historical Association, five of the American Economic Association, and two Nobel laureates.

(9) The U.S. Department of State's Bureau of Intelligence and Research traces its creation to the OSS Research and Analysis Branch.

(10) James Donovan, who was portrayed by Tom Hanks in the Steven Spielberg movie "Bridge of Spies" and negotiated the release of U–2 pilot Francis Gary Powers, served as General Counsel of the OSS.

(11) The OSS invented and employed new technology through its Research and Development Branch, inventing new weapons and revolutionary communications equipment. Dr. Christian Lambertsen invented the first underwater rebreathing apparatus that was first utilized by the OSS and is known today as SCUBA.

(12) OSS Detachment 101 operated in Burma and pioneered the art of unconventional warfare. It was the first United States unit to deploy a large guerrilla army deep in enemy territory. It has been credited with the highest kill/loss ratio for any infantry-type unit in American military history and was awarded a Presidential Unit Citation.

(13) Its X–2 branch pioneered counterintelligence with the British and established the modern counterintelligence community. The network of contacts built by the OSS with foreign intelligence services led to enduring Cold War alliances.

(14) Operation Torch, the Allied invasion of French North Africa in November 1942, was aided by the networks established and information acquired by the OSS to guide Allied landings.

(15) OSS Operation Halyard rescued more than 500 downed airmen trapped behind enemy lines in Yugoslavia, one of the most daring and successful rescue operations of World War II.

(16) OSS "Mercy Missions" at the end of World War II saved the lives of thousands of Allied prisoners of war whom it was feared would be murdered by the Japanese.

(17) The handful of surviving men and women of the OSS whom General Donovan said performed "some of the bravest acts of the war" are members of the "Greatest Generation". They have never been collectively recognized for their heroic and pioneering service in World War II.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design in commemoration to the members of the Office of Strategic Services (OSS), in recognition of their superior service and major contributions during World War II.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary. Determination.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in commemoration to the members of the Office of Strategic Services under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the Office of Strategic Services.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 2234:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 22, considered and passed Senate.
Nov. 30, considered and passed House.

Public Law 114–270
114th Congress

An Act

To require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

Dec. 14, 2016
[S. 2873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Expanding Capacity for Health Outcomes Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expanding Capacity for Health Outcomes Act" or the "ECHO Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HEALTH PROFESSIONAL SHORTAGE AREA.—The term "health professional shortage area" means a health professional shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) MEDICALLY UNDERSERVED AREA.—The term "medically underserved area" has the meaning given the term "medically underserved community" in section 799B of the Public Health Service Act (42 U.S.C. 295p).

(4) MEDICALLY UNDERSERVED POPULATION.—The term "medically underserved population" has the meaning given the term in section 330(b) of the Public Health Service Act (42 U.S.C. 254b(b)).

(5) NATIVE AMERICANS.—The term "Native Americans" has the meaning given the term in section 736 of the Public Health Service Act (42 U.S.C. 293) and includes Indian tribes and tribal organizations.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODEL.—The term "technology-enabled collaborative learning and capacity building model" means a distance health education model that connects specialists with multiple other health care professionals through simultaneous interactive videoconferencing for the purpose of facilitating case-based learning, disseminating best practices, and evaluating outcomes.

(8) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 4 of the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 3. EXAMINATION AND REPORT ON TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODELS.

(a) EXAMINATION.—

(1) IN GENERAL.—The Secretary shall examine technology-enabled collaborative learning and capacity building models and their impact on—

(A) addressing mental and substance use disorders, chronic diseases and conditions, prenatal and maternal health, pediatric care, pain management, and palliative care;

(B) addressing health care workforce issues, such as specialty care shortages and primary care workforce recruitment, retention, and support for lifelong learning;

(C) the implementation of public health programs, including those related to disease prevention, infectious disease outbreaks, and public health surveillance;

(D) the delivery of health care services in rural areas, frontier areas, health professional shortage areas, and medically underserved areas, and to medically underserved populations and Native Americans; and

(E) addressing other issues the Secretary determines appropriate.

(2) CONSULTATION.—In the examination required under paragraph (1), the Secretary shall consult public and private stakeholders with expertise in using technology-enabled collaborative learning and capacity building models in health care settings.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post on the appropriate website of the Department of Health and Human Services, a report based on the examination under subsection (a).

(2) CONTENTS.—The report required under paragraph (1) shall include findings from the examination under subsection (a) and each of the following:

Analysis.

(A) An analysis of—

(i) the use and integration of technology-enabled collaborative learning and capacity building models by health care providers;

(ii) the impact of such models on health care provider retention, including in health professional shortage areas in the States and communities in which such models have been adopted;

(iii) the impact of such models on the quality of, and access to, care for patients in the States and communities in which such models have been adopted;

(iv) the barriers faced by health care providers, States, and communities in adopting such models;

(v) the impact of such models on the ability of local health care providers and specialists to practice

to the full extent of their education, training, and licensure, including the effects on patient wait times for specialty care; and

(vi) efficient and effective practices used by States and communities that have adopted such models, including potential cost-effectiveness of such models.

(B) A list of such models that have been funded by the Secretary in the 5 years immediately preceding such report, including the Federal programs that have provided funding for such models. List. Time period.

(C) Recommendations to reduce barriers for using and integrating such models, and opportunities to improve adoption of, and support for, such models as appropriate. Recommendations.

(D) Opportunities for increased adoption of such models into programs of the Department of Health and Human Services that are in existence as of the report.

(E) Recommendations regarding the role of such models in continuing medical education and lifelong learning, including the role of academic medical centers, provider organizations, and community providers in such education and lifelong learning. Recommendations.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 2873:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 29, considered and passed Senate.
Dec. 6, considered and passed House.

Public Law 114–271
114th Congress

An Act

Dec. 14, 2016
[S. 2974]

To ensure funding for the National Human Trafficking Hotline, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING FOR THE NATIONAL HUMAN TRAFFICKING HOTLINE; PERFECTING AMENDMENT.

(a) HHS FUNDING FOR TRAFFICKING HOTLINE.—Section 107(b)(1)(B)(ii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(B)(ii)) is amended by striking "of amounts made available for grants under paragraph (2),".

(b) PERFECTING AMENDMENT.—Section 603 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 259) is amended, in the matter preceding paragraph (1), by striking "Victims of Crime Trafficking" and inserting "Victims of Trafficking".

22 USC 7105 note.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect as if enacted as part of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227).

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 2974 (H.R. 5422):

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 28, considered and passed Senate.
Dec. 8, considered and passed House.

Public Law 114–272
114th Congress

An Act

To redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness.

Dec. 14, 2016
[S. 3028]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Daniel J. Evans Olympic National Park Wilderness Act.
16 USC 1132 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Daniel J. Evans Olympic National Park Wilderness Act".

SEC. 2. REDESIGNATION AS DANIEL J. EVANS WILDERNESS.

(a) REDESIGNATION.—Section 101(a) of the Washington Park Wilderness Act of 1988 (16 U.S.C. 1132 note; 102 Stat. 3961) is amended, in the second sentence, by striking "Olympic Wilderness" and inserting "Daniel J. Evans Wilderness".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Olympic Wilderness shall be deemed to be a reference to the Daniel J. Evans Wilderness.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 3028:

HOUSE REPORTS: No. 114–822 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
July 14, considered and passed Senate.
Dec. 6, 7, considered and passed House.

Public Law 114–273
114th Congress

An Act

Dec. 14, 2016
[S. 3076]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Charles Duncan Buried with Honor Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charles Duncan Buried with Honor Act of 2016".

SEC. 2. CASKETS AND URNS FOR BURIAL OF CERTAIN VETERANS IN CEMETERIES OF STATES AND TRIBAL ORGANIZATIONS.

Section 2306(f) of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "for burial in a national cemetery of a deceased veteran" and inserting "for burial of a deceased veteran in a national cemetery or in a veterans cemetery of a State or tribal organization for which the Department has provided a grant under section 2408 of this title"; and

(2) in paragraph (2), by striking "the burial of the veteran in a national cemetery" and inserting "such burial".

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 3076:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed Senate.
Dec. 6, considered and passed House.

Public Law 114–274
114th Congress

An Act

To prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

Dec. 14, 2016
[S. 3183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Better Online Ticket Sales Act of 2016.
15 USC 58 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Online Ticket Sales Act of 2016" or the "BOTS Act of 2016".

15 USC 45c.

SEC. 2. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO CIRCUMVENTION OF TICKET ACCESS CONTROL MEASURES.

(a) CONDUCT PROHIBITED.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to circumvent a security measure, access control system, or other technological control or measure on an Internet website or online service that is used by the ticket issuer to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules; or

(B) to sell or offer to sell any event ticket in interstate commerce obtained in violation of subparagraph (A) if the person selling or offering to sell the ticket either—

(i) participated directly in or had the ability to control the conduct in violation of subparagraph (A); or

(ii) knew or should have known that the event ticket was acquired in violation of subparagraph (A).

(2) EXCEPTION.—It shall not be unlawful under this section for a person to create or use any computer software or system—

(A) to investigate, or further the enforcement or defense, of any alleged violation of this section or other statute or regulation; or

(B) to engage in research necessary to identify and analyze flaws and vulnerabilities of measures, systems, or controls described in paragraph (1)(A), if these research activities are conducted to advance the state of knowledge in the field of computer system security or to assist in the development of computer security product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule defining

an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such subsection by such person;

(B) to compel compliance with such subsection; and

(C) to obtain damages, restitution, or other compensation on behalf of such residents.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

Deadline.

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) not later than 10 days before initiating the civil action.

Records.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State

from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. 3. DEFINITIONS. 15 USC 45c note.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) EVENT.—The term "event" means any concert, theatrical performance, sporting event, show, or similarly scheduled activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that—

(A) is open to the general public; and

(B) is promoted, advertised, or marketed in interstate commerce or for which event tickets are generally sold or distributed in interstate commerce.

(3) EVENT TICKET.—The term "event ticket" means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that the bearer, possessor, or person entitled to possession through purchase or otherwise has—

(A) a right, privilege, or license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

(B) an entitlement to purchase such a right, privilege, or license with respect to one or more future events.

(4) TICKET ISSUER.—The term "ticket issuer" means any person who makes event tickets available, directly or indirectly, to the general public, and may include—

(A) the operator of the venue;

(B) the sponsor or promoter of an event;

(C) a sports team participating in an event or a league whose teams are participating in an event;

(D) a theater company, musical group, or similar participant in an event; and

(E) an agent for any such person.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 3183 (H.R. 5104):

HOUSE REPORTS: No. 114–733 (Comm. on Energy and Commerce) accompanying H.R. 5104.

SENATE REPORTS: No. 114–391 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Nov. 30, considered and passed Senate.

Dec. 7, considered and passed House.

Public Law 114–275
114th Congress

An Act

To require limitations on prescribed burns.

Dec. 14, 2016
[S. 3395]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Prescribed Burn Approval Act of 2016.
16 USC 551 note.

This Act may be cited as the "Prescribed Burn Approval Act of 2016".

SEC. 2. DEFINITIONS.

16 USC 551c–1 note.

In this Act:

(1) NATIONAL FIRE DANGER RATING SYSTEM.—The term "national fire danger rating system" means the national system used to provide a measure of fire danger according to a range of low to moderate to high to very high to extreme.

(2) PRESCRIBED BURN.—The term "prescribed burn" means a planned fire intentionally ignited.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 3. LIMITATIONS ON PRESCRIBED BURNS.

16 USC 551c–1.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall not authorize a prescribed burn on Forest Service land if, for the county or contiguous county in which the land is located, the national fire danger rating system indicates an extreme fire danger level.

(b) EXCEPTION.—The Secretary may authorize a prescribed burn under a condition described in subsection (a) if the Secretary coordinates with the applicable State government and local fire officials.

Coordination.

(c) REPORT.—At the end of each fiscal year, the Secretary shall submit to Congress a report describing—

(1) the number and locations of prescribed burns during that fiscal year; and

(2) each prescribed burn during that fiscal year that was authorized by the Secretary pursuant to subsection (b).

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 3395:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 17, considered and passed Senate.
Dec. 5, considered and passed House.

Public Law 114–276
114th Congress

An Act

To designate the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the "Colonel Demas T. Craw VA Clinic".

Dec. 14, 2016
[S. 3492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF COLONEL DEMAS T. CRAW VA CLINIC IN TRAVERSE CITY, MICHIGAN.

(a) FINDINGS.—Congress finds the following:

(1) Demas T. Craw was born on April 9, 1900, in Long Lake Township, Michigan.

(2) While residing in Traverse City, Michigan, Demas T. Craw enlisted in the United States Army at Columbus Barracks, Ohio, on April 18, 1918, and trained with the 12th Cavalry at Camp Stanley, Texas.

(3) Colonel Craw achieved the position of senior pilot and was awarded—

(A) the Medal of Honor for action in North Africa;
(B) the World War I Victory Medal;
(C) the World War II Victory Medal;
(D) the European-African-Middle Eastern Campaign Medal;
(E) the Mexican Service Medal;
(F) the American Defense Service Medal;
(G) the Purple Heart;
(H) the Royal Order of George I; and
(I) the Observer Badge.

(4) Colonel Craw's citation for the Medal of Honor said, "For conspicuous gallantry and intrepidity in action above and beyond the call of duty. On November 8, 1942, near Port Lyautey, French Morocco, Col. Craw volunteered to accompany the leading wave of assault boats to the shore and pass through the enemy lines to locate the French commander with a view to suspending hostilities. This request was first refused as being too dangerous but upon the officer's insistence that he was qualified to undertake and accomplish the mission he was allowed to go. Encountering heavy fire while in the landing boat and unable to dock in the river because of shell fire from shore batteries, Col. Craw, accompanied by 1 officer and 1 soldier, succeeded in landing on the beach at Mehdia Plage under constant low-level strafing from 3 enemy planes. Riding in a bantam truck toward French headquarters, progress of the party was hindered by fire from our own naval guns. Nearing Port Lyautey, Col. Craw was instantly killed by a

sustained burst of machinegun fire at pointblank range from a concealed position near the road.".

(5) Colonel Craw was killed in action on November 8, 1942, while attempting to deliver a message to broker a cease fire with France.

(b) DESIGNATION.—The Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, shall after the date of the enactment of this Act be known and designated as the "Colonel Demas T. Craw VA Clinic".

(c) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (b) shall be considered to be a reference to the Colonel Demas T. Craw VA Clinic.

Approved December 14, 2016.

LEGISLATIVE HISTORY—S. 3492:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 1, considered and passed Senate.
Dec. 6, considered and passed House.

Public Law 114–277
114th Congress

An Act

To reauthorize the Iran Sanctions Act of 1996.

Dec. 15, 2016
[H.R. 6297]

Iran Sanctions Extension Act.
50 USC 1701 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Sanctions Extension Act".

SEC. 2. REAUTHORIZATION OF IRAN SANCTIONS ACT OF 1996.

Section 13(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking "December 31, 2016" and inserting "December 31, 2026".

[Note by the Office of the Federal Register: The foregoing Act, having been presented to the President of the United States on Friday, December 2, 2016, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become law without his signature on December 15, 2016.]

LEGISLATIVE HISTORY—H.R. 6297:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 15, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 114–278
114th Congress

An Act

Dec. 16, 2016
[H.R. 710]

To require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deadlines.
46 USC 70105 note.

SECTION 1. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARD PROGRAM IMPROVEMENTS AND ASSESSMENT.

(a) CREDENTIAL IMPROVEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall commence actions, consistent with section 70105 of title 46, United States Code, to improve the Transportation Security Administration's process for vetting individuals with access to secure areas of vessels and maritime facilities.

(2) REQUIRED ACTIONS.—The actions described under paragraph (1) shall include—

Analysis.

(A) conducting a comprehensive risk analysis of security threat assessment procedures, including—

(i) identifying those procedures that need additional internal controls; and

(ii) identifying best practices for quality assurance at every stage of the security threat assessment;

(B) implementing the additional internal controls and best practices identified under subparagraph (A);

(C) improving fraud detection techniques, such as—

(i) by establishing benchmarks and a process for electronic document validation;

(ii) by requiring annual training for Trusted Agents; and

Review.

(iii) by reviewing any security threat assessment-related information provided by Trusted Agents and incorporating any new threat information into updated guidance under subparagraph (D);

Update.

(D) updating the guidance provided to Trusted Agents regarding the vetting process and related regulations;

(E) finalizing a manual for Trusted Agents and adjudicators on the vetting process; and

(F) establishing quality controls to ensure consistent procedures to review adjudication decisions and terrorism vetting decisions.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department

of Homeland Security shall submit a report to Congress that evaluates the implementation of the actions described in paragraph (1).

(b) COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall commission an assessment of the effectiveness of the transportation security card program (referred to in this section as "Program") required under section 70105 of title 46, United States Code, at enhancing security and reducing security risks for facilities and vessels regulated under chapter 701 of that title.

(2) LOCATION.—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in port or maritime security, such as—

(A) a national laboratory;

(B) a university-based center within the Science and Technology Directorate's centers of excellence network; or

(C) a qualified federally-funded research and development center.

(3) CONTENTS.—The assessment commissioned under paragraph (1) shall— Reviews.

(A) review the credentialing process by determining—

(i) the appropriateness of vetting standards;

(ii) whether the fee structure adequately reflects the current costs of vetting;

(iii) whether there is unnecessary redundancy or duplication with other Federal- or State-issued transportation security credentials; and

(iv) the appropriateness of having varied Federal and State threat assessments and access controls;

(B) review the process for renewing applications for Transportation Worker Identification Credentials, including the number of days it takes to review application, appeal, and waiver requests for additional information; and

(C) review the security value of the Program by— Evaluation.

(i) evaluating the extent to which the Program, as implemented, addresses known or likely security risks in the maritime and port environments;

(ii) evaluating the potential for a non-biometric credential alternative;

(iii) identifying the technology, business process, and operational impacts of the use of the transportation security card and transportation security card readers in the maritime and port environments;

(iv) assessing the costs and benefits of the Program, as implemented; and

(v) evaluating the extent to which the Secretary of Homeland Security has addressed the deficiencies in the Program identified by the Government Accountability Office and the Inspector General of the Department of Homeland Security before the date of enactment of this Act.

(4) DEADLINES.—The assessment commissioned under paragraph (1) shall be completed not later than 1 year after the date on which the assessment is commissioned.

Deadline.

(5) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the assessment is completed, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives the results of the assessment commissioned under this subsection.

Deadline.

(c) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—If the assessment commissioned under subsection (b) identifies a deficiency in the effectiveness of the Program, the Secretary of Homeland Security, not later than 60 days after the date on which the assessment is completed, shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) responds to findings of the assessment;

(2) includes an implementation plan with benchmarks;

(3) may include programmatic reforms, revisions to regulations, or proposals for legislation; and

(4) shall be considered in any rulemaking by the Department of Homeland Security relating to the Program.

Deadlines.

(d) INSPECTOR GENERAL REVIEW.—If a corrective action plan is submitted under subsection (c), the Inspector General of the Department of Homeland Security shall—

(1) not later than 120 days after the date of such submission, review the extent to which such plan implements the requirements under subsection (c); and

Time period.
Reports.

(2) not later than 18 months after the date of such submission, and annually thereafter for 3 years, submit a report to the congressional committees set forth in subsection (c) that describes the progress of the implementation of such plan.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 710:

SENATE REPORTS: No. 114–244 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 161 (2015): Feb. 10, considered and passed House.

Vol. 162 (2016): Dec. 9, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendment.

Public Law 114–279
114th Congress

An Act

To provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

Dec. 16, 2016
[H.R. 875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Cross-Border Trade Enhancement Act of 2016.
6 USC 101 note.

This Act may be cited as the "Cross-Border Trade Enhancement Act of 2016".

SEC. 2. PUBLIC-PRIVATE PARTNERSHIPS.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 202 et seq.) is amended by adding at the end the following:

"Subtitle G—U.S. Customs and Border Protection Public Private Partnerships

"SEC. 481. FEE AGREEMENTS FOR CERTAIN SERVICES AT PORTS OF ENTRY.

6 USC 301.

"(a) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner of U.S. Customs and Border Protection, upon the request of any entity, may enter into a fee agreement with such entity under which—

"(1) U.S. Customs and Border Protection shall provide services described in subsection (b) at a United States port of entry or any other facility at which U.S. Customs and Border Protection provides or will provide such services;

"(2) such entity shall remit to U.S. Customs and Border Protection a fee imposed under subsection (h) in an amount equal to the full costs that are incurred or will be incurred in providing such services; and

"(3) if space is provided by such entity, each facility at which U.S. Customs and Border Protection services are performed shall be maintained and equipped by such entity, without cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

"(b) SERVICES DESCRIBED.—The services described in this subsection are any activities of any employee or Office of Field Operations contractor of U.S. Customs and Border Protection (except employees of the U.S. Border Patrol, as established under section

411(e)) pertaining to, or in support of, customs, agricultural processing, border security, or immigration inspection-related matters at a port of entry or any other facility at which U.S. Customs and Border Protection provides or will provide services.

"(c) MODIFICATION OF PRIOR AGREEMENTS.—The Commissioner of U.S. Customs and Border Protection, at the request of an entity who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this section, may modify such agreement to implement any provisions of this section.

"(d) LIMITATIONS.—

"(1) IMPACTS OF SERVICES.—The Commissioner of U.S. Customs and Border Protection—

"(A) may enter into fee agreements under this section only for services that—

"(i) will increase or enhance the operational capacity of U.S. Customs and Border Protection based on available staffing and workload; and

"(ii) will not shift the cost of services funded in any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees, to entities under this Act; and

"(B) may not enter into a fee agreement under this section if such agreement would unduly and permanently impact services funded in any appropriations Act, or provided from any account in the Treasury of the United States, derived by the collection of fees.

"(2) NUMBER.—There shall be no limit to the number of fee agreements that the Commissioner of U.S. Customs and Border Protection may enter into under this section.

"(e) AIR PORTS OF ENTRY.—

"(1) FEE AGREEMENT.—Except as otherwise provided in this subsection, a fee agreement for U.S. Customs and Border Protection services at an air port of entry may only provide for the payment of overtime costs of U.S. Customs and Border Protection officers and salaries and expenses of U.S. Customs and Border Protection employees to support U.S. Customs and Border Protection officers in performing services described in subsection (b).

"(2) SMALL AIRPORTS.—Notwithstanding paragraph (1), U.S. Customs and Border Protection may receive reimbursement in addition to overtime costs if the fee agreement is for services at an air port of entry that has fewer than 100,000 arriving international passengers annually.

"(3) COVERED SERVICES.—In addition to costs described in paragraph (1), a fee agreement for U.S. Customs and Border Protection services at an air port of entry referred to in paragraph (2) may provide for the reimbursement of—

"(A) salaries and expenses of not more than five full-time equivalent U.S. Customs and Border Protection Officers beyond the number of such officers assigned to the port of entry on the date on which the fee agreement was signed;

"(B) salaries and expenses of employees of U.S. Customs and Border Protection, other than the officers referred to in subparagraph (A), to support U.S. Customs and

Border Protection officers in performing law enforcement functions; and

"(C) other costs incurred by U.S. Customs and Border Protection relating to services described in subparagraph (B), such as temporary placement or permanent relocation of employees, including incentive pay for relocation, as appropriate.

"(f) PORT OF ENTRY SIZE.—The Commissioner of U.S. Customs and Border Protection shall ensure that each fee agreement proposal is given equal consideration regardless of the size of the port of entry.

"(g) DENIED APPLICATION.—

"(1) IN GENERAL.—If the Commissioner of U.S. Customs and Border Protection denies a proposal for a fee agreement under this section, the Commissioner shall provide the entity submitting such proposal with the reason for the denial unless—

"(A) the reason for the denial is law enforcement sensitive; or

"(B) withholding the reason for the denial is in the national security interests of the United States.

"(2) JUDICIAL REVIEW.—Decisions of the Commissioner of U.S. Customs and Border Protection under paragraph (1) are in the discretion of the Commissioner and are not subject to judicial review.

"(h) FEE.—

"(1) IN GENERAL.—The amount of the fee to be charged under an agreement authorized under subsection (a) shall be paid by each entity requesting U.S. Customs and Border Protection services, and shall be for the full cost of providing such services, including the salaries and expenses of employees and contractors of U.S. Customs and Border Protection, to provide such services and other costs incurred by U.S. Customs and Border Protection relating to such services, such as temporary placement or permanent relocation of such employees and contractors.

"(2) TIMING.—The Commissioner of U.S. Customs and Border Protection may require that the fee referred to in paragraph (1) be paid by each entity that has entered into a fee agreement under subsection (a) with U.S. Customs and Border Protection in advance of the performance of U.S. Customs and Border Protection services.

"(3) OVERSIGHT OF FEES.—The Commissioner of U.S. Customs and Border Protection shall develop a process to oversee the services for which fees are charged pursuant to an agreement under subsection (a), including—

Determination. Reports.

"(A) a determination and report on the full costs of providing such services, and a process for increasing such fees, as necessary;

"(B) the establishment of a periodic remittance schedule to replenish appropriations, accounts, or funds, as necessary; and

"(C) the identification of costs paid by such fees.

"(i) DEPOSIT OF FUNDS.—

"(1) ACCOUNT.—Funds collected pursuant to any agreement entered into pursuant to subsection (a)—

"(A) shall be deposited as offsetting collections;

"(B) shall remain available until expended without fiscal year limitation; and

"(C) shall be credited to the applicable appropriation, account, or fund for the amount paid out of such appropriation, account, or fund for any expenses incurred or to be incurred by U.S. Customs and Border Protection in providing U.S. Customs and Border Protection services under any such agreement and any other costs incurred or to be incurred by U.S. Customs and Border Protection relating to such services.

"(2) RETURN OF UNUSED FUNDS.—The Commissioner of U.S. Customs and Border Protection shall return any unused funds collected and deposited into the account described in paragraph (1) if a fee agreement entered into pursuant to subsection (a) is terminated for any reason or the terms of such fee agreement change by mutual agreement to cause a reduction of U.S. Customs and Border Protections services. No interest shall be owed upon the return of any such unused funds.

"(j) TERMINATION.—

"(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall terminate the services provided pursuant to a fee agreement entered into under subsection (a) with an entity that, after receiving notice from the Commissioner that a fee under subsection (h) is due, fails to pay such fee in a timely manner. If such services are terminated, all costs incurred by U.S. Customs and Border Protection that have not been paid shall become immediately due and payable. Interest on unpaid fees shall accrue based on the rate and amount established under sections 6621 and 6622 of the Internal Revenue Code of 1986.

"(2) PENALTY.—Any entity that, after notice and demand for payment of any fee under subsection (h), fails to pay such fee in a timely manner shall be liable for a penalty or liquidated damage equal to two times the amount of such fee. Any such amount collected under this paragraph shall be deposited into the appropriate account specified under subsection (i) and shall be available as described in such subsection.

"(3) TERMINATION BY THE ENTITY.—Any entity who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this section, or under the provisions of this section, may request that such agreement be amended to provide for termination upon advance notice, length, and terms that are negotiated between such entity and U.S. Customs and Border Protection.

"(k) ANNUAL REPORT.—The Commissioner of U.S. Customs and Border Protection shall—

"(1) submit an annual report identifying the activities undertaken and the agreements entered into pursuant to this section to—

"(A) the Committee on Appropriations of the Senate;

"(B) the Committee on Finance of the Senate;

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

"(D) the Committee on the Judiciary of the Senate;

"(E) the Committee on Appropriations of the House of Representatives;

"(F) the Committee on Homeland Security of the House of Representatives;

"(G) the Committee on the Judiciary of the House of Representatives; and

"(H) the Committee on Ways and Means of the House of Representatives; and

"(2) not later than 15 days before entering into a fee agreement, notify the members of Congress that represent the State or Congressional District in which the affected port of entry or facility is located of such agreement. Notification.

"(l) RULE OF CONSTRUCTION.—Nothing in this section may be construed as imposing on U.S. Customs and Border Protection any responsibilities, duties, or authorities relating to real property.

"SEC. 482. PORT OF ENTRY DONATION AUTHORITY. 6 USC 301a.

"(a) PERSONAL PROPERTY DONATION AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, may enter into an agreement with any entity to accept a donation of personal property, money, or nonpersonal services for the uses described in paragraph (3) only with respect to the following locations at which U.S. Customs and Border Protection performs or will be performing inspection services: Consultation.

"(A) A new or existing sea or air port of entry.

"(B) An existing Federal Government-owned land port of entry.

"(C) A new Federal Government-owned land port of entry if—

"(i) the fair market value of the donation is $50,000,000 or less; and

"(ii) the fair market value, including any personal and real property donations in total, of such port of entry when completed, is $50,000,000 or less.

"(2) LIMITATION ON MONETARY DONATIONS.—Any monetary donation accepted pursuant to this subsection may not be used to pay the salaries of U.S. Customs and Border Protection employees performing inspection services.

"(3) USES.—Donations accepted pursuant to this subsection may be used for activities of the Office of Field Operations set forth in subparagraphs (A) through (F) of section 411(g)(3), which are related to a new or existing sea or air port of entry or a new or existing Federal Government-owned land port of entry described in paragraph (1), including expenses related to—

"(A) furniture, fixtures, equipment, or technology, including the installation or deployment of such items; and

"(B) the operation and maintenance of such furniture, fixtures, equipment, or technology.

"(b) REAL PROPERTY DONATION AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (3), the Commissioner of U.S. Customs and Border Protection, and the Administrator of the General Services Administration, as applicable, may enter into an agreement with any entity to accept a donation of real property or money for uses described in paragraph (2) only with respect to the following locations at which

U.S. Customs and Border Protection performs or will be performing inspection services:

"(A) A new or existing sea or air port of entry.

"(B) An existing Federal Government-owned land port of entry.

"(C) A new Federal Government-owned land port of entry if—

"(i) the fair market value of the donation is $50,000,000 or less; and

"(ii) the fair market value, including any personal and real property donations in total, of such port of entry when completed, is $50,000,000 or less.

"(2) USE.—Donations accepted pursuant to this subsection may be used for activities of the Office of Field Operations set forth in section 411(g), which are related to the construction, alteration, operation, or maintenance of a new or existing sea or air port of entry or a new or existing a Federal Government-owned land port of entry described in paragraph (1), including expenses related to—

"(A) land acquisition, design, construction, repair, or alteration; and

"(B) operation and maintenance of such port of entry facility.

"(3) LIMITATION ON REAL PROPERTY DONATIONS.—A donation of real property under this subsection at an existing land port of entry owned by the General Services Administration may only be accepted by the Administrator of General Services.

"(4) SUNSET.—

"(A) IN GENERAL.—The authority to enter into an agreement under this subsection shall terminate on the date that is 4 years after the date of the enactment of this section.

"(B) RULE OF CONSTRUCTION.—The termination date referred to in subparagraph (A) shall not apply to carrying out the terms of an agreement under this subsection if such agreement is entered into before such termination date.

"(c) GENERAL PROVISIONS.—

"(1) DURATION.—An agreement entered into under subsection (a) or (b) (and, in the case of such subsection (b), in accordance with paragraph (4) of such subsection) may last as long as required to meet the terms of such agreement.

Consultation.

"(2) CRITERIA.—In carrying out an agreement entered into under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, shall establish criteria regarding—

"(A) the selection and evaluation of donors;

"(B) the identification of roles and responsibilities between U.S. Customs and Border Protection, the General Services Administration, and donors;

"(C) the identification, allocation, and management of explicit and implicit risks of partnering between the Federal Government and donors;

"(D) decision-making and dispute resolution processes; and

"(E) processes for U.S. Customs and Border Protection, and the General Services Administration, as applicable,

to terminate agreements if selected donors are not meeting the terms of any such agreement, including the security standards established by U.S. Customs and Border Protection.

"(3) EVALUATION PROCEDURES.—

"(A) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, as applicable, shall— Consultation. Criteria.

"(i) establish criteria for evaluating a proposal to enter into an agreement under subsection (a) or (b); and

"(ii) make such criteria publicly available. Public information.

"(B) CONSIDERATIONS.—Criteria established pursuant to subparagraph (A) shall consider—

"(i) the impact of a proposal referred to in such subparagraph on the land, sea, or air port of entry at issue and other ports of entry or similar facilities or other infrastructure near the location of the proposed donation;

"(ii) such proposal's potential to increase trade and travel efficiency through added capacity;

"(iii) such proposal's potential to enhance the security of the port of entry at issue;

"(iv) the impact of the proposal on reducing wait times at that port of entry or facility and other ports of entry on the same border;

"(v) for a donation under subsection (b)—

"(I) whether such donation satisfies the requirements of such proposal, or whether additional real property would be required; and

"(II) how such donation was acquired, including if eminent domain was used;

"(vi) the funding available to complete the intended use of such donation;

"(vii) the costs of maintaining and operating such donation;

"(viii) the impact of such proposal on U.S. Customs and Border Protection staffing requirements; and

"(ix) other factors that the Commissioner or Administrator determines to be relevant.

"(C) DETERMINATION AND NOTIFICATION.—

"(i) INCOMPLETE PROPOSALS.—

"(I) IN GENERAL.—Not later than 60 days after receiving the proposals for a donation agreement from an entity, the Commissioner of U.S. Customs and Border Protection shall notify such entity as to whether such proposal is complete or incomplete. Deadline.

"(II) RESUBMISSION.—If the Commissioner of U.S. Customs and Border Protection determines that a proposal is incomplete, the Commissioner shall—

"(aa) notify the appropriate entity and provide such entity with a description of all information or material that is needed to complete review of the proposal; and

"(bb) allow the entity to resubmit the proposal with additional information and material described in item (aa) to complete the proposal.

Deadline.

"(ii) COMPLETE PROPOSALS.—Not later than 180 days after receiving a completed proposal to enter into an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, with the concurrence of the Administrator of General Services, as applicable, shall—

"(I) determine whether to approve or deny such proposal; and

"(II) notify the entity that submitted such proposal of such determination.

"(4) SUPPLEMENTAL FUNDING.—Except as required under section 3307 of title 40, United States Code, real property donations to the Administrator of General Services made pursuant to subsection (a) and (b) at a GSA-owned land port of entry may be used in addition to any other funding for such purpose, including appropriated funds, property, or services.

"(5) RETURN OF DONATIONS.—The Commissioner of U.S. Customs and Border Protection, or the Administrator of General Services, as applicable, may return any donation made pursuant to subsection (a) or (b). No interest shall be owed to the donor with respect to any donation provided under such subsections that is returned pursuant to this subsection.

"(6) PROHIBITION ON CERTAIN FUNDING.—

"(A) IN GENERAL.—Except as provided in subsections (a) and (b) regarding the acceptance of donations, the Commissioner of U.S. Customs and Border Protection and the Administrator of General Services, as applicable, may not, with respect to an agreement entered into under either of such subsections, obligate or expend amounts in excess of amounts that have been appropriated pursuant to any appropriations Act for purposes specified in either of such subsections or otherwise made available for any of such purposes.

"(B) CERTIFICATION REQUIREMENT.—Before accepting any donations pursuant to an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection shall certify to the congressional committees set forth in paragraph (7) that the donation will not be used for the construction of a detention facility or a border fence or wall.

"(7) ANNUAL REPORTS.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, as applicable, shall submit an annual report identifying the activities undertaken and agreements entered into pursuant to subsections (a) and (b) to—

"(A) the Committee on Appropriations of the Senate;

"(B) the Committee on Environment and Public Works of the Senate;

"(C) the Committee on Finance of the Senate;

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

"(E) the Committee on the Judiciary of the Senate;

"(F) the Committee on Appropriations of the House of Representatives;

"(G) the Committee on Homeland Security of the House of Representatives;

"(H) the Committee on the Judiciary of the House of Representatives;

"(I) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(J) the Committee on Ways and Means of the House of Representatives.

"(d) GAO REPORT.—The Comptroller General of the United States shall submit an annual report to the congressional committees referred to in subsection (c)(7) that evaluates— Evaluation.

"(1) fee agreements entered into pursuant to section 481;

"(2) donation agreements entered into pursuant to subsections (a) and (b); and

"(3) the fees and donations received by U.S. Customs and Border Protection pursuant to such agreements.

"(e) JUDICIAL REVIEW.—Decisions of the Commissioner of U.S. Customs and Border Protection and the Administrator of the General Services Administration under this section regarding the acceptance of real or personal property are in the discretion of the Commissioner and the Administrator and are not subject to judicial review.

"(f) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

"SEC. 483. CURRENT AND PROPOSED AGREEMENTS. 6 USC 301b.

"Nothing in this subtitle or in section 4 of the Cross-Border Trade Enhancement Act of 2016 may be construed as affecting—

"(1) any agreement entered into pursuant to section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6) or section 559 of title V of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211 note; Public Law 113–76), as in existence on the day before the date of the enactment of this subtitle, and any such agreement shall continue to have full force and effect on and after such date; or

"(2) a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to such section 559, as in existence on the day before such date of enactment.

"SEC. 484. DEFINITIONS. 6 USC 301c.

"In this subtitle:

"(1) DONOR.—The term 'donor' means any entity that is proposing to make a donation under this Act.

"(2) ENTITY.—The term 'entity' means any—

"(A) person;

"(B) partnership, corporation, trust, estate, cooperative, association, or any other organized group of persons;

"(C) Federal, State or local government (including any subdivision, agency or instrumentality thereof); or

"(D) any other private or governmental entity.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the list of items relating to title IV the following:

SEC. 3. MODIFICATION OF EXISTING REPORTS TO CONGRESS.

19 USC 4451.

Section 907(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) the program for entering into reimbursable fee agreements with U.S. Customs and Border Protection established under section 481 of the Homeland Security Act of 2002.".

SEC. 4. REPEALS.

(a) CONTRACT AUTHORITY.—Section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6) is repealed.

127 Stat. 378.

(b) PARTNERSHIP PILOT PROGRAM.—Section 559 of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211 note; Public Law 113–76) is repealed.

SEC. 5. WAIVER OF POLYGRAPH EXAMINATION REQUIREMENT FOR CERTAIN LAW ENFORCEMENT APPLICANTS.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 6 U.S.C. 221) is amended—

(1) in the matter preceding paragraph (1), by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(2) in subsection (a)(1), as redesignated, by inserting "(except as provided in subsection (b))" after "Border Protection"; and

(3) by adding at the end the following:

"(b) WAIVER.—The Commissioner of U.S. Customs and Border Protection may waive the polygraph examination requirement under subsection (a)(1) for any applicant who—

"(1) is deemed suitable for employment;

"(2) holds a current, active Top Secret/Sensitive Compartmented Information Clearance;

"(3) has a current Single Scope Background Investigation;

"(4) was not granted any waivers to obtain his or her clearance; and

"(5) is a veteran (as defined in section 2108 of title 5, United States Code).".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 875 (S. 461):

SENATE REPORTS: No. 114–303 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 461.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 6, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–280
114th Congress

An Act

Dec. 16, 2016
[H.R. 960]

Designate the Department of Veterans Affairs community-based outpatient clinic in Newark, Ohio, as the Daniel L. Kinnard VA Clinic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Daniel L. Kinnard was born on October 21, 1949, in Mount Vernon, Ohio.

(2) While residing in Newark, Ohio, Daniel L. Kinnard enlisted in the Army at Fort Hayes, Ohio, on November 14, 1966, and served as a Specialist Fourth Class in the 101st Airborne Division.

(3) Specialist Kinnard was awarded the National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Parachutist Badge, Sharpshooter Badge with Rifle Bar, Bronze Star for Valor, Purple Heart, Good Conduct Medal, and the Combat Medical Badge.

(4) Specialist Kinnard's citation for the Bronze Star said, "For heroism in combat against a hostile force in the Republic of Vietnam on 17 February 1968. Specialist Four Kinnard distinguished himself while attached as a medic on a combat operation near Quang Tri, Republic of Vietnam. The point platoon made contact with enemy positions in a hedgerow and two of the point men were seriously wounded. Without hesitation, Specialist Kinnard rushed through the heavy volume of enemy fire to reach the wounded men. With complete disregard for his own personal safety, Specialist Kinnard remained exposed to enemy fire while he treated the wounded men. Once he administered first aid to the wounded, Specialist Kinnard organized their evacuation under fire. His personal bravery and devotion to duty were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and United States Army.".

(5) Specialist Kinnard was killed in action on March 9, 1968, while rendering aid to his fellow paratroopers.

SEC. 2. DANIEL L. KINNARD VA CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community-based outpatient clinic located in Newark, Ohio, shall after the date of the enactment of this Act be known and designated as the "Daniel L. Kinnard VA Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community-based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the Daniel L. Kinnard VA Clinic.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 960:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–281
114th Congress

An Act

To amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

Dec. 16, 2016
[H.R. 1150]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frank R. Wolf International Religious Freedom Act. 22 USC 6401 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Frank R. Wolf International Religious Freedom Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS; POLICY; SENSE OF CONGRESS.

(a) FINDINGS.—Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended—

(1) in paragraph (3), by inserting "The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion." before "Governments";

(2) in paragraph (4), by adding at the end the following: "A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country."; and

(3) in paragraph (6)—

(A) by inserting "and the specific targeting of non-theists, humanists, and atheists because of their beliefs" after "religious persecution"; and

(B) by inserting "and in regions where non-state actors exercise significant political power and territorial control" before the period at the end.

(b) POLICY.—Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E);

(2) by striking the matter preceding subparagraph (A), as redesignated, and inserting the following:

"(1) IN GENERAL.—The following shall be the policy of the United States:"; and

(3) by adding at the end the following:

"(2) EVOLVING POLICIES AND COORDINATED DIPLOMATIC RESPONSES.—Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic responses that—

"(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations; and

"(B) are coordinated across and carried out by the entire range of Federal agencies.".

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

(1) a policy or practice by the government of any foreign country of routinely denying visa applications for religious workers can be indicative of a poor state of religious freedom in that country; and

(2) the United States Government should seek to reverse any such policy by reviewing the entirety of the bilateral relationship between such country and the United States.

SEC. 3. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) by redesignating paragraph (13) as paragraph (16);

(2) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(3) by inserting after paragraph (9) the following:

"(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(11) NON-STATE ACTOR.—The term 'non-state actor' means a nonsovereign entity that—

"(A) exercises significant political power and territorial control;

"(B) is outside the control of a sovereign government; and

"(C) often employs violence in pursuit of its objectives.";

(4) by inserting after paragraph (14), as redesignated, the following:

"(15) SPECIAL WATCH LIST.—The term 'Special Watch List' means the Special Watch List described in section 402(b)(1)(A)(iii).''; and

(5) in paragraph (16), as redesignated—

(A) in subparagraph (A)—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by inserting after clause (iii) the following:

"(iv) not professing a particular religion, or any religion;"; and

(B) in subparagraph (B)—

(i) by inserting "conscience, non-theistic views, or" before "religious belief or practice"; and

(ii) by inserting "forcibly compelling non-believers or non-theists to recant their beliefs or to convert," after "forced religious conversion,".

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (b), by inserting ", and shall report directly to the Secretary of State" before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "responsibility" and inserting "responsibilities";

(ii) by striking "shall be to advance" and inserting the following: "shall be to—

"(A) advance";

(iii) in subparagraph (A), as redesignated, by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.";

(B) in paragraph (2), by inserting "the principal adviser to" before "the Secretary of State";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.";

(D) by redesignating paragraph (4) as paragraph (5); and

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

"(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large—

"(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and

"(B) should participate in any interagency processes on issues in which the promotion of international religious freedom policy can advance United States national security interests, including in democracy promotion, stability, security, and development globally."; and

(3) in subsection (d), by striking "staff for the Office" and all that follows and inserting "appropriate staff for the Office, including full-time equivalent positions and other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this Act. The Secretary of State should provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as necessary, representation funds. On the date on which the President's annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committees that includes a report on staffing levels for the International Religious Freedom Office.". Reports.

(b) SENSE OF CONGRESS.—It is the sense of Congress that maintaining an adequate staffing level at the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry out its important work.

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 1" and inserting "May 1";

(2) in subparagraph (A)—

(A) in clause (iii), by striking "; and" and inserting "as well as the routine denial of visa applications for religious workers;";

(B) by redesignating clause (iv) as clause (vii); and

(C) by inserting after clause (iii) the following:

"(iv) particularly severe violations of religious freedom in that country if such country does not have a functioning government or the government of such country does not control its territory;

"(v) the identification of prisoners, to the extent possible, in that country pursuant to section 108(d);

"(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; and";

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting "persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision," after "entire religions,"; and

(B) by inserting "policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country," after "such groups,";

(4) in subparagraph (C), by striking "A description of United States actions and" and inserting "A detailed description of United States actions, diplomatic and political coordination efforts, and other"; and

(5) in subparagraph (F)(i)—

(A) by striking "section 402(b)(1)" and inserting "section 402(b)(1)(A)(ii)"; and

(B) by adding at the end the following: "Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report.".

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

(1) the original intent of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) was to require annual reports from both the Department of State and the Commission on International Religious Freedom to be delivered each year, during the same calendar year, and with at least 5 months separating these reports, in order to provide updated information for policymakers, Members of Congress, and nongovernmental organizations; and

(2) given that the annual Country Reports on Human Rights Practices no longer contain updated information on religious freedom conditions globally, it is important that the Department of State coordinate with the Commission to fulfill the original intent of the International Religious Freedom Act of 1998.

SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) AMENDMENTS TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking "(a) The Secretary of State" and inserting the following:

"(a) HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—

"(1) IN GENERAL.—The Secretary of State"; and

(C) by adding at the end the following:

"(2) RELIGIOUS FREEDOM TRAINING.—

"(A) IN GENERAL.—In carrying out the training required under paragraph (1)(B), the Director of the George P. Shultz National Foreign Affairs Training Center shall, not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, conduct training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be included in— Deadline.

"(i) the A–100 course attended by all Foreign Service officers;

"(ii) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

"(iii) the courses required of all outgoing deputy chiefs of mission and ambassadors.

"(B) DEVELOPMENT OF CURRICULUM.—In carrying out the training required under paragraph (1)(B), the Ambassador at Large for International Religious Freedom, in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials, as appropriate, and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)), shall make recommendations to the Secretary of State regarding a curriculum for the training of United States Foreign Service officers under paragraph (1)(B) on the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State should ensure the availability of sufficient resources to develop and implement such curriculum. Coordination. Consultation. Recommendations.

"(C) INFORMATION SHARING.—The curriculum and training materials developed under this paragraph shall be shared with the United States Armed Forces and other Federal departments and agencies with personnel who are stationed overseas, as appropriate, to provide training on—

"(i) United States religious freedom policies;

"(ii) religious traditions;

"(iii) religious engagement strategies;

"(iv) religious and cultural issues; and

"(v) efforts to counter violent religious extremism.";

(2) in subsection (b), by striking "The Secretary of State" and inserting "REFUGEES.—The Secretary of State"; and

(3) in subsection (c), by striking "The Secretary of State" and inserting "CHILD SOLDIERS.—The Secretary of State".

Plan.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the Foreign Service Institute, located at the George P. Shultz National Foreign Affairs Training Center, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the Foreign Services Act of 1980, as amended by subsection (a).

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended—

(1) in subsection (b), by striking "faith," and inserting "activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,";

(2) in subsection (c), by striking ", as appropriate, provide" and insert "make available"; and

(3) by adding at the end the following:

"(d) VICTIMS LIST MAINTAINED BY THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.—

Public information. Web posting. Publications. Determination.

"(1) IN GENERAL.—The Commission shall make publicly available, to the extent practicable, online and in official publications, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) or by a nonstate actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and include as much publicly available information as practicable on the conditions and circumstances of such persons.

"(2) DISCRETION.—In compiling lists under paragraph (1), the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons.".

TITLE II—NATIONAL SECURITY COUNCIL

SEC. 201. SPECIAL ADVISER FOR INTERNATIONAL RELIGIOUS FREEDOM.

The position described in section 101(k) of the National Security Act of 1947 (50 U.S.C. 3021(k)) should assist the Ambassador at Large for International Religious Freedom to coordinate international religious freedom policies and strategies throughout the

executive branch and within any interagency policy committee of which the Ambassador at Large is a member.

TITLE III—PRESIDENTIAL ACTIONS

SEC. 301. NON-STATE ACTOR DESIGNATIONS. 22 USC 6442a.

(a) IN GENERAL.—The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall—

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and Review.

(2) designate, in a manner consistent with such Act, each such non-state actor as an entity of particular concern for religious freedom. Designation.

(b) REPORT.—Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) ACTIONS.—The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(d) DEPARTMENT OF STATE ANNUAL REPORT.—The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required under section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)).

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

(1) the Secretary of State should work with Congress and the U.S. Commission on International Religious Freedom—

(A) to create new political, financial, and diplomatic tools to address severe violations of religious freedom by non-state actors; and

(B) to update the actions the President can take under section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445);

(2) governments must ultimately be held accountable for the abuses that occur in their territories; and

(3) any actions the President takes after designating a non-state actor as an entity of particular concern should also involve high-level diplomacy with the government of the country in which the non-state actor is operating.

(f) DETERMINATIONS OF RESPONSIBLE PARTIES.—In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), the President, with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine, to the extent practicable, the specific officials or members that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by such non-state actor.

(g) DEFINITIONS

appropriate congressional committees that the country should no longer be so designated."; and

(C) by adding at the end the following:

"(4) EFFECT ON DESIGNATION AS COUNTRY OF PARTICULAR CONCERN.—The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A)(ii) in any such year."; and

(2) in subsection (c)(5), by striking "the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection." and inserting "the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such sanction or sanctions on each country.". Designation. Determination.

SEC. 303. REPORT TO CONGRESS.

Section 404(a)(4)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)(4)(A)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iv) the impact on the advancement of United States interests in democracy, human rights, and security, and a description of policy tools being applied in the country, including programs that target democratic stability, economic growth, and counterterrorism.".

SEC. 304. PRESIDENTIAL WAIVER.

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended—

(1) in subsection (a)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by inserting ", for a single, 180-day period," after "may waive";

(C) by striking paragraph (1); and

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

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

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

"(b) ADDITIONAL AUTHORITY.—Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that— Time period. Determination. Reports.

"(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

"(2) the important national interest of the United States requires the exercise of such waiver authority.";

(4) in subsection (c), as redesignated, by inserting "or (b)" after "subsection (a)"; and

(5) by adding at the end the following:

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

"(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and

"(2) because the promotion of religious freedom is an important interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 405 or other commensurate substitute action.".

SEC. 305. PUBLICATION IN THE FEDERAL REGISTER.

Section 408(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following: "Any designation of a non-state actor as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.".

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) AVAILABILITY OF ASSISTANCE.—It is the sense of Congress that for each fiscal year that begins on or after the date of the enactment of this Act, the President should request sufficient appropriations from Congress to support—

(1) the vigorous promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to groups that—

(A) are capable of developing legal protections or promoting cultural and societal understanding of international norms of religious freedom;

(B) seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; or

(C) seek to strengthen investigations, reporting, and monitoring of religious freedom violations, including genocide perpetrated against religious minorities; and

(2) the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for—

(A) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions; and

(B) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new

religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

(b) PREFERENCE.—It is the sense of Congress that, in providing grants under subsection (a), the Ambassador at Large for International Religious Freedom should, as appropriate, give preference to projects targeting religious freedom violations in countries—

(1) designated as countries of particular concern for religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)); or

(2) included on the Special Watch List described in section 402(b)(1)(A)(iii) of the International Religious Freedom Act of 1998, as added by section 302(1)(A)(i) of this Act.

(c) ADMINISTRATION AND CONSULTATIONS.—

(1) ADMINISTRATION.—Amounts made available under subsection (a) shall be administered by the Ambassador at Large for International Religious Freedom.

(2) CONSULTATIONS.—In developing priorities and policies for providing grants authorized under subsection (a), including programming and policy, the Ambassador at Large for International Religious Freedom should consult with other Federal agencies, including the United States Commission on International Religious Freedom and, as appropriate, nongovernmental organizations.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

SEC. 501. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended—

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following:

22 USC 6474.

"SEC. 605. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

22 USC 6473a.

"(a) LIST.—

"(1) IN GENERAL.—The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)), or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.

Coordination. Consultation.

"(2) REFERENCE.—The list required under paragraph (1) shall be known as the 'Designated Persons List for Particularly Severe Violations of Religious Freedom'.

"(b) REPORT.—

"(1) IN GENERAL.—The Secretary of State shall submit a report to the appropriate congressional committees that contains the list required under subsection (a), including, with respect to each foreign individual on the list—

"(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

"(B) the name of the country or other location in which such violation took place; and

"(C) a description of the actions taken pursuant to this Act or any other Act or Executive order in response to such violation.

"(2) SUBMISSION AND UPDATES.—The Secretary of State shall submit to the appropriate congressional committees—

"(A) the initial report required under paragraph (1) not later than 180 days after the date of the enactment of the Frank R. Wolf International Religious Freedom Act; and

"(B) updates to the report every 180 days thereafter and as new information becomes available.

"(3) FORM.—The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

"(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on Appropriations of the Senate;

"(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(D) the Committee on Foreign Affairs of the House of Representatives;

"(E) the Committee on Appropriations of the House of Representatives; and

"(F) the Committee on Financial Services of the House of Representatives.".

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MISCELLANEOUS PROVISIONS.

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following:

22 USC 6482.

"SEC. 702. VOLUNTARY CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

"(a) FINDING.—Congress recognizes the enduring importance of United States institutions of higher education worldwide—

"(1) for their potential for shaping positive leadership and new educational models in host countries; and

"(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or establishing any educational entities

with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report, should seek to adopt a voluntary code of conduct for operating in such countries that should—

"(1) uphold the right of freedom of religion of their employees and students, including the right to manifest that religion peacefully as protected in international law;

"(2) ensure that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

"(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to protect academic freedom and the rights enshrined in the United Nations Declaration of Human Rights.

"SEC. 703. SENSE OF CONGRESS REGARDING NATIONAL SECURITY STRATEGY TO PROMOTE RELIGIOUS FREEDOM THROUGH UNITED STATES FOREIGN POLICY.

22 USC 6483.

"It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043)—

"(1) should promote international religious freedom as a foreign policy and national security priority; and

"(2) should articulate that promotion of the right to freedom of religion is a strategy that—

"(A) protects other, related human rights, and advances democracy outside the United States; and

"(B) makes clear its importance to United States foreign policy goals of stability, security, development, and diplomacy;

"(3) should be a guide for the strategies and activities of relevant Federal agencies; and

"(4) should inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.".

SEC. 602. CLERICAL AMENDMENTS.

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended—

(1) by striking the item relating to section 605 and inserting the following:

"Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.";

(2) by inserting after the item relating to section 604 the following:

"Sec. 605. Designated Persons List for Particularly Severe Violations of Religious Freedom.";

and

(3) by adding at the end the following:

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 1150:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 16, considered and passed House.
Dec. 9, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendment.

Public Law 114–282
114th Congress

An Act

To require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

Dec. 16, 2016
[H.R. 2726]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Apollo 11 50th Anniversary Commemorative Coin Act. 31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apollo 11 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On July 16, 1969, the Apollo 11 spacecraft launched from Launch Complex 39A at the John F. Kennedy Space Center carrying Neil Armstrong, Buzz Aldrin, and Michael Collins, who would become the first of mankind to complete a crewed lunar landing.

(2) The United States is the only country ever to have attempted and succeeded in landing humans on a celestial body off the Earth and safely returning them home, completing an unprecedented engineering, scientific and political achievement.

(3) The Apollo 11 mission, culminating in man's first steps on the Moon on July 20, 1969, honored the fallen astronauts of the Apollo 1 crew, whose innovative work and bravery will be remembered forever.

(4) Apollo 11 accomplished the national goal set forth in 1961 by President John F. Kennedy, who stated at Rice University the following year, "We choose to go to the Moon. We choose to go to the Moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win".

(5) At the height of the Cold War, the Apollo space program provided the United States and the free world with a powerful symbolic win, demonstrating the strength, ambition, and determination of the United States in technological and economic advancement, and securing our Nation's leadership in space for generations to come.

(6) The National Aeronautics and Space Administration's (referred to in this Act as "NASA") Marshall Space Flight Center in Huntsville, Alabama, designed, assembled, and tested the most powerful launch vehicle in history, the Saturn V

rocket, which was used for the Apollo missions in the 1960s and 1970s.

(7) The Saturn V weighed 6,200,000 pounds and generated 7,600,000 pounds of thrust, which NASA has equated to generating more power than 86 Hoover Dams.

(8) During the time period from 1969 through 1972, NASA completed eight Apollo missions and landed 12 men on the Moon. The 6 missions that landed on the Moon returned with a wealth of groundbreaking scientific data and over 800 pounds of lunar samples.

(9) An estimated 400,000 Americans contributed to the successful program that led to the lunar landing on July 20, 1969, including NASA scientists, engineers, astronauts, industry contractors and their engineering and manufacturing workforce, as well as the political leadership of Republicans and Democrats in Congress and the White House.

(10) The Apollo program, along with its predecessor Mercury and Gemini programs, inspired generations of American students to pursue careers in science, technology, engineering, and mathematics (STEM), which has fueled innovation and economic growth throughout a range of industries over the last four decades.

(11) July 20, 2019, will mark the 50th anniversary of the Apollo 11 landing of Neil Armstrong and Buzz Aldrin on the lunar surface.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the 50th anniversary of the first manned Moon landing, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) be struck on a planchet having a diameter of 0.850 inches; and

(C) contain not less than 90 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) be struck on a planchet having a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) be struck on a planchet having a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(4) PROOF SILVER $1 COINS.—Not more than 100,000 proof $1 silver coins which shall—

(A) weigh 5 ounces;

(B) be struck on a planchet having a diameter of 3 inches; and

(C) contain .999 fine silver.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) CONVEX SHAPE.—

(1) IN GENERAL.—The coins minted under this Act shall be produced in a fashion similar to the 2014 National Baseball Hall of Fame 75th Anniversary Commemorative Coin, so that the reverse of the coin is convex to more closely resemble the visor of the astronaut's helmet of the time and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

(2) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the coins minted under this Act should be produced with the design of the reverse of the coins continuing over what would otherwise be the edge of the coins, such that the reverse design extends all the way to the obverse design.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts; and

(B) with respect to the design of the reverse of the coins, the Administrator of NASA; and

(2) reviewed by the Citizens Coinage Advisory Committee. Review.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the denomination of the coin;

(2) an inscription of the year "2019"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION AND APPROVAL PROCESS FOR OBVERSE DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a juried, compensated competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the United States space program leading up to the first manned Moon landing.

(2) SELECTION PROCESS.—Proposals for the obverse design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public, and any designs submitted for the design review process described herein shall be anonymized until a final selection is made.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than $5,000. Determination.

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall be a representation of a

close-up of the famous "Buzz Aldrin on the Moon" photograph taken July 20, 1969, that shows just the visor and part of the helmet of astronaut Buzz Aldrin, in which the visor has a mirrored finish and reflects the image of the United States flag and the lunar lander and the remainder of the helmet has a frosted finish.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Except with respect to coins described under section 3(a)(4), coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2019.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin described under section 3(a)(2).

(3) A surcharge of $5 per coin for the half-dollar coin.

(4) A surcharge of $50 per coin for the $1 coin described under section 3(a)(4).

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) one half to the Smithsonian Institution's National Air and Space Museum's "Destination Moon" exhibit, for design, education, and installation costs related to establishing and maintaining the exhibit, and for costs related to creating a traveling version of the exhibition;

(2) one quarter to the Astronauts Memorial Foundation, for costs related to the preservation, maintenance, and enhancement of the Astronauts Memorial and for promotion of space exploration through educational initiatives; and

(3) one quarter to the Astronaut Scholarship Foundation, to aid its missions of promoting the importance of science and technology to the general public and of aiding the United

States in retaining its world leadership in science and technology by providing college scholarships for the very best and brightest students pursuing degrees in science, technology, engineering, or mathematics (STEM).

(c) AUDITS.—The recipients described under subsection (b) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 2726:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 5, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–283
114th Congress

An Act

Dec. 16, 2016
[H.R. 3218]

Designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the "Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL WARFARE OPERATOR MASTER CHIEF PETTY OFFICER (SEAL) LOUIS "LOU" J. LANGLAIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, shall be known and designated as the "Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 3218:

CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–284
114th Congress

An Act

To amend the Securities Exchange Act of 1934 to establish an Office of the Advocate for Small Business Capital Formation and a Small Business Capital Formation Advisory Committee, and for other purposes.

Dec. 16, 2016
[H.R. 3784]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC Small Business Advocate Act of 2016.
15 USC 78a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "SEC Small Business Advocate Act of 2016".

SEC. 2. ESTABLISHMENT OF OFFICE OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION AND SMALL BUSINESS CAPITAL FORMATION ADVISORY COMMITTEE.

(a) OFFICE OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

"(j) OFFICE OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—

"(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of the Advocate for Small Business Capital Formation (hereafter in this subsection referred to as the 'Office').

"(2) ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—

"(A) IN GENERAL.—The head of the Office shall be the Advocate for Small Business Capital Formation, who shall—

"(i) report directly to the Commission; and

"(ii) be appointed by the Commission, from among individuals having experience in advocating for the interests of small businesses and encouraging small business capital formation. Appointment.

"(B) COMPENSATION.—The annual rate of pay for the Advocate for Small Business Capital Formation shall be equal to the highest rate of annual pay for other senior executives who report directly to the Commission.

"(C) NO CURRENT EMPLOYEE OF THE COMMISSION.—An individual may not be appointed as the Advocate for Small Business Capital Formation if the individual is currently employed by the Commission.

"(3) STAFF OF OFFICE.—The Advocate for Small Business Capital Formation, after consultation with the Commission, may retain or employ independent counsel, research staff, and Consultation.

service staff, as the Advocate for Small Business Capital Formation determines to be necessary to carry out the functions of the Office.

"(4) FUNCTIONS OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—The Advocate for Small Business Capital Formation shall—

"(A) assist small businesses and small business investors in resolving significant problems such businesses and investors may have with the Commission or with self-regulatory organizations;

"(B) identify areas in which small businesses and small business investors would benefit from changes in the regulations of the Commission or the rules of self-regulatory organizations;

"(C) identify problems that small businesses have with securing access to capital, including any unique challenges to minority-owned and women-owned small businesses;

"(D) analyze the potential impact on small businesses and small business investors of—

"(i) proposed regulations of the Commission that are likely to have a significant economic impact on small businesses and small business capital formation; and

"(ii) proposed rules that are likely to have a significant economic impact on small businesses and small business capital formation of self-regulatory organizations registered under this title;

"(E) conduct outreach to small businesses and small business investors, including through regional roundtables, in order to solicit views on relevant capital formation issues;

"(F) to the extent practicable, propose to the Commission changes in the regulations or orders of the Commission and to Congress any legislative, administrative, or personnel changes that may be appropriate to mitigate problems identified under this paragraph and to promote the interests of small businesses and small business investors;

"(G) consult with the Investor Advocate on proposed recommendations made under subparagraph (F); and

"(H) advise the Investor Advocate on issues related to small businesses and small business investors.

"(5) ACCESS TO DOCUMENTS.—The Commission shall ensure that the Advocate for Small Business Capital Formation has full access to the documents and information of the Commission and any self-regulatory organization, as necessary to carry out the functions of the Office.

"(6) ANNUAL REPORT ON ACTIVITIES.—

"(A) IN GENERAL.—Not later than December 31 of each year after 2015, the Advocate for Small Business Capital Formation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the activities of the Advocate for Small Business Capital Formation during the immediately preceding fiscal year.

"(B) CONTENTS.—Each report required under subparagraph (A) shall include—

"(i) appropriate statistical information and full and substantive analysis; Analysis.

"(ii) information on steps that the Advocate for Small Business Capital Formation has taken during the reporting period to improve small business services and the responsiveness of the Commission and self-regulatory organizations to small business and small business investor concerns;

"(iii) a summary of the most serious issues encountered by small businesses and small business investors, including any unique issues encountered by minority-owned and women-owned small businesses and their investors, during the reporting period; Summary.

"(iv) an inventory of the items summarized under clause (iii) (including items summarized under such clause for any prior reporting period on which no action has been taken or that have not been resolved to the satisfaction of the Advocate for Small Business Capital Formation as of the beginning of the reporting period covered by the report) that includes— Records.

"(I) identification of any action taken by the Commission or the self-regulatory organization and the result of such action;

"(II) the length of time that each item has remained on such inventory; and

"(III) for items on which no action has been taken, the reasons for inaction, and an identification of any official who is responsible for such action;

"(v) recommendations for such changes to the regulations, guidance and orders of the Commission and such legislative actions as may be appropriate to resolve problems with the Commission and self-regulatory organizations encountered by small businesses and small business investors and to encourage small business capital formation; and Recommendations.

"(vi) any other information, as determined appropriate by the Advocate for Small Business Capital Formation.

"(C) CONFIDENTIALITY.—No report required by subparagraph (A) may contain confidential information.

"(D) INDEPENDENCE.—Each report required under subparagraph (A) shall be provided directly to the committees of Congress listed in such subparagraph without any prior review or comment from the Commission, any commissioner, any other officer or employee of the Commission, or the Office of Management and Budget.

"(7) REGULATIONS.—The Commission shall establish procedures requiring a formal response to all recommendations submitted to the Commission by the Advocate for Small Business Capital Formation, not later than 3 months after the date of such submission. Procedures. Deadline.

"(8) GOVERNMENT-BUSINESS FORUM ON SMALL BUSINESS CAPITAL FORMATION.—The Advocate for Small Business Capital Formation shall be responsible for planning, organizing, and executing the annual Government-Business Forum on Small Business Capital Formation described in section 503 of the

Small Business Investment Incentive Act of 1980 (15 U.S.C. 80c–1).

"(9) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as replacing or reducing the responsibilities of the Investor Advocate with respect to small business investors.".

(b) SMALL BUSINESS CAPITAL FORMATION ADVISORY COMMITTEE.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

15 USC 78qq.

"SEC. 40. SMALL BUSINESS CAPITAL FORMATION ADVISORY COMMITTEE.

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—There is established within the Commission the Small Business Capital Formation Advisory Committee (hereafter in this section referred to as the 'Committee').

"(2) FUNCTIONS.—

"(A) IN GENERAL.—The Committee shall provide the Commission with advice on the Commission's rules, regulations, and policies with regard to the Commission's mission of protecting investors, maintaining fair, orderly, and efficient markets, and facilitating capital formation, as such rules, regulations, and policies relate to—

"(i) capital raising by emerging, privately held small businesses ('emerging companies') and publicly traded companies with less than $250,000,000 in public market capitalization ('smaller public companies') through securities offerings, including private and limited offerings and initial and other public offerings;

"(ii) trading in the securities of emerging companies and smaller public companies; and

"(iii) public reporting and corporate governance requirements of emerging companies and smaller public companies.

"(B) LIMITATION.—The Committee shall not provide any advice with respect to any policies, practices, actions, or decisions concerning the Commission's enforcement program.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The members of the Committee shall be—

"(A) the Advocate for Small Business Capital Formation;

"(B) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals—

"(i) who represent—

"(I) emerging companies engaging in private and limited securities offerings or considering initial public offerings ('IPO') (including the companies' officers and directors);

"(II) the professional advisors of such companies (including attorneys, accountants, investment bankers, and financial advisors); and

"(III) the investors in such companies (including angel investors, venture capital funds, and family offices);

"(ii) who are officers or directors of minority-owned small businesses or women-owned small businesses;

"(iii) who represent—

"(I) smaller public companies (including the companies' officers and directors);

"(II) the professional advisors of such companies (including attorneys, auditors, underwriters, and financial advisors); and

"(III) the pre-IPO and post-IPO investors in such companies (both institutional, such as venture capital funds, and individual, such as angel investors); and

"(iv) who represent participants in the marketplace for the securities of emerging companies and smaller public companies, such as securities exchanges, alternative trading systems, analysts, information processors, and transfer agents; and

"(C) three non-voting members—

"(i) one of whom shall be appointed by the Investor Advocate;

"(ii) one of whom shall be appointed by the North American Securities Administrators Association; and

"(iii) one of whom shall be appointed by the Administrator of the Small Business Administration.

"(2) TERM.—Each member of the Committee appointed under subparagraph (B), (C)(ii), or (C)(iii) of paragraph (1) shall serve for a term of 4 years.

"(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under subparagraph (B), (C)(ii), or (C)(iii) of paragraph (1) shall not be treated as employees or agents of the Commission solely because of membership on the Committee.

"(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

"(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

"(A) a chairman;

"(B) a vice chairman;

"(C) a secretary; and

"(D) an assistant secretary.

"(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

"(d) MEETINGS.—

"(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

"(A) not less frequently than four times annually, at the call of the chairman of the Committee; and

"(B) from time to time, at the call of the Commission.

"(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting. Deadline.

"(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

"(1) be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule

under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

"(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

"(g) REVIEW BY COMMISSION.—The Commission shall—

"(1) review the findings and recommendations of the Committee; and

Public information.

"(2) each time the Committee submits a finding or recommendation to the Commission, promptly issue a public statement—

Assessment.

"(A) assessing the finding or recommendation of the Committee; and

"(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

"(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.".

(c) ANNUAL GOVERNMENT-BUSINESS FORUM ON SMALL BUSINESS CAPITAL FORMATION.—Section 503(a) of the Small Business Investment Incentive Act of 1980 (15 U.S.C. 80c–1(a)) is amended by inserting "(acting through the Office of the Advocate for Small Business Capital Formation and in consultation with the Small Business Capital Formation Advisory Committee)" after "Securities and Exchange Commission".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 3784:

HOUSE REPORTS: No. 114–408 (Comm. on Financial Services).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Feb. 1, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–285
114th Congress

An Act

To improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

Dec. 16, 2016
[H.R. 3842]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Law Enforcement Training Centers Reform and Improvement Act of 2015.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Training Centers Reform and Improvement Act of 2015".

SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

(a) ESTABLISHMENT.—Section 884 of the Homeland Security Act of 2002 (6 U.S.C. 464) is amended to read as follows:

"SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

"(a) ESTABLISHMENT.—The Secretary shall maintain in the Department the Federal Law Enforcement Training Centers (FLETC), headed by a Director, who shall report to the Secretary.

"(b) POSITION.—The Director shall occupy a career-reserved position within the Senior Executive Service.

"(c) FUNCTIONS OF THE DIRECTOR.—The Director shall—

"(1) develop training goals and establish strategic and tactical organizational program plan and priorities;

"(2) provide direction and management for FLETC's training facilities, programs, and support activities while ensuring that organizational program goals and priorities are executed in an effective and efficient manner;

"(3) develop homeland security and law enforcement training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, for Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies;

"(4) monitor progress toward strategic and tactical FLETC plans regarding training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, and facilities;

"(5) ensure the timely dissemination of homeland security information as necessary to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and the private sector to achieve the training goals for such entities, in accordance with paragraph (1);

"(6) carry out delegated acquisition responsibilities in a manner that—

"(A) fully complies with—

"(i) Federal law;

"(ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and

"(iii) Department acquisition management directives; and

"(B) maximizes opportunities for small business participation;

"(7) coordinate and share information with the heads of relevant components and offices on digital learning and training resources, as appropriate;

"(8) advise the Secretary on matters relating to executive level policy and program administration of Federal, State, local, tribal, territorial, and international law enforcement and security training activities and private sector security agency training activities, including training activities related to domestic preparedness and response to threats or acts of terrorism;

"(9) collaborate with the Secretary and relevant officials at other Federal departments and agencies, as appropriate, to improve international instructional development, training, and technical assistance provided by the Federal Government to foreign law enforcement; and

"(10) carry out such other functions as the Secretary determines are appropriate.

"(d) TRAINING RESPONSIBILITIES.—

"(1) IN GENERAL.—The Director is authorized to provide training to employees of Federal agencies who are engaged, directly or indirectly, in homeland security operations or Federal law enforcement activities, including such operations or activities related to domestic preparedness and response to threats or acts of terrorism. In carrying out such training, the Director shall—

"(A) evaluate best practices of law enforcement training methods and curriculum content to maintain state-of-the-art expertise in adult learning methodology;

"(B) provide expertise and technical assistance, including on domestic preparedness and response to threats or acts of terrorism, to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies; and

"(C) maintain a performance evaluation process for students.

Consultation.

"(2) RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES.—The Director shall consult with relevant law enforcement and security agencies in the development and delivery of FLETC's training programs.

"(3) TRAINING DELIVERY LOCATIONS.—The training required under paragraph (1) may be conducted at FLETC facilities, at appropriate off-site locations, or by distributed learning.

"(4) STRATEGIC PARTNERSHIPS.—

"(A) IN GENERAL.—The Director may—

"(i) execute strategic partnerships with State and local law enforcement to provide such law enforcement with specific training, including maritime law enforcement training; and

"(ii) coordinate with the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

"(B) PROVISION OF INFORMATION.—The Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, upon request, information on activities undertaken in the previous year pursuant to subparagraph (A).

"(5) FLETC DETAILS TO DHS.—The Director may detail employees of FLETC to positions throughout the Department in furtherance of improving the effectiveness and quality of training provided by the Department and, as appropriate, the development of critical departmental programs and initiatives.

"(6) DETAIL OF INSTRUCTORS TO FLETC.—Partner organizations that wish to participate in FLETC training programs shall assign non-reimbursable detailed instructors to FLETC for designated time periods to support all training programs at FLETC, as appropriate. The Director shall determine the number of detailed instructors that is proportional to the number of training hours requested by each partner organization scheduled by FLETC for each fiscal year. If a partner organization is unable to provide a proportional number of detailed instructors, such partner organization shall reimburse FLETC for the salary equivalent for such detailed instructors, as appropriate.

Determination.

Reimbursement.

"(7) PARTNER ORGANIZATION EXPENSES REQUIREMENTS.—

"(A) IN GENERAL.—Partner organizations shall be responsible for the following expenses:

"(i) Salaries, travel expenses, lodging expenses, and miscellaneous per diem allowances of their personnel attending training courses at FLETC.

"(ii) Salaries and travel expenses of instructors and support personnel involved in conducting advanced training at FLETC for partner organization personnel and the cost of expendable supplies and special equipment for such training, unless such supplies and equipment are common to FLETC-conducted training and have been included in FLETC's budget for the applicable fiscal year.

"(B) EXCESS BASIC AND ADVANCED FEDERAL TRAINING.—All hours of advanced training and hours of basic training provided in excess of the training for which appropriations were made available shall be paid by the partner organizations and provided to FLETC on a reimbursable basis in accordance with section 4104 of title 5, United States Code.

Reimbursement.

"(8) PROVISION OF NON-FEDERAL TRAINING.—

"(A) IN GENERAL.—The Director is authorized to charge and retain fees that would pay for its actual costs of the training for the following:

Fees.

"(i) State, local, tribal, and territorial law enforcement personnel.

"(ii) Foreign law enforcement officials, including provision of such training at the International Law Enforcement Academies wherever established.

"(iii) Private sector security officers, participants in the Federal Flight Deck Officer program under section 44921 of title 49, United States Code, and other appropriate private sector individuals.

Records.

"(B) WAIVER.—The Director may waive the requirement for reimbursement of any cost under this section and shall maintain records regarding the reasons for any requirements so waived.

"(9) REIMBURSEMENT.—The Director is authorized to reimburse travel or other expenses for non-Federal personnel who attend activities related to training sponsored by FLETC, at travel and per diem rates established by the General Services Administration.

"(10) STUDENT SUPPORT.—In furtherance of its training mission, the Director is authorized to provide the following support to students:

"(A) Athletic and related activities.

"(B) Short-term medical services.

"(C) Chaplain services.

"(11) AUTHORITY TO HIRE FEDERAL ANNUITANTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Director is authorized to appoint and maintain, as necessary, Federal annuitants who have expert knowledge and experience to meet the training responsibilities under this subsection.

"(B) NO REDUCTION IN RETIREMENT PAY.—A Federal annuitant employed pursuant to this paragraph shall not be subject to any reduction in pay for annuity allocable to the period of actual employment under the provisions of section 8344 or 8468 of title 5, United States Code, or similar provision of any other retirement system for employees.

"(C) RE-EMPLOYED ANNUITANTS.—A Federal annuitant employed pursuant to this paragraph shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in subparagraph (B)) as may apply.

"(D) COUNTING.—Federal annuitants shall be counted on a full time equivalent basis.

"(E) LIMITATION.—No appointment under this paragraph may be made which would result in the displacement of any employee.

Reimbursement.

"(12) TRAVEL FOR INTERMITTENT EMPLOYEES.—The Director is authorized to reimburse intermittent Federal employees traveling from outside a commuting distance (to be predetermined by the Director) for travel expenses.

"(e) ON-FLETC HOUSING.—Notwithstanding any other provision of law, individuals attending training at any FLETC facility shall, to the extent practicable and in accordance with FLETC policy, reside in on-FLETC or FLETC-provided housing.

"(f) ADDITIONAL FISCAL AUTHORITIES.—In order to further the goals and objectives of FLETC, the Director is authorized to—

"(1) expend funds for public awareness and to enhance community support of law enforcement training, including the advertisement of available law enforcement training programs;

"(2) accept and use gifts of property, both real and personal, and to accept gifts of services, for purposes that promote the functions of the Director pursuant to subsection (c) and the training responsibilities of the Director under subsection (d);

"(3) accept reimbursement from other Federal agencies for the construction or renovation of training and support facilities and the use of equipment and technology on government owned-property; Reimbursement.

"(4) obligate funds in anticipation of reimbursements from agencies receiving training at FLETC, except that total obligations at the end of a fiscal year may not exceed total budgetary resources available at the end of such fiscal year;

"(5) in accordance with the purchasing authority provided under section 505 of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90; 6 U.S.C. 453a)—

"(A) purchase employee and student uniforms; and

"(B) purchase and lease passenger motor vehicles, including vehicles for police-type use;

"(6) provide room and board for student interns; and

"(7) expend funds each fiscal year to honor and memorialize FLETC graduates who have died in the line of duty.

"(g) DEFINITIONS.—In this section:

"(1) BASIC TRAINING.—The term 'basic training' means the entry-level training required to instill in new Federal law enforcement personnel fundamental knowledge of criminal laws, law enforcement and investigative techniques, laws and rules of evidence, rules of criminal procedure, constitutional rights, search and seizure, and related issues.

"(2) DETAILED INSTRUCTORS.—The term 'detailed instructors' means personnel who are assigned to the Federal Law Enforcement Training Centers for a period of time to serve as instructors for the purpose of conducting basic and advanced training.

"(3) DIRECTOR.—The term 'Director' means the Director of the Federal Law Enforcement Training Centers.

"(4) DISTRIBUTED LEARNING.—The term 'distributed learning' means education in which students take academic courses by accessing information and communicating with the instructor, from various locations, on an individual basis, over a computer network or via other technologies.

"(5) EMPLOYEE.—The term 'employee' has the meaning given such term in section 2105 of title 5, United States Code.

"(6) FEDERAL AGENCY.—The term 'Federal agency' means—

"(A) an Executive Department as defined in section 101 of title 5, United States Code;

"(B) an independent establishment as defined in section 104 of title 5, United States Code;

"(C) a Government corporation as defined in section 9101 of title 31, United States Code;

"(D) the Government Printing Office;

"(E) the United States Capitol Police;

"(F) the United States Supreme Court Police; and

"(G) Government agencies with law enforcement related duties.

"(7) LAW ENFORCEMENT PERSONNEL.—The term 'law enforcement personnel' means an individual, including criminal investigators (commonly known as 'agents') and uniformed police (commonly known as 'officers'), who has statutory authority to search, seize, make arrests, or to carry firearms.

"(8) LOCAL.—The term 'local' means—

"(A) of or pertaining to any county, parish, municipality, city, town, township, rural community, unincorporated town or village, local public authority, educational institution, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, any agency or instrumentality of a local government, or any other political subdivision of a State; and

"(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

"(9) PARTNER ORGANIZATION.—The term 'partner organization' means any Federal agency participating in FLETC's training programs under a formal memorandum of understanding.

"(10) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

"(11) STUDENT INTERN.—The term 'student intern' means any eligible baccalaureate or graduate degree student participating in FLETC's College Intern Program.

"(h) PROHIBITION ON NEW FUNDING.—No funds are authorized to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by amending the item relating to section 884 to read as follows:

"Sec. 884. Federal Law Enforcement Training Centers.".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 3842 (S. 2781):

HOUSE REPORTS: No. 114–343, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD:
Vol. 161 (2015): Dec. 8, considered and passed House.
Vol. 162 (2016): Dec. 9, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendments.

Public Law 114–286
114th Congress

An Act

To direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes.

Dec. 16, 2016
[H.R. 4352]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Faster Care for Veterans Act of 2016.
38 USC 1701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Faster Care for Veterans Act of 2016".

SEC. 2. PILOT PROGRAM ESTABLISHING A PATIENT SELF-SCHEDULING APPOINTMENT SYSTEM.

Deadline.
Website.
Mobile application.

(a) PILOT PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a pilot program under which veterans use an Internet website or mobile application to schedule and confirm medical appointments at medical facilities of the Department of Veterans Affairs.

(b) SELECTION OF LOCATIONS.—The Secretary shall select not less than three Veterans Integrated Services Networks in which to carry out the pilot program under subsection (a).

Deadlines.

(c) CONTRACTS.—

(1) AUTHORITY.—The Secretary shall seek to enter into a contract using competitive procedures with one or more contractors to provide the scheduling capability described in subsection (a).

(2) NOTICE OF COMPETITION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue a request for proposals for the contract described in paragraph (1). Such request shall be full and open to any contractor that has an existing commercially available, off-the-shelf online patient self-scheduling system that includes the capabilities specified in section 3(a).

(3) SELECTION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall award a contract to one or more contractors pursuant to the request for proposals under paragraph (2).

(d) DURATION OF PILOT PROGRAM.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall carry out the pilot program under subsection (a) for an 18-month period.

Determination.

(2) EXTENSION.—The Secretary may extend the duration of the pilot program under subsection (a), and may expand the selection of Veterans Integrated Services Networks under

subsection (b), if the Secretary determines that the pilot program is reducing the wait times of veterans seeking medical care and ensuring that more available appointment times are filled.

(e) MOBILE APPLICATION DEFINED.—In this section, the term "mobile application" means a software program that runs on the operating system of a cellular telephone, tablet computer, or similar portable computing device that transmits data over a wireless connection.

SEC. 3. CAPABILITIES OF PATIENT SELF-SCHEDULING APPOINTMENT SYSTEM.

(a) MINIMUM CAPABILITIES.—The Secretary of Veterans Affairs shall ensure that the patient self-scheduling appointment system used in the pilot program under section 2, and any other patient self-scheduling appointment system developed or used by the Department of Veterans Affairs, includes, at a minimum, the following capabilities:

(1) Capability to schedule, modify, and cancel appointments for primary care, specialty care, and mental health.

(2) Capability to support appointments for the provision of health care regardless of whether such care is provided in person or through telehealth services.

(3) Capability to view appointment availability in real time.

(4) Capability to make available, in real time, appointments that were previously filled but later cancelled by other patients.

(5) Capability to provide prompts or reminders to veterans to schedule follow-up appointments.

(6) Capability to be used 24 hours per day, 7 days per week.

(7) Capability to integrate with the Veterans Health Information Systems and Technology Architecture of the Department, or such successor information technology system.

(b) INDEPENDENT VALIDATION AND VERIFICATION.—

(1) INDEPENDENT ENTITY.—

Contracts.

(A) The Secretary shall seek to enter into an agreement with an appropriate non-governmental, not-for-profit entity with expertise in health information technology to independently validate and verify that the patient self-scheduling appointment system used in the pilot program under section 2, and any other patient self-scheduling appointment system developed or used by the Department of Veterans Affairs, includes the capabilities specified in subsection (a).

Deadlines.

(B) Each independent validation and verification conducted under subparagraph (A) shall be completed as follows:

(i) With respect to the validation and verification of the patient self-scheduling appointment system used in the pilot program under section 2, by not later than 60 days after the date on which such pilot program commences.

(ii) With respect to any other patient self-scheduling appointment system developed or used by the Department of Veterans Affairs, by not later than 60 days after the date on which such system is deployed, regardless of whether such deployment is on a limited

basis, but not including any deployments for testing purposes.

(2) GAO EVALUATION.—

(A) The Comptroller General of the United States shall evaluate each validation and verification conducted under paragraph (1).

(B) Not later than 30 days after the date on which the Comptroller General completes an evaluation under paragraph (1), the Comptroller General shall submit to the appropriate congressional committees a report on such evaluation. Deadline.

(C) In this paragraph, the term "appropriate congressional committees" means— Definition.

(i) the Committees on Veterans' Affairs of the House of Representatives and the Senate; and

(ii) the Committees on Appropriations of the House of Representatives and the Senate.

(c) CERTIFICATION.— Deadlines.

(1) CAPABILITIES INCLUDED.—Not later than December 31, 2017, the Secretary shall certify to the Committees on Veterans' Affairs of the House of Representatives and the Senate that the patient self-scheduling appointment system used in the pilot program under section 2, and any other patient self-scheduling appointment system developed or used by the Department of Veterans Affairs as of the date of the certification, includes the capabilities specified in subsection (a).

(2) NEW SYSTEMS.—If the Secretary develops or begins using a new patient self-scheduling appointment system that is not covered by a certification made under paragraph (1), the Secretary shall certify to such committees that such new system includes the capabilities specified in subsection (a) by not later than 30 days after the date on which the Secretary determines to replace the previous patient self-scheduling appointment system.

(3) EFFECT OF CAPABILITIES NOT INCLUDED.—If the Secretary does not make a timely certification under paragraph (1) or paragraph (2), the Secretary shall replace any patient self-scheduling appointment system developed by the Secretary that is in use with a commercially available, off-the-shelf online patient self-scheduling system that includes the capabilities specified in subsection (a).

SEC. 4. PROHIBITION ON NEW APPROPRIATIONS.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 4352:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 6, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–287
114th Congress

An Act

To decrease the deficit by consolidating and selling Federal buildings and other civilian real property, and for other purposes.

Dec. 16, 2016
[H.R. 4465]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Assets Sale and Transfer Act of 2016.
40 USC 1303 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Assets Sale and Transfer Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PURPOSES.

The purpose of this Act is to reduce the costs of Federal real estate by—

(1) consolidating the footprint of Federal buildings and facilities;

(2) maximizing the utilization rate of Federal buildings and facilities;

(3) reducing the reliance on leased space;

(4) selling or redeveloping high value assets that are underutilized to obtain the highest and best value for the taxpayer and maximize the return to the taxpayer;

(5) reducing the operating and maintenance costs of Federal civilian real properties;

(6) reducing redundancy, overlap, and costs associated with field offices;

(7) creating incentives for Federal agencies to achieve greater efficiency in their inventories of civilian real property;

(8) facilitating and expediting the sale or disposal of unneeded Federal civilian real properties;

(9) improving the efficiency of real property transfers for the provision of services to the homeless; and

(10) assisting Federal agencies in achieving the Government's sustainability goals by reducing excess space, inventory, and energy consumption, as well as by leveraging new technologies.

SEC. 3. DEFINITIONS.

Applicability.

In this Act, unless otherwise expressly stated, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) BOARD.—The term "Board" means the Public Buildings Reform Board established by section 4.

(3) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(4) FEDERAL AGENCY.—The term "Federal agency" means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation.

(5) FEDERAL CIVILIAN REAL PROPERTY AND CIVILIAN REAL PROPERTY.—

(A) IN GENERAL.—The terms "Federal civilian real property" and "civilian real property" refer to Federal real property assets, including public buildings as defined in section 3301(a) of title 40, United States Code, occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

(B) EXCLUSIONS.—Subparagraph (A) shall not be construed as including any of the following types of property:

(i) Properties that are on military installations (including any fort, camp, post, naval training station, airfield proving ground, military supply depot, military school, or any similar facility of the Department of Defense).

(ii) A base, camp, post, station, yard, center, or homeport facility for any ship or activity under the jurisdiction of the Coast Guard.

(iii) Properties that are excluded for reasons of national security by the Director of the Office of Management and Budget.

(iv) Properties that are excepted from the definition of the term "property" under section 102 of title 40, United States Code.

(v) Indian and Native Alaskan properties, including—

(I) any property within the limits of an Indian reservation to which the United States owns title for the benefit of an Indian tribe; and

(II) any property title that is held in trust by the United States for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to restriction by the United States against alienation.

(vi) Properties operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).

(vii) Postal properties owned by the United States Postal Service.

(viii) Properties used in connection with Federal programs for agricultural, recreational, or conservation purposes, including research in connection with the programs.

(ix) Properties used in connection with river, harbor, flood control, reclamation, or power projects.

(x) Properties located outside the United States operated or maintained by the Department of State or the United States Agency for International Development.

(6) FIELD OFFICE.—The term "field office" means any Federal office that is not the headquarters office location for the Federal agency.

(7) HUD.—The term "HUD" means the Department of Housing and Urban Development.

(8) OMB.—The term "OMB" means the Office of Management and Budget.

(9) VALUE OF TRANSACTIONS.—The term "value of transactions" means the sum of the estimated proceeds and estimated costs, based on the accounting system developed or identified under section 12(e), associated with the transactions included in Board recommendations.

SEC. 4. BOARD.

(a) ESTABLISHMENT.—There is established an independent board to be known as the Public Buildings Reform Board.

(b) DUTIES.—The Board shall carry out the duties as specified in this Act.

(c) MEMBERSHIP.— President.

(1) IN GENERAL.—The Board shall be composed of a Chairperson appointed by the President, by and with the advice and consent of the Senate, and six members appointed by the President.

(2) APPOINTMENTS.—In selecting individuals for appointments to the Board, the President shall consult with— Consultation.

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) TERMS.—The term for each member of the Board shall be 6 years.

(4) VACANCIES.—Vacancies shall be filled in the same manner as the original appointment.

(5) QUALIFICATIONS.—In selecting individuals for appointment to the Board, the President shall ensure that the Board contains individuals with expertise representative of the following:

(A) Commercial real estate and redevelopment.

(B) Space optimization and utilization.

(C) Community development, including transportation and planning.

SEC. 5. BOARD MEETINGS.

Public information.

Federal Register, publication. Web posting. Deadline.

(a) OPEN MEETINGS.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public. Any open meeting shall be announced in the Federal Register and the Federal Web site established by the Board at least 14 calendar days in advance of a meeting. For all public meetings, the Board shall release an agenda and a listing of materials relevant to the topics to be discussed.

(b) QUORUM AND MEETINGS.—Five Board members shall constitute a quorum for the purposes of conducting business and three or more Board members shall constitute a meeting of the Board.

(c) TRANSPARENCY OF INFORMATION.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the Chairperson and ranking minority party member, and their respective subcommittee Chairperson and subcommittee ranking minority party member, of—

(1) the Committee on Transportation and Infrastructure of the House of Representatives;

(2) the Committee on Oversight and Government Reform of the House of Representatives;

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

(4) the Committee on Environment and Public Works of the Senate; and

(5) the Committees on Appropriations of the House of Representatives and the Senate.

(d) GOVERNMENT ACCOUNTABILITY OFFICE.—All proceedings, information, and deliberations of the Board shall be open, upon request, to the Comptroller General of the United States.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—

(1) RATE OF PAY FOR MEMBERS.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board.

(2) RATE OF PAY FOR CHAIRPERSON.—The Chairperson shall be paid for each day referred to in paragraph (1) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) TRAVEL.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 7. EXECUTIVE DIRECTOR.

(a) APPOINTMENT.—The Board shall appoint an Executive Director, who may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) RATE OF PAY.—The Executive Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 8. STAFF.

(a) ADDITIONAL PERSONNEL.—Subject to subsection (b), the Executive Director may request additional personnel detailed from Federal agencies.

(b) REQUESTS FOR DETAIL EMPLOYEES.—Upon request of the Executive Director and approval of the Board and the Director of OMB, the head of any Federal agency shall detail the requested personnel of that agency to the Board to assist the Board in carrying out its duties under this Act.

(c) QUALIFICATIONS.—Appointments shall be made with consideration of a balance of expertise consistent with the qualifications of representatives described in section 4(c)(5).

SEC. 9. CONTRACTING AUTHORITY.

(a) EXPERTS AND CONSULTANTS.—The Board, to the extent practicable and subject to appropriations Acts, shall use contracts, including nonappropriated contracts, entered into by the Administrator for services necessary to carry out the duties of the Board.

(b) OFFICE SPACE.—The Administrator, in consultation with the Board, shall identify and provide, without charge, suitable office space within the existing Federal space inventory to house the operations of the Board. Consultation.

(c) PERSONAL PROPERTY.—The Board shall use personal property already in the custody and control of the Administrator.

SEC. 10. TERMINATION. Time period.

The Board shall cease operations and terminate 6 years after the date of enactment of this Act.

SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO BOARD.

(a) SUBMISSIONS OF AGENCY INFORMATION AND RECOMMENDATIONS.—Not later than 120 days after the date of enactment of this Act, and not later than 120 days after the first day of each fiscal year thereafter until the termination of the Board, the head of each Federal agency shall submit to the Administrator and the Director of OMB the following: Deadlines.

(1) CURRENT DATA.—Current data of all Federal civilian real properties owned, leased, or controlled by the agency, including all relevant information prescribed by the Administrator and the Director of OMB, including data related to the age and condition of the property, operating costs, history of capital expenditures, sustainability metrics, number of Federal employees and functions housed in the respective property, and square footage (including gross, rentable, and usable).

(2) AGENCY RECOMMENDATIONS.—Recommendations of the agency on the following:

(A) Federal civilian real properties that can be sold for proceeds or otherwise disposed of, reported as excess, declared surplus, outleased, or otherwise no longer meeting

the needs of the agency, excluding leasebacks or other such exchange agreements where the property continues to be used by the agency.

(B) Federal civilian real properties that can be transferred, exchanged, consolidated, co-located, reconfigured, or redeveloped, so as to reduce the civilian real property inventory, reduce the operating costs of the Government, and create the highest value and return for the taxpayer.

(C) Operational efficiencies that the Government can realize in its operation and maintenance of Federal civilian real properties.

(b) STANDARDS AND CRITERIA.—

Deadline. Consultation.

(1) DEVELOPMENT OF STANDARDS AND CRITERIA.—Not later than 60 days after the deadline for submissions of agency recommendations under subsection (a), the Director of OMB, in consultation with the Administrator, shall—

Review.

(A) review the agency recommendations;

(B) develop consistent standards and criteria against which the agency recommendations will be reviewed; and

(C) submit to the Board the recommendations developed pursuant to paragraph (2).

(2) RECOMMENDATIONS TO BOARD.—The Director of OMB and the Administrator shall jointly develop recommendations to the Board based on the standards and criteria developed under paragraph (1).

Consultation.

(3) FACTORS.—In developing the standards and criteria under paragraph (1), the Director of OMB, in consultation with the Administrator, shall incorporate the following factors:

(A) The extent to which the civilian real property could be sold (including property that is no longer meeting the needs of the Government), redeveloped, outleased, or otherwise used to produce the highest and best value and return for the taxpayer.

(B) The extent to which the operating and maintenance costs are reduced through consolidating, co-locating, and reconfiguring space, and through realizing other operational efficiencies.

(C) The extent to which the utilization rate is being maximized and is consistent with non-governmental industry standards for the given function or operation.

(D) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the proposed recommendation.

(E) The extent to which reliance on leasing for long-term space needs is reduced.

(F) The extent to which a civilian real property aligns with the current mission of the Federal agency.

(G) The extent to which there are opportunities to consolidate similar operations across multiple agencies or within agencies.

(H) The economic impact on existing communities in the vicinity of the civilian real property.

(I) The extent to which energy consumption is reduced.

(J) The extent to which public access to agency services is maintained or enhanced.

Applicability.

(c) SPECIAL RULE FOR UTILIZATION RATES.—Standards developed by the Director of OMB pursuant to subsection (b) shall

incorporate and apply clear standard utilization rates to the extent that such standard rates increase efficiency and provide performance data. The utilization rates shall be consistent throughout each applicable category of space and with nongovernment space utilization rates. To the extent the space utilization rate of a given agency exceeds the utilization rates to be applied under this subsection, the Director of OMB may recommend realignment, colocation, consolidation, or other type of action to improve space utilization.

(d) SUBMISSION TO BOARD.—

(1) IN GENERAL.—The Director of OMB shall submit the standards, criteria, and recommendations developed pursuant to subsection (b) to the Board with all supporting information, data, analyses, and documentation.

(2) PUBLICATION.—The standards, criteria, and recommendations developed pursuant to subsection (b) shall be published in the Federal Register and transmitted to the committees listed in section 5(c) and to the Comptroller General of the United States. Federal Register, publication.

(3) ACCESS TO INFORMATION.—The Board shall also have access to all information pertaining to the recommendations developed pursuant to subsection (b), including supporting information, data, analyses, and documentation submitted pursuant to subsection (a). Upon request, a Federal agency shall provide to the Board any additional information pertaining to the civilian real properties under the custody, control, or administrative jurisdiction of the Federal agency. The Board shall notify the committees listed in section 5(c) of any failure by an agency to comply with a request of the Board. Notification.

SEC. 12. BOARD DUTIES.

(a) IDENTIFICATION OF PROPERTY REDUCTION OPPORTUNITIES.—The Board shall identify opportunities for the Government to reduce significantly its inventory of civilian real property and reduce costs to the Government.

(b) IDENTIFICATION OF HIGH VALUE ASSETS.—

(1) IDENTIFICATION OF CERTAIN PROPERTIES.—Not later than 180 days after Board members are appointed pursuant to section 4, the Board shall— Deadline.

(A) identify not fewer than five Federal civilian real properties that are not on the list of surplus or excess as of such date with a total fair market value of not less than $500,000,000 and not more than $750,000,000; and

(B) transmit the list of the Federal civilian real properties to the Director of OMB and Congress as Board recommendations and subject to the approval process described in section 13.

(2) INFORMATION AND DATA.—In order to meet the goal established under paragraph (1), each Federal agency shall provide, upon request, any and all information and data regarding its civilian real properties to the Board. The Board shall notify the committees listed in section 5(c) of any failure by an agency to comply with a request of the Board. Notification.

(3) FACTORS.—In identifying properties pursuant to paragraph (1), the Board shall consider the factors listed in section 11(b)(3).

(4) LEASEBACK RESTRICTIONS.—None of the existing improvements on properties sold under this subsection may be leased back to the Government.

(5) REPORT OF EXCESS.—Not later than 60 days after the approval of Board recommendations pursuant to paragraph (1), Federal agencies with custody, control, or administrative jurisdiction over the identified properties shall submit a Report of Excess to the General Services Administration.

Deadlines.

(6) SALE.—

(A) INITIATION OF SALE.—Not later than 120 days after the acceptance by the Administrator of the Report of Excess and notwithstanding any other provision of law (including section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411), but except as provided in section 14(g)), the General Services Administration shall initiate the sale of the civilian real properties described in paragraph (1).

Determination.

(B) COMPLETION OF SALE.—Not later than 1 year after the acceptance of the Report of Excess, the Administrator shall sell the civilian real properties at fair market value at highest and best use, unless the Director of OMB determines it is in the financial interest of the Government to execute a sale more than a year after the acceptance of the Report of Excess, but not greater than 2 years after the acceptance of the Report of Excess.

Recommendations.

(c) ANALYSIS OF INVENTORY.—The Board shall perform an independent analysis of the inventory of Federal civilian real property and the recommendations submitted pursuant to section 11. The Board shall not be bound or limited by the recommendations submitted pursuant to section 11. If, in the opinion of the Board, an agency fails to provide needed information, data, or adequate recommendations that meet the standards and criteria, the Board shall develop such recommendations as the Board considers appropriate based on existing data contained in the Federal Real Property Profile or other relevant information.

(d) INFORMATION AND PROPOSALS.—

(1) RECEIPT.—Notwithstanding any other provision of law, the Board may receive and consider proposals, information, and other data submitted by State and local officials and the private sector.

(2) CONSULTATION.—The Board shall consult with State and local officials on information, proposals, and other data that the officials submit to the Board.

(3) AVAILABILITY.—Information submitted to the Board shall be made publicly available.

Deadline.
Evaluation.

(e) ACCOUNTING SYSTEM.—Not later than 120 days after the date of enactment of this Act, the Board shall identify or develop and implement a system of accounting to be used to independently evaluate the costs of and returns on the recommendations. Such accounting system shall be applied in developing the Board's recommendations and determining the highest return to the taxpayer. In applying the accounting system, the Board shall set a standard performance period of not less than 15 years.

Applicability.
Recommendations.
Determination.
Time period.

(f) PUBLIC HEARING.—The Board shall conduct public hearings. All testimony before the Board at a public hearing under this subsection shall be presented under oath.

(g) REPORTING OF INFORMATION AND RECOMMENDATIONS.—

(1) IN GENERAL.—Subject to the schedule and limitations specified in paragraph (2), the Board shall transmit to the Director of OMB, and publicly post on a Federal Web site maintained by the Board, reports containing the Board's findings, conclusions, and recommendations for— Web posting.

(A) the consolidation, exchange, co-location, reconfiguration, lease reductions, sale, outlease, and redevelopment of Federal civilian real properties; and

(B) other operational efficiencies that can be realized in the Government's operation and maintenance of such properties.

(2) SCHEDULE AND LIMITATIONS.— Deadlines.

(A) FIRST ROUND.—Not later than 2 years after the date of transmittal of the list of properties recommended pursuant to subsection (b), the Board shall transmit to the Director of OMB the first report required under paragraph (1). The total value of transactions contained in the first report may not exceed $2,500,000,000.

(B) SECOND ROUND.—Not earlier than 3 years after the date of transmittal of the first report, the Board shall transmit to the Director of OMB the second report required under paragraph (1). The total value of transactions contained in the second report may not exceed $4,750,000,000.

(3) CONSENSUS IN MAJORITY.—The Board shall seek to develop consensus recommendations, but if a consensus cannot be obtained, the Board may include in the reports required under this subsection recommendations that are supported by a majority of the Board.

(h) FEDERAL WEB SITE.—The Board shall establish and maintain a Federal Web site for the purposes of making relevant information publicly available. Public information.

(i) REVIEW BY GAO.—The Comptroller General of the United States shall transmit to Congress and the Board a report containing a detailed analysis of the recommendations and selection process.

SEC. 13. REVIEW BY OMB.

(a) REVIEW OF RECOMMENDATIONS.—Upon receipt of the Board's recommendations pursuant to subsections (b) and (g) of section 12, the Director of OMB shall conduct a review of the recommendations.

(b) REPORT TO BOARD AND CONGRESS.—Not later than 30 days after the receipt of the Board's recommendations, the Director of OMB shall transmit to the Board and Congress a report that sets forth the Director of OMB's approval or disapproval of the Board's recommendations.

(c) APPROVAL AND DISAPPROVAL.—

(1) APPROVAL.—If the Director of OMB approves the Board's recommendations, the Director of OMB shall transmit a copy of the recommendations to Congress, together with a certification of such approval. Records. Certification.

(2) DISAPPROVAL.—If the Director of OMB disapproves the Board's recommendations, in whole or in part, the Director of OMB shall transmit a copy of the recommendations to Congress and the reasons for disapproval of the recommendations to the Board and Congress. Records.

(3) REVISED RECOMMENDATIONS.—Not later than 30 days after the receipt of reasons for disapproval under paragraph Deadline.

(2), the Board shall transmit to the Director of OMB revised recommendations for approval.

Certification.

(4) APPROVAL OF REVISED RECOMMENDATIONS.—If the Director of OMB approves the revised recommendations received under paragraph (3), the Director of OMB shall transmit a copy of the revised recommendations to Congress, together with a certification of such approval.

(d) TERMINATION OF PROCESS FOR GIVEN ROUND.—If the Director of OMB does not transmit to Congress an approval and certification described in paragraph (1) or (4) of subsection (c) on or before the 30th day following the receipt of the Board's recommendations or revised recommendations, as the case may be, the process shall terminate until the following round, as described in section 12.

SEC. 14. IMPLEMENTATION OF BOARD RECOMMENDATIONS.

(a) DEADLINES.—

(1) PREPARATION.—Federal agencies shall—

(A) not later than 60 days after the Director of OMB transmits the Board's recommendations to Congress pursuant to paragraph (1) or (4) of section 13(c), immediately begin preparations to carry out the Board's recommendations; and

(B) not later than 2 years after such transmittal, initiate all activities necessary to carry out the Board's recommendations.

(2) COMPLETION.—Not later than 6 years after the Director of OMB transmits the Board's recommendations to Congress pursuant to paragraph (1) or (4) of section 13(c), Federal agencies shall complete all recommended actions. All actions shall be economically beneficial, cost neutral, or otherwise favorable to the Government.

(3) EXTENUATING CIRCUMSTANCES.—For actions that will take longer than the 6-year period described in paragraph (2) due to extenuating circumstances, Federal agencies shall notify the Director of OMB and Congress, as soon as the extenuating circumstance presents itself, with an estimated time to complete the relevant action.

(b) ACTIONS OF FEDERAL AGENCIES RELATED TO CIVILIAN REAL PROPERTIES.—In taking actions related to any civilian real property under this Act, Federal agencies may take, pursuant to subsection (c), all such necessary and proper actions, including—

(1) acquiring land, constructing replacement facilities, performing such other activities, and conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal civilian property;

(2) reimbursing other Federal agencies for actions performed at the request of the Board; and

(3) taking such actions as are practicable to maximize the value of Federal civilian real property to be sold by clarifying zoning and other limitations on use of such property.

(c) ACTIONS OF FEDERAL AGENCIES TO IMPLEMENT BOARD RECOMMENDATIONS.—

(1) USE OF EXISTING LEGAL AUTHORITIES.—

(A) IN GENERAL.—Except as provided in paragraph (2), when acting on a recommendation of the Board, a Federal agency shall—

(i) in consultation with the Administrator, continue to act within the Federal agency's existing legal authorities, including legal authorities delegated to the Federal agency by the Administrator; or Consultation.

(ii) work in partnership with the Administrator to carry out such actions. Partnership.

(B) NECESSARY AND PROPER ACTIONS.—The Administrator may take such necessary and proper actions, including the sale, conveyance, or exchange of civilian real property, as required to implement the Board's recommendations in the time period required under subsection (a).

(2) EXPERTS.—A Federal agency may enter into no cost, nonappropriated contracts for expert commercial real estate services to carry out the Federal agency's responsibilities pursuant to the recommendations.

(d) DISCRETION OF ADMINISTRATOR REGARDING TRANSACTIONS.—For any transaction identified, recommended, or commenced as a result of this Act, any otherwise required legal priority given to, or requirement to enter into, a transaction to convey a Federal civilian real property for less than fair market value, for no consideration at all, or in a transaction that mandates the exclusion of other market participants, shall be at the discretion of the Administrator.

(e) RELATIONSHIP TO OTHER LAWS.—Any recommendation or commencement of a sale, disposal, consolidation, reconfiguration, co-location, or realignment of civilian real property under this Act shall not be subject to—

(1) section 545(b)(8) of title 40, United States Code;

(2) sections 550, 553, and 554 of title 40, United States Code;

(3) any section of the Act entitled "An Act Authorizing the transfer of certain real property for wildlife, or other purposes" (16 U.S.C. 667b);

(4) section 47151 of title 49, United States Code;

(5) sections 107 and 317 of title 23, United States Code;

(6) section 1304(b) of title 40, United States Code;

(7) section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d));

(8) any other provision of law authorizing the conveyance of real property owned by the Government for no consideration; and

(9) any congressional notification requirement other than that in section 545 of title 40, United States Code.

(f) PUBLIC BENEFIT.—

(1) SUBMISSION OF INFORMATION TO HUD.—The Director of OMB shall submit to the Secretary of HUD, on the same day the Director of OMB submits the Board's recommendations to Congress pursuant to paragraphs (1) and (4) of section 13(c), all known information on Federal civilian real properties that are included in the recommendations (except those recommended under section 12(b)).

(2) HUD TO REPORT TO BOARD.—Not later than 30 days after the submission of information on Federal properties under paragraph (1), the Secretary shall identify any suitable civilian real properties for use as a property benefiting the mission of assistance to the homeless for the purposes of further

screening pursuant to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

Determination.

(3) ADDITIONAL AUTHORITY.—Following the review under paragraph (2), with respect to a civilian real property that is not identified by the Secretary as suitable for use as a property benefiting the mission of assistance to the homeless and that has been recommended for sale by the Board, the Director of OMB may exclude the property from the Board's recommendations if the Director determines that the property is suitable for use as a public park or recreation area by a State or local government and it is in the best interest of taxpayers.

(g) ENVIRONMENTAL CONSIDERATIONS.—

(1) TRANSFERS OF REAL PROPERTY.—

(A) IN GENERAL.—When implementing the recommended actions for civilian real properties that have been identified in the Board's report, as specified in section 12(g), and subject to paragraph (2) and in compliance with CERCLA, including section 120(h) of CERCLA (42 U.S.C. 9620(h)), Federal agencies may enter into an agreement to transfer by deed, pursuant to section 120(h)(3) of that Act (42 U.S.C. 9620(h)(3)), civilian real property with any person.

(B) ADDITIONAL TERMS AND CONDITIONS.—The head of the disposing agency may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the head of the disposing agency considers appropriate to protect the interests of the United States. Such additional terms and conditions shall not affect or diminish any rights or obligations of the Federal agencies under section 120(h) of CERCLA (including, without limitation, the requirements of subsections (h)(3)(A) and (h)(3)(C)(iv) of that section).

(2) CERTIFICATION CONCERNING COSTS.—A transfer of Federal civilian real property may be made under paragraph (1) only if the head of the disposing agency certifies to the Board and Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the disposing agency with respect to the property are equal to or greater than the fair market value of the property to be transferred, as determined by the head of the disposing agency; or

(B) if such costs are lower than the fair market value of the property, the recipient of the property agrees to pay the difference between the fair market value and such costs.

(3) PAYMENTS TO RECIPIENTS.—In the case of a civilian real property covered by a certification under paragraph (2)(A), the disposing agency may pay the recipient of such property an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property for all environmental restoration, waste management, and environmental compliance activities with respect to such property exceed the fair market value of such property as specified in such certification; or

(B) the amount by which the costs (as determined by the head of the disposing agency) that would otherwise have been incurred by the Secretary for such restoration, waste management, and environmental compliance activities with respect to such property exceed the fair market value of such property as so specified.

(4) INFORMATION TO BE PROVIDED TO RECIPIENTS.—As part of an agreement under paragraph (1), the head of the disposing agency shall disclose, in accordance with applicable law, to the person to whom the civilian real property will be transferred information possessed by the disposing agency regarding the environmental restoration, waste management, and environmental compliance activities that relate to the property. The head of the disposing agency shall provide such information before entering into the agreement.

(5) CONSIDERATION OF ENVIRONMENTAL REMEDIATION IN GRANTING TIME EXTENSIONS.—For the purposes of granting time extensions under subsection (a), the Director of OMB shall give the need for significant environmental remediation to a civilian real property more weight than any other factor in determining whether to grant an extension to implement a Board recommendation.

(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to modify, alter, or amend CERCLA, the National Environmental Policy Act of 1969, or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act an initial appropriation of—

(1) $2,000,000 for salaries and expenses of the Board; and

(2) $40,000,000 to be deposited into the Asset Proceeds and Space Management Fund for activities related to the implementation of the Board's recommendations.

SEC. 16. FUNDING.

(a) SALARIES AND EXPENSES ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the "Public Buildings Reform Board Salaries and Expenses Account" (in this subsection referred to as the "Account").

(2) NECESSARY PAYMENTS.—There shall be deposited into the Account such amounts, as are provided in appropriations Acts, for those necessary payments for salaries and expenses to accomplish the administrative needs of the Board.

(b) ASSET PROCEEDS AND SPACE MANAGEMENT FUND.—

(1) ESTABLISHMENT.—There is established within the Federal Buildings Fund established under section 592 of title 40, United States Code, an account to be known as the Public Buildings Reform Board—Asset Proceeds and Space Management Fund (in this subsection referred to as the "Fund").

(2) USE OF AMOUNTS.—Amounts in the Fund shall be used solely for the purposes of carrying out actions pursuant to the Board recommendations approved under section 13.

(3) DEPOSITS.—The following amounts shall be deposited into the Fund and made available for obligation or expenditure only as provided in advance in appropriations Acts (subject to section 3307 of title 40, United States Code, to the extent

an appropriation normally covered by that section exceeds $20,000,000) for the purposes specified:

(A) Such amounts as are provided in appropriations Acts, to remain available until expended, for the consolidation, co-location, exchange, redevelopment, reconfiguration of space, disposal, and other actions recommended by the Board for Federal agencies.

(B) Amounts received from the sale of any civilian real property action taken pursuant to a recommendation of the Board.

(4) USE OF AMOUNTS TO COVER COSTS.—As provided in appropriations Acts, amounts in the Fund may be made available to cover necessary costs associated with implementing the recommendations pursuant to section 14, including costs associated with—

(A) sales transactions;

(B) acquiring land, construction, constructing replacement facilities, and conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal civilian property;

(C) co-location, redevelopment, disposal, and reconfiguration of space; and

(D) other actions recommended by the Board for Federal agencies.

President. Estimate.

(c) ADDITIONAL REQUIREMENT FOR BUDGET CONTENTS.—The President shall transmit along with the President's budget submitted pursuant to section 1105 of title 31, United States Code, an estimate of proceeds that are the result of the Board's recommendations and the obligations and expenditures needed to support such recommendations.

SEC. 17. CONGRESSIONAL APPROVAL OF PROPOSED PROJECTS.

Section 3307(b) of title 40, United States Code, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) a statement of how the proposed project is consistent with the standards and criteria developed under section 11(b) of the Federal Assets Sale and Transfer Act of 2016.".

SEC. 18. PRECLUSION OF JUDICIAL REVIEW.

The following actions shall not be subject to judicial review:

(1) Actions taken pursuant to sections 12 and 13.

(2) Actions of the Board.

SEC. 19. IMPLEMENTATION REVIEW BY GAO.

Deadline.

Upon transmittal of the Board's recommendations from the Director of OMB to Congress under section 13, the Comptroller General of the United States at least annually shall monitor and review the implementation activities of Federal agencies pursuant to section 14, and report to Congress any findings and recommendations.

SEC. 20. AGENCY RETENTION OF PROCEEDS.

(a) IN GENERAL.—Section 571 of title 40, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—

"(1) DEPOSIT OF NET PROCEEDS.—Net proceeds described in subsection (c) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess.

"(2) EXPENDITURE OF NET PROCEEDS.—The net proceeds deposited pursuant to paragraph (1) may only be expended, as authorized in annual appropriations Acts, for activities described in sections 543 and 545, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this chapter.

"(3) DEFICIT REDUCTION.—Any net proceeds described in subsection (c) from the sale, lease, or other disposition of surplus real property that are not expended under paragraph (2) shall be used for deficit reduction. Any net proceeds not obligated within 3 years after the date of deposit and not expended within 5 years after such date shall be deposited as miscellaneous receipts in the Treasury. Time periods.

"(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574.

"(c) NET PROCEEDS.—The net proceeds described in this subsection are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a), from a—

"(1) transfer of excess real property to a Federal agency for agency use; or

"(2) sale, lease, or other disposition of surplus real property.".

(b) EFFECTIVE DATE.—The provisions of this section, including the amendments made by this section, shall take effect upon the termination of the Board pursuant to section 10 and shall not apply to proceeds from transactions conducted under section 14.

SEC. 21. FEDERAL REAL PROPERTY DATABASE.

(a) DATABASE REQUIRED.—Not later than 1 year after the date of enactment of this section, the Administrator of General Services shall publish a single, comprehensive, and descriptive database of all Federal real property under the custody and control of all executive agencies, other than Federal real property excluded for reasons of national security, in accordance with subsection (b). Deadline. Publication.

(b) REQUIRED INFORMATION FOR DATABASE.—The Administrator shall collect from the head of each executive agency descriptive information, except for classified information, of the nature, use, and extent of the Federal real property of each such agency, including the following:

(1) The geographic location of each Federal real property of each such agency, including the address and description for each such property.

(2) The total size of each Federal real property of each such agency, including square footage and acreage of each such property.

(3) Whether the Federal real property is currently, or will in the future be, needed to support agency's mission or function.

(4) The utilization of each Federal real property for each such agency, including whether such property is excess, surplus, underutilized, or unutilized.

(5) The number of days each Federal real property is designated as excess, surplus, underutilized, or unutilized.

(6) The annual operating costs of each Federal real property.

(7) The replacement value of each Federal real property.

(c) ACCESS TO DATABASE.—

Consultation.

(1) FEDERAL AGENCIES.—The Administrator, in consultation with the Director of OMB, shall make the database established and maintained under this section available to other Federal agencies.

Public information. Website.

(2) PUBLIC ACCESS.—To the extent consistent with national security and procurement laws, the database shall be accessible by the public at no cost through the Web site of the General Services Administration.

(d) TRANSPARENCY OF DATABASE.—To the extent practicable, the Administrator shall ensure that the database—

(1) uses an open, machine-readable format;

(2) permits users to search and sort Federal real property data; and

(3) includes a means to download a large amount of Federal real property data and a selection of such data retrieved using a search.

(e) APPLICABILITY.—Nothing in this section may be construed to require an agency to make available to the public information that is exempt from disclosure pursuant to section 552(b) of title 5, United States Code.

SEC. 22. STREAMLINING MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) in subsection (b)(2)—

(A) by striking "(2)(A)" and inserting "(2)";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(C) in subparagraph (A) (as so redesignated) by striking "and" at the end;

(D) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(C) in the case of surplus property, the provision of permanent housing with or without supportive services is an eligible use to assist the homeless under this section.";

(2) in subsection (c)(1)(A) by striking "in the Federal Register" and inserting "on the Web site of the Department of Housing and Urban Development or the General Services Administration";

(3) in subsection (d)—

(A) in paragraph (1) by striking "period of 60 days" and inserting "period of 30 days";

(B) in paragraphs (2) and (4) by striking "60-day period" and inserting "30-day period"; and

Time period.

(C) in paragraph (3) by adding at the end the following: "If no such review of the determination is requested within

the 20-day period, such property will not be included in subsequent publications unless the landholding agency makes changes to the property (e.g. improvements) that may change the unsuitable determination and the Secretary subsequently determines the property is suitable.";

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by striking "(2)" and inserting "(2)(A)";

(ii) in subparagraph (A) (as so designated)—

(I) by striking "90 days" and inserting "75 days"; and

(II) by striking "a complete application" and inserting "an initial application"; and

(iii) by adding at the end the following:

"(B) An initial application shall set forth—

"(i) the services that will be offered;

"(ii) the need for the services; and

"(iii) the experience of the applicant that demonstrates the ability to provide the services.";

(B) in paragraph (3) by striking "25 days after receipt of a completed application" and inserting "10 days after receipt of an initial application"; and

(C) by adding at the end the following:

"(4) If the Secretary of Health and Human Services approves an initial application, the applicant has 45 days in which to provide a final application that sets forth a reasonable plan to finance the approved program. Deadline.

"(5) No later than 15 days after receipt of the final application, the Secretary of Health and Human Services shall review, make a final determination, and complete all actions on the final application. The Secretary of Health and Human Services shall maintain a public record of all actions taken in response to an application."; and Deadline. Review. Public information. Records.

(5) in subsection (f)(1) by striking "available by" and inserting "available, at the applicant's discretion, by".

SEC. 23. ADDITIONAL PROPERTY.

Section 549(c)(3)(B)(vii) of title 40, United States Code, is amended to read as follows:

"(vii) a museum attended by the public, and, for purposes of determining whether a museum is attended by the public, the Administrator shall consider a museum to be public if the nonprofit educational or public health institution or organization, at minimum, accedes to any request submitted for access during business hours;".

SEC. 24. SALE OF 12TH AND INDEPENDENCE.

(a) DEFINITION.—In this section, the term "property" means the property located in the District of Columbia, subject to survey and as determined by the Administrator of General Services, generally consisting of Squares 325 and 326 and a portion of Square 351 and generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

Deadline.

(b) SALE.—Not later than December 31, 2018, the Administrator of General Services shall sell the property at fair market value at highest and best use.

(c) NET PROCEEDS.—Any net proceeds received shall be paid into an account in the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the net proceeds from the sale may be expended only subject to a specific future appropriation.

SEC. 25. SALE OF COTTON ANNEX.

(a) DEFINITION.—In this section, the term "property" means property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Square 326 south of C Street, all in Southwest Washington, District of Columbia, including the building known as the Cotton Annex.

Deadline.

(b) SALE.—Not later than December 31, 2018, the Administrator of General Services shall sell the property at fair market value at highest and best use.

(c) NET PROCEEDS.—Any net proceeds received shall be paid into an account in the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the net proceeds from the sale may be expended only subject to a specific future appropriation.

Approved December 16, 2016

LEGISLATIVE HISTORY—H.R. 4465 (S. 2375):

HOUSE REPORTS: No. 114–578, Pt. 1 (Comm. on Transportation and Infrastructure) and Pt. 2 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–291 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2375.
CONGRESSIONAL RECORD, Vol. 162 (2016):
May 23, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–288
114th Congress

An Act

To designate the Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, as the "Sidney Oslin Smith, Jr. Federal Building and United States Courthouse".

Dec. 16, 2016
[H.R. 4618]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIDNEY OSLIN SMITH, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, shall be known and designated as the "Sidney Oslin Smith, Jr. Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Sidney Oslin Smith, Jr. Federal Building and United States Courthouse".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 4618:

HOUSE REPORTS: No. 114–463 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 18, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–289
114th Congress

An Act

Dec. 16, 2016
[H.R. 4680]

To prepare the National Park Service for its Centennial in 2016 and for a second century of promoting and protecting the natural, historic, and cultural resources of our National Parks for the enjoyment of present and future generations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Park Service Centennial Act.

54 USC 100101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Park Service Centennial Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

54 USC 100102 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHALLENGE FUND.—The term "Challenge Fund" means the National Park Centennial Challenge Fund established in title I.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(3) ENDOWMENT.—The term "Endowment" means the Second Century Endowment for the National Park Service established by title II.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SIGNATURE PROJECT OR PROGRAM.—The term "signature project or program" means any project or program identified by the Secretary as one that will help prepare the national parks for another century of conservation, preservation, and visitor enjoyment.

TITLE I—NATIONAL PARK CENTENNIAL CHALLENGE FUND

SEC. 101. NATIONAL PARK CENTENNIAL CHALLENGE FUND.

(a) IN GENERAL.—Title 54, United States Code, is amended by inserting after chapter 1033 the following:

"CHAPTER 1035—NATIONAL PARK CENTENNIAL CHALLENGE FUND

54 USC prec. 103105.

"§ 103501. Establishment

54 USC 103501.

"(a) IN GENERAL.—There is established in the Treasury an account to be known as the National Park Centennial Challenge Fund.

"(b) DEPOSITS.—All amounts received by the United States each fiscal year from sales by the National Park Service of National Parks and Federal Recreational Lands Passes under section 805(b)(1) of the Federal Lands Recreation Enhancement Act that are in excess of $10,000,000 shall be deposited into the National Park Centennial Challenge Fund as offsetting collections and shall remain available to the Secretary until expended.

"(c) USE OF FUNDS.—Funds collected and deposited into the National Park Centennial Challenge Fund—

"(1) shall be used for projects or programs approved by the Secretary to further the mission of the Service and to enhance the visitor experience in System units;

"(2) may not be used to acquire lands or interest in lands; and

"(3) may only be used if matched, on at least a 1-to-1 basis, by non-Federal donations (including funds and fairly valued durable goods and materials) to the Service for signature projects or programs.

"(d) LIMITATION ON SOURCE OF FUNDS FOR MATCHING.—Amounts derived from the Second Century Endowment for the National Park Service shall not be treated as non-Federal donations for purposes of subsection (c)(3).

54 USC 103502.

"§ 103502. Signature projects and programs

"(a) LIST.—The Secretary shall—

"(1) develop a list of signature projects and programs eligible for funding from the National Park Centennial Challenge Fund;

"(2) submit the list developed pursuant to paragraph (1) to the Committees on Appropriations and Energy and Natural Resources in the United States Senate, and to the Committees on Appropriations and Natural Resources in the House of Representatives; and

"(3) prioritize deferred maintenance projects, physical improvements to visitor services facilities and trail maintenance.

Notification.

"(b) UPDATES.—The Secretary may, from time to time, as the Secretary finds appropriate, add any signature project or program to the list and provide notice of such addition as required by subsection (a).

54 USC 103503.

"§ 103503. Summary to Congress

"The Secretary shall provide with the submission of the President's annual budget a summary of the status and funding of signature projects and programs.".

(b) CONFORMING AMENDMENT.—The table of sections of title 54, United States Code, is amended by inserting after chapter 1033 the following:

54 USC prec. 100101.

"1035. National Park Centennial Challenge Fund .....103501".

SEC. 102. COMPARABLE PASS COST FOR SENIORS.

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801, Public Law 108–447, division J, title VIII) is amended in section 805(b)(1)—

16 USC 6804.

(1) by striking "The Secretary" and inserting:

"(A) The Secretary";

(2) by striking ", at a cost of $10.00,";

(3) by striking "shall be valid for the lifetime of the pass holder." and inserting the following: "shall be available—

Time period.

"(i) for a period of 12 months from the date of the issuance, at a cost of $20; and

"(ii) for the lifetime of the passholder, at a cost equal to the cost of the National Parks and Federal Recreational Lands Pass purchased under subsection (a).";

(4) by adding at the end the following:

Guidelines. Determination. Time period.

"(B) The Secretary shall issue a pass under subparagraph (A)(ii), for no additional cost, to any individual who provides evidence, under policies and guidelines determined by the Secretary, that the individual has purchased a pass under subparagraph (A)(i) for each of the 4 years prior to being issued a pass under this subparagraph.".

TITLE II—NATIONAL PARK FOUNDATION ENDOWMENT

National Park Foundation Endowment Act.

SEC. 201. SHORT TITLE.

54 USC 100101 note.

This title may be cited as the "National Park Foundation Endowment Act".

SEC. 202. SECOND CENTURY ENDOWMENT FOR THE NATIONAL PARK SERVICE.

(a) SECOND CENTURY ENDOWMENT.—Chapter 1011 of title 54, United States Code, is amended by inserting at the end the following:

"§ 101121. Second Century Endowment for the National Park Service

54 USC 101121.

"(a) SECOND CENTURY ENDOWMENT.—To further the mission of the Service, the National Park Foundation shall establish a special account to be known as the 'Second Century Endowment for the National Park Service'.

"(1) FUNDS FOR THE ENDOWMENT.—The following shall apply to the Endowment:

"(A) From amounts received by the United States each fiscal year from sales by the National Park Service of Federal Recreational Lands Passes under section 805(b)(1) of the Federal Lands Recreational Enhancement Act, $10,000,000 shall be deposited into the Endowment.

"(B) In addition to deposits otherwise authorized, the Endowment shall consist of any gifts, devises, or bequests that are provided to the National Park Foundation for such purpose.

"(C) The National Park Foundation shall deposit any funds received for the Endowment in a federally insured interest-bearing account or may invest funds in appropriate security obligations, as directed by the Board of Directors.

"(D) Any accrued interest or dividends earned on funds received for the Endowment shall be added to the principal and form a part of the Endowment.

"(2) USE OF FUNDS.—

"(A) Except as provided in subparagraph (B), funds in the Endowment shall be available to the National Park Foundation as offsetting collections for projects and activities approved by the Secretary that further the mission and purposes of the Service.

"(B) Gifts, devises, or bequests in the endowment under paragraph (1)(A), and any accrued interest or dividends earned thereon, shall be available to the National Park Foundation for projects and activities approved by the Secretary that further the mission and purposes of the Service.

"(C) In administering the Endowment each fiscal year, the National Park Foundation shall be guided by the District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007 (D.C. Code § 44–1631 et seq.), including section 44–1633 on expenditures.

"(D) No Federal funds received for the Endowment may be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries,

travel and transportation expenses, and other overhead expenses.

Effective date.

"(b) SUMMARY.—Beginning 2 years after the date of the enactment of this section, the National Park Foundation shall include with its annual report a summary of the status of the Endowment. The summary shall include—

Statement.

"(1) a statement of the amounts deposited in the Endowment during the fiscal year;

"(2) the amount of the balance remaining in the Endowment at the end of the fiscal year; and

"(3) a description of the sums and purposes of the expenditures made from the Endowment for the fiscal year.".

54 USC prec. 101101.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1011 of title 54, United States Code, is amended by inserting at the end the following:

"101121. Second Century Endowment for the National Park Service.".

TITLE III—NATIONAL PARK NEXT GENERATION STEWARDS

SEC. 301. NATIONAL PARK SERVICE INTERPRETATION AND EDUCATION.

(a) IN GENERAL.—Title 54, United States Code, is amended by inserting after chapter 1007 the following:

54 USC prec. 100801.

"CHAPTER 1008—EDUCATION AND INTERPRETATION

54 USC 100801.

"§ 100801. Definitions

"As used in this chapter:

"(1) INTERPRETATION.—The term 'interpretation'—

"(A) means providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

"(B) may refer to the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

"(2) EDUCATION.—The term 'education' means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

"(3) RELATED AREAS.—The term 'related areas' means—

"(A) national wild and scenic rivers and national trails;

"(B) national heritage areas; and

"(C) affiliated areas administered in connection with the System.

"§ 100802. Interpretation and education authority 54 USC 100802.

"The Secretary shall ensure that management of System units and related areas is enhanced by the availability and use of a broad program of the highest quality interpretation and education.

"§ 100803. Interpretation and education evaluation and quality improvement 54 USC 100803.

"The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that they—

"(1) adjust to how people learn and engage with the natural world and shared heritage as embodied in the System;

"(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

"(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

"(4) reflect current scientific and academic research, content, methods, and audience analysis.

"§ 100804. Improved use of partners and volunteers in interpretation and education 54 USC 100804.

"The Secretary may—

"(1) coordinate with park partners and volunteers in the delivery of quality programs and services to supplement those provided by the Service as part of a park's Long Range Interpretive Plan;

"(2) support interpretive partners by providing opportunities to participate in interpretive training; and

"(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.".

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 54, United States Code, is amended by inserting after the item relating to chapter 1007 the following new item: 54 USC prec. 100101.

"1008. Education and Interpretation .....100801".

SEC. 302. PUBLIC LAND CORPS AMENDMENTS.

The Public Lands Corps Act of 1993 (Public Law 91–378, as amended; 16 U.S.C. 1721 et seq.) is amended—

(1) in section 203(10)(A) (16 U.S.C. 1722(10)(A)), by striking "25" and inserting "30";

(2) in section 204(b) (16 U.S.C. 1723(b)), by striking "25" and inserting "30"; and

(3) in section 207(c)(2) (16 U.S.C. 1726(c)(2)), by striking "120 days" and inserting "2 years".

SEC. 303. VOLUNTEERS IN THE PARKS. 54 USC 102301 note.

Subject to the availability of appropriations, section 102301(d) of title 54, United States Code, is amended by striking "not more than $7,000,000" and inserting "not more than $9,000,000".

TITLE IV—NATIONAL PARK FOUNDATION AUTHORITIES

SEC. 401. BOARD OF DIRECTORS.

Chapter 1011 of title 54, United States Code, is amended—

(1) in section 101112—

(A) by amending subsection (a) to read as follows:

"(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members no fewer than six private citizens of the United States appointed by the Secretary. The Secretary and the Director shall be non-voting members of the Board, ex officio."; and

(B) by amending subsection (c) to read as follows:

"(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term."; and

(2) in section 101113(a)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

"(2) COORDINATION WITH SERVICE.—Activities of the National Park Foundation under paragraph (1) shall be undertaken after consultation with the Director to ensure that those activities are consistent with the programs and policies of the Service.".

SEC. 402. AUTHORIZATION OF APPROPRIATIONS; USE OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS; USE OF FUNDS.—Chapter 1011 of title 54, United States Code, is further amended by adding after section 101121 the following:

54 USC 101122.

"§ 101122. Authorization of appropriations; use of funds

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter $5,000,000 for each of fiscal years 2017 through 2023.

"(b) USE OF FUNDS.—Funds made available under subsection (a)—

"(1) may be advanced each fiscal year to the National Park Foundation in a lump sum without regard to when expenses are incurred;

"(2) shall be provided to the National Park Foundation for use to match contributions (whether in currency, services, or property) made to the Foundation;

"(3) may not be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses; and

"(4) may not be deposited by the National Park Foundation into any fund that will be invested or earn interest in any way.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1011 of title 54, United States Code, is amended by inserting at the end the following:

54 USC prec. 101101.

"101122. Authorization of appropriations; use of funds.".

TITLE V—MISCELLANEOUS

SEC. 501. NATIONAL HISTORIC PRESERVATION ACT.

(a) ADDITIONAL MEMBER.—Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

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

"(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.".

(b) FULL-TIME CHAIRMAN.—Section 304101 of title 54, United States Code, is further amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

"(e) CHAIRMAN.—(1) After January 20, 2017, the Chairman shall— Deadline. Appointment. President.

"(A) be appointed by the President, by and with the advice and consent of the Senate;

"(B) serve at the will of the President;

"(C) serve full time; and

"(D) be compensated at the rate provided for Level V of the Executive Schedule Pay Rates under section 5316 of title 5.

"(2) The Chairman shall serve for a term of 4 years and may be reappointed once, for a total of not more than 8 years of service as Chairman, except that a Chairman whose appointment has expired under this paragraph shall serve until his or her successor has been appointed. The term of a Chairman shall start (regardless of actual appointment date) on January 20 after each general Presidential election. The first Chairman appointed after the date of enactment of this paragraph shall have a first term commencing on January 20, 2017, and ending on January 19, 2021. Time period.

"(3) The Chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive $100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council."; and

(3) in subsection (f) (as so redesignated), by striking "may act in place" and inserting "shall perform the functions".

(c) CONFORMING CHANGES.—

(1) Section 304101 of title 54, United States Code, is further amended—

(A) in subsection (b), by striking ", (7), and (8)" and inserting "and (7) through (9)";

(B) in subsection (c)—

(i) by striking "under paragraphs (1) and (9) to (11)" and inserting "under paragraphs (10) through (12)"; and

(ii) by striking "An appointed member may not serve more than 2 terms." and inserting "An appointed member, other than the Chairman of the Council, may not serve more than 2 terms.";

(C) in subsection (f) (as so redesignated), by striking "paragraph (5), (6), (9), or (10)" and inserting "paragraph (5), (6), (10), or (11)"; and

(D) in subsection (g) (as so redesignated), by striking "Twelve members" and inserting "Thirteen members".

(2) Section 304104 of title 54, United States Code, is amended by inserting after the first sentence the following: "The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101.".

(3) Section 304105(a) of title 54, United States Code, is amended—

(A) by striking "report directly to the Council" and inserting "report directly to the Chairman"; and

(B) by striking "duties as the Council may prescribe" and inserting "duties as the Chairman may prescribe".

(4) Section 5316 of title 5, United States Code, is amended by adding at the end the following new item:

"Chairman of the Advisory Council on Historic Preservation.".

(d) CLARIFICATION.—Subsection (b) and subsection (d) of section 311103 of title 54, United States Code, are amended by striking "Council" each place it appears and inserting "Chairman of the Council".

SEC. 502. AWARD OF CONCESSION CONTRACTS.

Section 101913(9) of title 54, United States Code, is amended to read as follows:

"(9) NEW OR ADDITIONAL SERVICES.—The Secretary may propose to amend the applicable terms of an existing concessions contract to provide new and additional services where the Secretary determines the services are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located and are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit. Such new and additional services shall not represent a material change to the required and authorized services as set forth in the applicable prospectus or contract.".

TITLE VI—TECHNICAL CORRECTIONS TO NATIONAL PARK AND PROGRAM LAWS

SEC. 601. TECHNICAL CORRECTIONS TO NATIONAL PARK AND PROGRAM LAWS.

(a) APOSTLE ISLANDS NATIONAL LAKESHORE.—Section 3030 of title XXX of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3766) is amended in the section heading by striking "**NATIONAL SEASHORE.**" and inserting "**NATIONAL LAKESHORE.**".

54 USC 320101 note.

(b) BALTIMORE NATIONAL HERITAGE AREA.—Title VIII of the Omnibus Public Land Management Act of 2009 (Public Law 111–11, 16 U.S.C. 461 note) is amended—

(1) in sections 8005(b)(3) and 8005(b)(4) by striking "Baltimore Heritage Area Association" and inserting "Baltimore City Heritage Area Association"; and

(2) in section 8005(i) by striking "EFFECTIVENESS" and inserting "FINANCIAL ASSISTANCE".

(c) CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6(b) of the Act entitled "An Act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes" (Public Law 92–536; 16 U.S.C. 459i–5) is amended by striking "physiographic conditions not prevailing" and inserting "physiographic conditions now prevailing".

(d) HARRIET TUBMAN NATIONAL HISTORICAL PARK, NEW YORK.—Section 3036(d)(4)(B) of title XXX of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3780) is amended by striking "section 2(b)(1)" and inserting "section 3035". 16 USC 410ttt.

(e) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.—Section 3035(d)(4)(B) of title XXX of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3778) is amended by striking "section 3(b)(1)(A)" and inserting "section 3036". 16 USC 410sss.

(f) HISTORIC PRESERVATION STANDARDS AND GUIDELINES.—Section 306131(a)(3) of title 54, United States Code, is amended by striking "Office of Management and Budget" and inserting "Office of Personnel Management".

(g) LAVA BEDS NATIONAL MONUMENT.—The first section of the Act of October 13, 1972 (Public Law 92–493; 86 Stat. 811) is amended in the first sentence— 16 USC 1132 note.

(1) by striking "That, in" and inserting "Section 1. In"; and

(2) by striking "ten thousand acres" and all that follows through the remainder of the sentence and inserting "10,431 acres, as depicted within the proposed wilderness boundary on the map entitled 'Lava Beds National Monument, Proposed Wilderness Boundary Adjustment', numbered 147/80,015, and dated September 2005, and those lands within the area generally known as the Schonchin Lava Flow comprising about 18,029 acres, as depicted within the proposed wilderness boundary on the map, are designated as wilderness.".

(h) MUSCLE SHOALS NATIONAL HERITAGE AREA.—Section 8009(j) of title VIII of the Omnibus Public Land Management Act of 2009 (Public Law 111–11, 16 U.S.C. 461 note) is amended by striking "EFFECTIVENESS" and inserting "FINANCIAL ASSISTANCE". 54 USC 320101 note.

(i) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—Section 3037(a)(1)(c) of title XXX of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3780) is amended by striking "numbered T03/120,155, and dated April 2014" and insert "numbered T03/120,155A, and dated August 2015". 16 USC 410*lll*.

(j) SNAKE RIVER HEADWATERS.—Section 5002(c)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11, 123 Stat. 1148, 1149) is amended by striking "paragraph (205) of section 3(a)" each place it appears and inserting "paragraph (206) of section 3(a)". 16 USC 1274 note.

(k) TAUNTON RIVER.—Section 5003(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11, 123 Stat. 16 USC 1274 note.

1152, 1153) is amended by striking "section 3(a)(206)" each place it appears and inserting "section 3(a)(207)".

36 USC prec. 101 note.

(l) WORLD WAR I CENTENNIAL COMMISSION ACT.—Section 4(e)(3)(c) of the World War I Centennial Commission Act (Public Law 112–272; 126 Stat. 2449) is amended by striking "National Parks Service." and inserting "National Park Service.".

TITLE VII—VISITOR EXPERIENCE IMPROVEMENTS AUTHORITY

SEC. 701. VISITOR EXPERIENCE IMPROVEMENTS AUTHORITY.

Chapter 1019 of title 54, United States Code, is amended by inserting at the end the following:

54 USC prec. 101931.

"SUBCHAPTER III—COMMERCIAL SERVICES AUTHORIZATION

54 USC 101931.

"§ 101931. Contract authority

"(a) GENERAL AUTHORITY.—Notwithstanding subchapter II, the Secretary may award and administer commercial services contracts (and related professional services contracts) for the operation and expansion of commercial visitor facilities and visitor services programs in System units. The commercial services contracts that may be awarded shall be limited to those that are necessary and appropriate for public use and enjoyment of the unit of the System in which they are located, and, that are consistent with the preservation and conservation of the resources and values of the unit.

"(b) ADDITIONAL AUTHORITY.—Contracts may be awarded under subsection (a) without regard to Federal laws and regulations governing procurement by Federal agencies, with the exception of laws and regulations related to Federal government contracts governing working conditions and wage rates, including the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), sections 3141–3144, 3146, and 3147 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), and any civil rights provisions otherwise applicable thereto.

"(c) USE OF COMMERCIAL SERVICES CONTRACTS.—

"(1) IN GENERAL.—The Secretary may issue a commercial services contract under this subchapter when the Secretary determines that the contract meets the objectives of expanding, modernizing, and improving the condition of commercial visitor facilities and the services provided to visitors.

"(2) EXCEPTIONS.—No contracts may be awarded under this subchapter—

"(A) for the provision of outfitter and guide services described in section 101913(8); or

"(B) to authorize the provision of facilities or services for which the Secretary has granted to an existing concessioner a preferential right of renewal as defined in sections 101911 and 101913.

"§ 101932. Award of commercial services contracts 54 USC 101932.

"(a) COMPETITIVE SELECTION PROCESS.—Except as provided in subsection (c), commercial services contracts shall be awarded by the Secretary through a competitive selection process.

"(b) SOLICITATION OF PROPOSALS.—Before awarding a new commercial services contract, the Secretary shall publicly solicit proposals for the contract, except as provided in subsection (c). In connection with such solicitation, the Secretary shall prepare a request for proposals and shall publish notice of its availability. Public information. Publication. Notice.

"§ 101933. Term of commercial services contracts 54 USC 101933.

"A commercial services contract entered into pursuant to this title shall be awarded for a term not to exceed 10 years.

"§ 101934. Capital improvements 54 USC 101934.

"A person or entity awarded a contract under this subchapter shall receive no leasehold surrender interest, as defined in section 101915, in capital improvements constructed under the terms of the contract.

"§ 101935. Financial management 54 USC 101935.

"(a) REVOLVING FUND.—There is established a revolving fund that shall be available to the Secretary without fiscal year limitation for—

"(1) expenses necessary for the management, improvement, enhancement, operation, construction, and maintenance of commercial visitor services and facilities; and

"(2) payment of possessory interest and leasehold surrender interest.

"(b) COLLECTION OF FUNDS.—

"(1) Funds collected by the Secretary pursuant to the contracts awarded under this subchapter shall be credited to the revolving fund.

"(2) The Secretary is authorized to transfer to the revolving fund, without reimbursement, any additional funds or revenue in connection with the functions to be carried out under this subchapter.

"(c) USE OF FUNDS.—Amounts in the revolving fund shall be used by the Secretary in furtherance of the purposes of this title. No funds from this account may be used to decrease the availability of services and programs to the public.

"§ 101936. Regulations 54 USC 101936.

"As soon as practicable after the effective date of this subchapter, the Secretary shall promulgate regulations appropriate for its implementation.

"§ 101937. Savings provision 54 USC 101937.

"Nothing in this subchapter shall modify the terms or conditions of any concessions contracts awarded under subchapter II or the ability of the National Park Service to enter into concessions contracts under the National Park Service Concessions Management

Improvement Act of 1998 (title IV of Public Law 105–391) including the use of leaseholder surrender interest.

54 USC 101938.

"§ 101938. Sunset

"The authority given to the Secretary under this subchapter shall expire 7 years after the date of the enactment of this subchapter.".

National Historic Preservation Amendments Act.

TITLE VIII—NATIONAL HISTORIC PRESERVATION AMENDMENTS ACT

54 USC 100101 note.

SEC. 801. SHORT TITLE.

This title may be cited as the "National Historic Preservation Amendments Act".

SEC. 802. REAUTHORIZATION OF THE HISTORIC PRESERVATION FUND.

(a) IN GENERAL.—Section 303102 of title 54, United States Code, is amended by striking "2015" and inserting "2023".

(b) FEDERAL NOMINATIONS.—Section 302104 of such title is amended—

(1) in subsections (a) and (b), by striking "subsection (c)" and inserting "subsection (d)";

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

"(c) NOMINATION BY FEDERAL AGENCY.—Subject to the requirements of section 302107 of this title, the regulations promulgated under section 302103 of this title, and appeal under subsection (d) of this section, the Secretary may accept a nomination directly by a Federal agency for inclusion of property on the National Register only if—

Review.

"(1) completed nominations are sent to the State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register;

Deadline. Recommendation.

"(2) within 45 days of receiving the completed nomination, the State Historic Preservation Officer has made a recommendation regarding the nomination to the Federal Preservation Officer, except that failure to meet this deadline shall constitute a recommendation to not support the nomination;

Notification. Deadline.

"(3) the chief elected officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment;

"(4) the Federal Preservation Officer forwards it to the Keeper of the National Register of Historic Places after determining that all procedural requirements have been met, including those in paragraphs (1) through (3) above; the nomination is adequately documented; the nomination is technically and professionally correct and sufficient; and may include an opinion as to whether the property meets the National Register criteria for evaluation;

Notification. Federal Register, publication. Recommendation. Deadline.

"(5) notice is provided in the Federal Register that the nominated property is being considered for listing on the National Register that includes any comments and the recommendation of the State Historic Preservation Officer and

a declaration whether the State Historic Preservation Officer has responded within the 45 day-period of review provided in paragraph (2); and

"(6) the Secretary addresses in the Federal Register any comments from the State Historic Preservation Officer that do not support the nomination of the property on the National Register before the property is included in the National Register."; and

Federal Register, publication.

(3) by redesignating subsection (c) as subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) Section 303102 of such title is amended by striking "**CONTENTS**" in the heading thereof and inserting "**FUNDING**".

(2) The table of sections for chapter 3031 of such title is amended by striking the item relating to section 303102 and inserting the following new item:

54 USC prec. 303101.

"303102. Funding.".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 4680:

HOUSE REPORTS: No. 114–576, Pt. 1 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 6, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–290
114th Congress

An Act

Dec. 16, 2016
[H.R. 4887]

To designate the facility of the United States Postal Service located at 23323 Shelby Road in Shelby, Indiana, as the "Richard Allen Cable Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD ALLEN CABLE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 23323 Shelby Road in Shelby, Indiana, shall be known and designated as the "Richard Allen Cable Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Richard Allen Cable Post Office".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 4887:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–291
114th Congress

An Act

To increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

Dec. 16, 2016
[H.R. 4939]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States–Caribbean Strategic Engagement Act of 2016. 22 USC 2151 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States–Caribbean Strategic Engagement Act of 2016".

SEC. 2. STATEMENT OF POLICY.

Congress declares that it is the policy of the United States to increase engagement with the governments of the Caribbean region and with civil society, including the private sector, in both the United States and the Caribbean, in a concerted effort to—

(1) enhance diplomatic relations between the United States and the Caribbean region;

(2) increase economic cooperation between the United States and the Caribbean region;

(3) support regional economic, political, and security integration efforts in the Caribbean region;

(4) encourage enduring economic development and increased regional economic diversification and global competitiveness;

(5) reduce levels of crime and violence, curb the trafficking of illicit drugs, strengthen the rule of law, and improve citizen security;

(6) improve energy security by increasing access to diverse, reliable, and affordable power;

(7) advance cooperation on democracy and human rights at multilateral fora;

(8) continue support for public health advances and cooperation on health concerns and threats to the Caribbean region; and

(9) expand Internet access throughout the region, especially to countries lacking the appropriate infrastructure.

SEC. 3. STRATEGY.

Deadline. Coordination.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall submit to the appropriate congressional committees a multi-year strategy for United States engagement to support the efforts of interested nations in the Caribbean region that—

(1) identifies Department of State and USAID priorities, in coordination with other executive branch agencies, for United States policy towards the Caribbean region;

(2) outlines an approach to partner with governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effectiveness and longevity of the Caribbean Basin Security Initiative;

(3) establishes a comprehensive, integrated, multi-year strategy to encourage efforts of the Caribbean region to implement regional and national strategies that improve energy security, by increasing access to all available sources of energy, including by taking advantage of the indigenous energy sources of the Caribbean and the ongoing energy revolution in the United States;

(4) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to human rights and democracy;

(5) Describes how the United States can develop an approach to supporting Caribbean countries in efforts they are willing to undertake with their own resources to diversify their economies;

(6) describes ways to ensure the active participation of citizens of the Caribbean in existing program and initiatives administered by the Department of State's Bureau of Educational and Cultural Affairs; and

(7) reflects the input of other executive branch agencies, as appropriate.

SEC. 4. BRIEFINGS.

The Secretary of State shall offer to the appropriate congressional committees annual briefings that review Department of State efforts to implement the strategy for United States engagement with the Caribbean region in accordance with section 3.

President.

SEC. 5. PROGRESS REPORT.

Not later than 2 years after the submission of the strategy required under section 3, the President shall submit to the appropriate congressional committees a report on progress made toward implementing the strategy.

SEC. 6. REPORTING COST OFFSET.

Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is amended by striking "the following:" and all that follows through "(B) A workforce plan" and inserting "a workforce plan".

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CARIBBEAN REGION.—The term "Caribbean region" means the Caribbean Basin Security Initiative beneficiary countries.

(3) SECURITY ASSISTANCE.—The term "security assistance" has the meaning given such term in section 502B(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(2)).

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 4939:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 13, considered and passed House.
Dec. 9, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendment.

Public Law 114–292
114th Congress

An Act

Dec. 16, 2016
[H.R. 5015]

To restore amounts improperly withheld for tax purposes from severance payments to individuals who retired or separated from service in the Armed Forces for combat-related injuries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Combat-Injured Veterans Tax Fairness Act of 2016.
10 USC 1212 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat-Injured Veterans Tax Fairness Act of 2016".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Approximately 10,000 to 11,000 individuals are retired from service in the Armed Forces for medical reasons each year.

(2) Some of such individuals are separated from service in the Armed Forces for combat-related injuries (as defined in section 104(b)(3) of the Internal Revenue Code of 1986).

(3) Congress has recognized the tremendous personal sacrifice of veterans with combat-related injuries by, among other things, specifically excluding from taxable income severance pay received for combat-related injuries.

(4) Since 1991, the Secretary of Defense has improperly withheld taxes from severance pay for wounded veterans, thus denying them their due compensation and a significant benefit intended by Congress.

(5) Many veterans owed redress are beyond the statutory period to file an amended tax return because they were not or are not aware that taxes were improperly withheld.

SEC. 3. RESTORATION OF AMOUNTS IMPROPERLY WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS TO VETERANS WITH COMBAT-RELATED INJURIES.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify—

(A) the severance payments—

Time period.

(i) that the Secretary paid after January 17, 1991;

(ii) that the Secretary computed under section 1212 of title 10, United States Code;

(iii) that were not considered gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986; and

(iv) from which the Secretary withheld amounts for tax purposes; and

(B) the individuals to whom such severance payments were made; and

(2) with respect to each person identified under paragraph (1)(B), provide—

(A) notice of—

(i) the amount of severance payments in paragraph (1)(A) which were improperly withheld for tax purposes; and

(ii) such other information determined to be necessary by the Secretary of the Treasury to carry out the purposes of this section; and

(B) instructions for filing amended tax returns to recover the amounts improperly withheld for tax purposes.

(b) EXTENSION OF LIMITATION ON TIME FOR CREDIT OR REFUND.—

(1) PERIOD FOR FILING CLAIM.—If a claim for credit or refund under section 6511(a) of the Internal Revenue Code of 1986 relates to a specified overpayment, the 3-year period of limitation prescribed by such subsection shall not expire before the date which is 1 year after the date the information return described in subsection (a)(2) is provided. The allowable amount of credit or refund of a specified overpayment shall be determined without regard to the amount of tax paid within the period provided in section 6511(b)(2).

(2) SPECIFIED OVERPAYMENT.—For purposes of paragraph (1), the term "specified overpayment" means an overpayment attributable to a severance payment described in subsection (a)(1).

SEC. 4. REQUIREMENT THAT SECRETARY OF DEFENSE ENSURE AMOUNTS ARE NOT WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS NOT CONSIDERED GROSS INCOME.

The Secretary of Defense shall take such actions as may be necessary to ensure that amounts are not withheld for tax purposes from severance payments made by the Secretary to individuals when such payments are not considered gross income pursuant to section 104(a)(4) of the Internal Revenue Code of 1986.

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—After completing the identification required by section 3(a) and not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the actions taken by the Secretary to carry out this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) The number of individuals identified under section 3(a)(1)(B).

(2) Of all the severance payments described in section 3(a)(1)(A), the aggregate amount that the Secretary withheld for tax purposes from such payments.

(3) A description of the actions the Secretary plans to take to carry out section 4.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Finance of the Senate; and

(2) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Ways and Means of the House of Representatives.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5015:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 5, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–293
114th Congress

An Act

To direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.

Dec. 16, 2016
[H.R. 5065]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bottles and Breastfeeding Equipment Screening Act. 49 USC 44901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bottles and Breastfeeding Equipment Screening Act".

Deadline.

SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall—

(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration's guidelines known as the 3–1–1 Liquids Rule Exemption; and

(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5065:

HOUSE REPORTS: No. 114–775 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 27, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–294
114th Congress

An Act

Dec. 16, 2016
[H.R. 5099]

To establish a pilot program on partnership agreements to construct new facilities for the Department of Veterans Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016.
38 USC 8103 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016" or the "CHIP IN for Vets Act of 2016".

SEC. 2. PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Notwithstanding sections 8103 and 8104 of title 38, United States Code, the Secretary of Veterans Affairs may carry out a pilot program under which the Secretary may accept donations of the following property from entities described in paragraph (2):

(A) Real property (including structures and equipment associated therewith)—

(i) that includes a constructed facility; or

(ii) to be used as the site of a facility constructed by the entity.

(B) A facility to be constructed by the entity on real property of the Department of Veterans Affairs.

(2) ENTITIES DESCRIBED.—Entities described in this paragraph are the following:

(A) A State or local authority.

(B) An organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(C) A limited liability corporation.

(D) A private entity.

(E) A donor or donor group.

(F) Any other non-Federal Government entity.

(3) LIMITATION.—The Secretary may accept not more than five donations of real property and facility improvements under the pilot program and as described in this section.

(b) CONDITIONS FOR ACCEPTANCE OF PROPERTY.—The Secretary may accept the donation of a property described in subsection (a)(1) under the pilot program only if—

(1) the property is—

(A) a property with respect to which funds have been appropriated for a Department facility project; or

(B) a property identified as—

(i) meeting a need of the Department as part of the long-range capital planning process of the Department; and

(ii) the location for a Department facility project that is included on the Strategic Capital Investment Planning process priority list in the most recent budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code; and

(2) an entity described in subsection (a)(2) has entered into or is willing to enter into a formal agreement with the Secretary in accordance with subsection (c) under which the entity agrees to independently donate the real property, improvements, goods, or services, for the Department facility project in an amount acceptable to the Secretary and at no additional cost to the Federal Government.

(c) REQUIREMENT TO ENTER INTO AN AGREEMENT.—

(1) IN GENERAL.—The Secretary may accept real property and improvements donated under the pilot program by an entity described in subsection (a)(2) only if the entity enters into a formal agreement with the Secretary that provides for—

(A) the donation of real property and improvements (including structures and equipment associated therewith) that includes a constructed facility; or

(B) the construction by the entity of a facility on—

(i) real property and improvements of the Department of Veterans Affairs; or

(ii) real property and improvements donated to the Department by the entity.

(2) CONTENT OF FORMAL AGREEMENTS.—With respect to an entity described in subsection (a)(2) that seeks to enter into a formal agreement under paragraph (1) of this subsection that includes the construction by the entity of a facility, the formal agreement shall provide for the following:

Compliance. Permits.

(A) The entity shall conduct all necessary environmental and historic preservation due diligence, shall comply with all local zoning requirements (except for studies and consultations required of the Department under Federal law), and shall obtain all permits required in connection with the construction of the facility.

(B) The entity shall use construction standards required of the Department when designing, repairing, altering, or building the facility, except to the extent the Secretary determines otherwise, as permitted by applicable law.

(C) The entity shall provide the real property, improvements, goods, or services in a manner described in subsection (b)(2) sufficient to complete the construction of the facility, at no additional cost to the Federal Government.

(d) NO PAYMENT OF RENT OR USAGE FEES.—The Secretary may not pay rent, usage fees, or any other amounts to an entity described in subsection (a)(2) or any other entity for the use or occupancy of real property or improvements donated under this section.

(e) FUNDING.—

(1) FROM DEPARTMENT.—

(A) IN GENERAL.—The Secretary may not provide funds to help the entity finance, design, or construct a facility in connection with real property and improvements donated under the pilot program by an entity described in subsection (a)(2) that are in addition to the funds appropriated for the facility as of the date on which the Secretary and the entity enter into a formal agreement under subsection (c) for the donation of the real property and improvements.

(B) TERMS AND CONDITIONS.—The Secretary shall provide funds pursuant to subparagraph (A) under such terms, conditions, and schedule as the Secretary determines appropriate.

(2) FROM ENTITY.—An entity described in subsection (a)(2) that is donating a facility constructed by the entity under the pilot program shall be required, pursuant to a formal agreement entered into under subsection (c), to provide other funds in addition to the amounts provided by the Department under paragraph (1) that are needed to complete construction of the facility.

(f) APPLICATION.—An entity described in subsection (a)(2) that seeks to donate real property and improvements under the pilot program shall submit to the Secretary an application to address needs relating to facilities of the Department, including health care needs, identified in the Construction and Long-Range Capital Plan of the Department, at such time, in such manner, and containing such information as the Secretary may require.

(g) INFORMATION ON DONATIONS AND RELATED PROJECTS.—

(1) IN GENERAL.—The Secretary shall include in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, information regarding real property and improvements donated under the pilot program during the year preceding the submittal of the budget and the status of facility projects relating to that property.

(2) ELEMENTS.—Information submitted under paragraph (1) shall provide a detailed status of donations of real property and improvements conducted under the pilot program and facility projects relating to that property, including the percentage completion of the donations and projects.

(h) BIENNIAL REPORT OF COMPTROLLER GENERAL OF THE UNITED STATES.—Not less frequently than once every 2 years until the termination date set forth in subsection (i), the Comptroller General of the United States shall submit to Congress a report on the donation agreements entered into under the pilot program.

(i) TERMINATION.—The authority for the Secretary to accept donations under the pilot program shall terminate on the date that is 5 years after the date of the enactment of this Act.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to

enter into other arrangements or agreements that are authorized by law and not inconsistent with this section.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5099:

HOUSE REPORTS: No. 114–814 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 7, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–295
114th Congress

An Act

Dec. 16, 2016
[H.R. 5150]

To designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the "Leonard Montalto Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEONARD MONTALTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, shall be known and designated as the "Leonard Montalto Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Leonard Montalto Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5150:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–296
114th Congress

An Act

To designate the facility of the United States Postal Service located at 401 McElroy Drive in Oxford, Mississippi, as the "Army First Lieutenant Donald C. Carwile Post Office Building".

Dec. 16, 2016
[H.R. 5309]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY FIRST LIEUTENANT DONALD C. CARWILE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 401 McElroy Drive in Oxford, Mississippi, shall be known and designated as the "Army First Lieutenant Donald C. Carwile Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army First Lieutenant Donald C. Carwile Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5309:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–297
114th Congress

An Act

Dec. 16, 2016
[H.R. 5356]

To designate the facility of the United States Postal Service located at 14231 TX–150 in Coldspring, Texas, as the "E. Marie Youngblood Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. E. MARIE YOUNGBLOOD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14231 TX–150 in Coldspring, Texas, shall be known and designated as the "E. Marie Youngblood Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "E. Marie Youngblood Post Office".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5356:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–298
114th Congress

An Act

To designate the facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, as the "Zapata Veterans Post Office".

Dec. 16, 2016
[H.R. 5591]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZAPATA VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, shall be known and designated as the "Zapata Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Zapata Veterans Post Office".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5591:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–299
114th Congress

An Act

Dec. 16, 2016
[H.R. 5612]

To designate the facility of the United States Postal Service located at 2886 Sandy Plains Road in Marietta, Georgia, as the "Marine Lance Corporal Squire 'Skip' Wells Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE LANCE CORPORAL SQUIRE "SKIP" WELLS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2886 Sandy Plains Road in Marietta, Georgia, shall be known and designated as the "Marine Lance Corporal Squire 'Skip' Wells Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marine Lance Corporal Squire 'Skip' Wells Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5612:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–300
114th Congress

An Act

To designate the facility of the United States Postal Service located at 6300 N. Northwest Highway in Chicago, Illinois, as the "Officer Joseph P. Cali Post Office Building".

Dec. 16, 2016
[H.R. 5676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICER JOSEPH P. CALI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6300 N. Northwest Highway in Chicago, Illinois, shall be known and designated as the "Officer Joseph P. Cali Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer Joseph P. Cali Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5676:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–301
114th Congress

An Act

Dec. 16, 2016
[H.R. 5687]

To eliminate or modify certain mandates of the Government Accountability Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GAO Mandates Revision Act of 2016.
31 USC 7501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "GAO Mandates Revision Act of 2016".

SEC. 2. REPORTS ELIMINATED.

(a) SINGLE AUDIT ACT MONITORING RESPONSIBILITIES.—

(1) IN GENERAL.—Chapter 75 of title 31, United States Code, is amended—

(A) by striking section 7506; and

(B) by redesignating section 7507 as section 7506.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 75 of title 31, United States Code, is amended by striking the items relating to sections 7506 and 7507 and inserting the following:

"7506. Effective date.".

42 USC 1395*l* note.

(b) REVIEW OF MEDIGAP PREMIUM LEVELS.—Section 111(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F; 114 Stat. 2763A–473), as enacted into law by section 1(a)(6) of Public Law 106–554, is repealed.

(c) REPORT ON DISPUTE RESOLUTION PILOT PROGRAM.—Section 1105 of the Sandy Recovery Improvement Act of 2013 (42 U.S.C. 5189a note) is amended by striking subsection (d).

(d) BIENNIAL SURVEY REGARDING TRANSPORTATION INTELLIGENCE REPORTS.—Section 114(u) of title 49, United States Code, is amended—

(1) in paragraph (1)(A), by striking "subsection (t)" and inserting "subsection (s)(4)(E)";

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 3. REPORTS MODIFIED.

(a) OVERSIGHT AND AUDITS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008.—Section 116(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226(a)(3)) is amended by striking ", regularly and no less frequently than once every 60 days," and inserting "annually".

(b) REPORTS ON CONFLICT MINERALS.—Section 1502(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78m note) is amended—

(1) in paragraph (1), by striking "until the termination of the disclosure requirements under section 13(p) of the Securities Exchange Act of 1934" and inserting "through 2020, in 2022, and in 2024"; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting "through 2020, in 2022, and in 2024" after "annually thereafter".

(c) UPDATE ON ACTIONS TAKEN BY SECRETARY OF HHS TO IMPLEMENT GAO RECOMMENDATION.—Section 632(d) of the American Taxpayer Relief Act of 2012 (Public Law 112–240; 126 Stat. 2354) is amended in the first sentence by striking "December 31, 2015" and inserting "December 31, 2023".

(d) REVIEW PANEL.—Section 399V–4(d)(2) of the Public Health Service Act (42 U.S.C. 280g–15) is amended—

(1) in subparagraph (C), by striking ", or an individual within the Government Accountability Office designated by the Comptroller General, shall" and inserting "shall designate a member of the review panel to"; and

(2) in subparagraph (D), by striking "Comptroller General" and inserting "Secretary".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5687 (S. 2964):

HOUSE REPORTS: No. 114–760, Pt. 1 (Comm. on Oversight and Government Reform).

SENATE REPORTS: No. 114–305 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2964.

CONGRESSIONAL RECORD, Vol. 162 (2016):

Sept. 20, considered and passed House.

Dec. 9, considered and passed Senate.

Public Law 114–302
114th Congress

An Act

Dec. 16, 2016
[H.R. 5790]

To provide adequate protections for whistleblowers at the Federal Bureau of Investigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016".

SEC. 2. PROHIBITED PERSONNEL PRACTICES IN THE FEDERAL BUREAU OF INVESTIGATION.

Section 2303(a) of title 5, United States Code, is amended by striking "any employee of the Bureau" and all that follows through "health or safety" and inserting the following: "an employee in, or applicant for, a position in the Bureau as a reprisal for a disclosure of information—

"(1) made—

"(A) in the case of an employee, to a supervisor in the direct chain of command of the employee, up to and including the head of the employing agency;

"(B) to the Inspector General;

"(C) to the Office of Professional Responsibility of the Department of Justice;

"(D) to the Office of Professional Responsibility of the Federal Bureau of Investigation;

"(E) to the Inspection Division of the Federal Bureau of Investigation;

"(F) as described in section 7211;

"(G) to the Office of Special Counsel; or

"(H) to an employee designated by any officer, employee, office, or division described in subparagraphs (A) through (G) for the purpose of receiving such disclosures; and

"(2) which the employee or applicant reasonably believes evidences—

"(A) any violation of any law, rule, or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5790 (S. 2390):

HOUSE REPORTS: No. 114–835 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 114–261 (Comm. on the Judiciary) accompanying S. 2390.
CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 7, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–303
114th Congress

An Act

Dec. 16, 2016
[H.R. 5798]

To designate the facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, as the "Abner J. Mikva Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABNER J. MIKVA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, shall be known and designated as the "Abner J. Mikva Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Abner J. Mikva Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5798:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 22, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–304
114th Congress

An Act

To amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.

Dec. 16, 2016
[H.R. 5877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States-Israel Advanced Research Partnership Act of 2016.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Israel Advanced Research Partnership Act of 2016".

SEC. 2. COOPERATIVE HOMELAND SECURITY RESEARCH AND ANTITERRORISM PROGRAMS RELATING TO CYBERSECURITY.

(a) HOMELAND SECURITY ACT OF 2002.—Section 317 of the Homeland Security Act of 2002 (6 U.S.C. 195c) is amended—

(1) in subsection (e)—

(A) in paragraph (1), by striking "and" after the semicolon;

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

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) for international cooperative activities identified in the previous reporting period, a status update on the progress of such activities, including whether goals were realized, explaining any lessons learned, and evaluating overall success; and

"(4) a discussion of obstacles encountered in the course of forming, executing, or implementing agreements for international cooperative activities, including administrative, legal, or diplomatic challenges or resource constraints.";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

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

"(g) CYBERSECURITY.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Department of State and appropriate Federal officials, may enter into cooperative research activities with Israel to strengthen preparedness against cyber threats and enhance capabilities in cybersecurity.". Coordination.

(b) UNITED STATES-ISRAEL STRATEGIC PARTNERSHIP ACT OF 2014.—Subsection (c) of section 7 of the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296; 22 U.S.C. 8606) is amended—

(1) in the heading, by striking "PILOT";

(2) in the matter preceding paragraph (1), by striking "pilot";

(3) in paragraph (2), by striking "and" at the end;

(4) in paragraph (3), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph: "(4) cybersecurity.".

SEC. 3. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5877:

HOUSE REPORTS: No. 114–827, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 29, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–305
114th Congress

An Act

To designate the facility of the United States Postal Service located at 1 Chalan Kanoa VLG in Saipan, Northern Mariana Islands, as the "Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building".

Dec. 16, 2016
[H.R. 5889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEGUNDO T. SABLAN AND CNMI FALLEN MILITARY HEROES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1 Chalan Kanoa VLG in Saipan, Northern Mariana Islands, shall be known and designated as the "Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5889:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, considered and passed House.
Dec. 5, considered and passed Senate; passage vitiated.
Dec. 9, considered and passed Senate.

Public Law 114–306
114th Congress

An Act

Dec. 16, 2016
[H.R. 5948]

To designate the facility of the United States Postal Service located at 830 Kuhn Drive in Chula Vista, California, as the "Jonathan 'J.D.' De Guzman Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JONATHAN "J.D." DE GUZMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 830 Kuhn Drive in Chula Vista, California, shall be known and designated as the "Jonathan 'J.D.' De Guzman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jonathan 'J.D.' De Guzman Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 5948:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 30, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–307
114th Congress

An Act

To allow the Administrator of the Federal Aviation Administration to enter into reimbursable agreements for certain airport projects.

Dec. 16, 2016
[H.R. 6014]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSABLE AGREEMENTS FOR CERTAIN AIRPORT PROJECTS.

Notice.
49 USC 47101 note.

The Administrator of the Federal Aviation Administration may enter into a reimbursable agreement with a State or local government agency to carry out a project at an airport as to which notice is required under section 77.9 of title 14, Code of Federal Regulations, if the agreement—

(1) includes measures for cost-effective completion of such project; and

(2) would not negatively affect the safety or efficiency of the national airspace system.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6014:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Sept. 20, 21, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 114–308
114th Congress

An Act

Dec. 16, 2016
[H.R. 6130]

To provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Holocaust Expropriated Art Recovery Act of 2016.
22 USC 1621 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Expropriated Art Recovery Act of 2016".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is estimated that the Nazis confiscated or otherwise misappropriated hundreds of thousands of works of art and other property throughout Europe as part of their genocidal campaign against the Jewish people and other persecuted groups. This has been described as the "greatest displacement of art in human history".

(2) Following World War II, the United States and its allies attempted to return the stolen artworks to their countries of origin. Despite these efforts, many works of art were never reunited with their owners. Some of the art has since been discovered in the United States.

(3) In 1998, the United States convened a conference with 43 other nations in Washington, DC, known as the Washington Conference, which produced Principles on Nazi-Confiscated Art. One of these principles is that "steps should be taken expeditiously to achieve a just and fair solution" to claims involving such art that has not been restituted if the owners or their heirs can be identified.

(4) The same year, Congress enacted the Holocaust Victims Redress Act (Public Law 105–158, 112 Stat. 15), which expressed the sense of Congress that "all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.".

(5) In 2009, the United States participated in a Holocaust Era Assets Conference in Prague, Czech Republic, with 45 other nations. At the conclusion of this conference, the participating nations issued the Terezin Declaration, which reaffirmed the 1998 Washington Conference Principles on Nazi-Confiscated Art and urged all participants "to ensure that their legal systems or alternative processes, while taking into account the

different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties.". The Declaration also urged participants to "consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.".

(6) Victims of Nazi persecution and their heirs have taken legal action in the United States to recover Nazi-confiscated art. These lawsuits face significant procedural obstacles partly due to State statutes of limitations, which typically bar claims within some limited number of years from either the date of the loss or the date that the claim should have been discovered. In some cases, this means that the claims expired before World War II even ended. (See, e.g., Detroit Institute of Arts v. Ullin, No. 06–10333, 2007 WL 1016996 (E.D. Mich. Mar. 31, 2007).) The unique and horrific circumstances of World War II and the Holocaust make statutes of limitations especially burdensome to the victims and their heirs. Those seeking recovery of Nazi-confiscated art must painstakingly piece together their cases from a fragmentary historical record ravaged by persecution, war, and genocide. This costly process often cannot be done within the time constraints imposed by existing law.

(7) Federal legislation is needed because the only court that has considered the question held that the Constitution prohibits States from making exceptions to their statutes of limitations to accommodate claims involving the recovery of Nazi-confiscated art. In Von Saher v. Norton Simon Museum of Art, 592 F.3d 954 (9th Cir. 2009), the United States Court of Appeals for the Ninth Circuit invalidated a California law that extended the State statute of limitations for claims seeking recovery of Holocaust-era artwork. The Court held that the law was an unconstitutional infringement of the Federal Government's exclusive authority over foreign affairs, which includes the resolution of war-related disputes. In light of this precedent, the enactment of a Federal law is necessary to ensure that claims to Nazi-confiscated art are adjudicated in accordance with United States policy as expressed in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

(8) While litigation may be used to resolve claims to recover Nazi-confiscated art, it is the sense of Congress that the private resolution of claims by parties involved, on the merits and through the use of alternative dispute resolution such as mediation panels established for this purpose with the aid of experts in provenance research and history, will yield just and fair resolutions in a more efficient and predictable manner.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To ensure that laws governing claims to Nazi-confiscated art and other property further United States policy as set forth in the Washington Conference Principles on Nazi-

Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

(2) To ensure that claims to artwork and other property stolen or misappropriated by the Nazis are not unfairly barred by statutes of limitations but are resolved in a just and fair manner.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACTUAL DISCOVERY.—The term "actual discovery" means knowledge.

(2) ARTWORK OR OTHER PROPERTY.—The term "artwork or other property" means—

(A) pictures, paintings, and drawings;

(B) statuary art and sculpture;

(C) engravings, prints, lithographs, and works of graphic art;

(D) applied art and original artistic assemblages and montages;

(E) books, archives, musical objects and manuscripts (including musical manuscripts and sheets), and sound, photographic, and cinematographic archives and mediums; and

(F) sacred and ceremonial objects and Judaica.

(3) COVERED PERIOD.—The term "covered period" means the period beginning on January 1, 1933, and ending on December 31, 1945.

(4) KNOWLEDGE.—The term "knowledge" means having actual knowledge of a fact or circumstance or sufficient information with regard to a relevant fact or circumstance to amount to actual knowledge thereof.

(5) NAZI PERSECUTION.—The term "Nazi persecution" means any persecution of a specific group of individuals based on Nazi ideology by the Government of Germany, its allies or agents, members of the Nazi Party, or their agents or associates, during the covered period.

SEC. 5. STATUTE OF LIMITATIONS.

Deadline.

(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law or any defense at law relating to the passage of time, and except as otherwise provided in this section, a civil claim or cause of action against a defendant to recover any artwork or other property that was lost during the covered period because of Nazi persecution may be commenced not later than 6 years after the actual discovery by the claimant or the agent of the claimant of—

(1) the identity and location of the artwork or other property; and

(2) a possessory interest of the claimant in the artwork or other property.

(b) POSSIBLE MISIDENTIFICATION.—For purposes of subsection (a)(1), in a case in which the artwork or other property is one of a group of substantially similar multiple artworks or other property, actual discovery of the identity and location of the artwork or other property shall be deemed to occur on the date on which there are facts sufficient to form a substantial basis to believe that the artwork or other property is the artwork or other property that was lost.

(c) PREEXISTING CLAIMS.—Except as provided in subsection (e), a civil claim or cause of action described in subsection (a) shall be deemed to have been actually discovered on the date of enactment of this Act if—

(1) before the date of enactment of this Act—

(A) a claimant had knowledge of the elements set forth in subsection (a); and

(B) the civil claim or cause of action was barred by a Federal or State statute of limitations; or

(2)(A) before the date of enactment of this Act, a claimant had knowledge of the elements set forth in subsection (a); and

(B) on the date of enactment of this Act, the civil claim or cause of action was not barred by a Federal or State statute of limitations.

(d) APPLICABILITY.—Subsection (a) shall apply to any civil claim or cause of action that is—

(1) pending in any court on the date of enactment of this Act, including any civil claim or cause of action that is pending on appeal or for which the time to file an appeal has not expired; or

(2) filed during the period beginning on the date of enactment of this Act and ending on December 31, 2026. Time period.

(e) EXCEPTION.—Subsection (a) shall not apply to any civil claim or cause of action barred on the day before the date of enactment of this Act by a Federal or State statute of limitations if— Time period.

(1) the claimant or a predecessor-in-interest of the claimant had knowledge of the elements set forth in subsection (a) on or after January 1, 1999; and

(2) not less than 6 years have passed from the date such claimant or predecessor-in-interest acquired such knowledge and during which time the civil claim or cause of action was not barred by a Federal or State statute of limitations.

(f) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to create a civil claim or cause of action under Federal or State law.

(g) SUNSET.—This Act shall cease to have effect on January 1, 2027, except that this Act shall continue to apply to any civil claim or cause of action described in subsection (a) that is pending on January 1, 2027. Any civil claim or cause of action commenced on or after that date to recover artwork or other property described in this Act shall be subject to any applicable Federal or State

statute of limitations or any other Federal or State defense at law relating to the passage of time.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6130 (S. 2763):

SENATE REPORTS: No. 114–394 (Comm. on the Judiciary) accompanying S. 2763.
CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 7, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–309
114th Congress

An Act

To designate the facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Hueneme, California, as the U.S. Naval Construction Battalion "Seabees" Fallen Heroes Post Office Building.

Dec. 16, 2016
[H.R. 6138]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. U.S. NAVAL CONSTRUCTION BATTALION "SEABEES" FALLEN HEROES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Hueneme, California, shall be known and designated as the "U.S. Naval Construction Battalion 'Seabees' Fallen Heroes Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "U.S. Naval Construction Battalion 'Seabees' Fallen Heroes Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6138:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 30, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–310
114th Congress

An Act

Dec. 16, 2016
[H.R. 6282]

To designate the facility of the United States Postal Service located at 2024 Jerome Avenue, in Bronx, New York, as the "Dr. Roscoe C. Brown, Jr. Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. ROSCOE C. BROWN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2024 Jerome Avenue, in Bronx, New York, shall be known and designated as the "Dr. Roscoe C. Brown, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Roscoe C. Brown, Jr. Post Office Building".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6282:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 30, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–311
114th Congress

An Act

To provide an increase in premium pay for protective services during 2016, and for other purposes.

Dec. 16, 2016
[H.R. 6302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Overtime Pay for Protective Services Act of 2016.
5 USC 5547 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overtime Pay for Protective Services Act of 2016".

SEC. 2. PREMIUM PAY EXCEPTION IN 2016 FOR PROTECTIVE SERVICES.

(a) DEFINITION.—In this section, the term "covered employee" means any officer, employee, or agent employed by the United States Secret Service who performs protective services for an individual or event protected by the United States Secret Service during 2016.

(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during 2016, section 5547(a) of title 5, United States Code, shall not apply to any covered employee to the extent that its application would prevent a covered employee from receiving premium pay, as provided under the amendment made by paragraph (2).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by section 1(3) of Public Law 106–554; 114 Stat. 2763A–134) is amended, in the first sentence, by inserting "or, if the employee qualifies for an exception to such limitation under section 2(b)(1) of the Overtime Pay for Protective Services Act of 2016, to the extent that such aggregate amount would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code" after "of that limitation". 5 USC 5547 note.

(c) TREATMENT OF ADDITIONAL PAY.—If subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted on December 31, 2015.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6302:

HOUSE REPORTS: No. 114–837 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 30, considered and passed House.
Dec. 9, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendments.

Public Law 114–312
114th Congress

An Act

To designate the facility of the United States Postal Service located at 501 North Main Street in Florence, Arizona, as the "Adolfo 'Harpo' Celaya Post Office".

Dec. 16, 2016
[H.R. 6304]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADOLFO "HARPO" CELAYA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 North Main Street in Florence, Arizona, shall be known and designated as the "Adolfo 'Harpo' Celaya Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Adolfo 'Harpo' Celaya Post Office".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6304:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 30, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–313
114th Congress

An Act

Dec. 16, 2016
[H.R. 6323]

To name the Department of Veterans Affairs health care system in Long Beach, California, the "Tibor Rubin VA Medical Center".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF THE DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE SYSTEM, LONG BEACH, CALIFORNIA.

The Department of Veterans Affairs health care system located at 5901 East 7th Street, Long Beach, California, shall after the date of the enactment of this Act be known and designated as the "Tibor Rubin VA Medical Center". Any reference to such health care system in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Tibor Rubin VA Medical Center.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6323:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Nov. 29, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–314
114th Congress

An Act

To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey.

Dec. 16, 2016
[H.R. 6400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

16 USC 3503 note.

(a) IN GENERAL.—The map subtitled "Seidler Beach Unit NJ–02, Cliffwood Beach Unit NJ–03P, Conaskonk Point Unit NJ–04", dated August 1, 2014, that is included in the set of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) and relating to certain John H. Chafee Coastal Barrier Resources System units in New Jersey, is hereby replaced by another map subtitled "Seidler Beach Unit NJ–02/NJ–02P, Cliffwood Beach Unit NJ–03P, Conaskonk Point Unit NJ–04, Sayreville Unit NJ–15P, Matawan Point Unit NJ–16P" and dated October 7, 2016.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6400:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 7, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–315
114th Congress

An Act

Dec. 16, 2016
[H.R. 6416]

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION MATTERS

SEC. 101. EXPEDITED PAYMENT OF SURVIVORS' BENEFITS.

38 USC 5101.

(a) IN GENERAL.—Section 5101(a)(1) is amended—

(1) by striking "A specific" and inserting "(A) Except as provided in subparagraph (B), a specific"; and

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

"(B)(i) The Secretary may pay benefits under chapters 13 and 15 and sections 2302, 2307, and 5121 of this title to a survivor of a veteran who has not filed a formal claim if the Secretary determines that the record contains sufficient evidence to establish the entitlement of the survivor to such benefits. Determination. Records.

"(ii) For purposes of this subparagraph and section 5110 of this title, the earlier of the following dates shall be treated as the date of the receipt of the survivor's application for benefits described in clause (i): Notifications.

"(I) The date on which the survivor of a veteran (or the representative of such a survivor) notifies the Secretary of the death of the veteran through a death certificate or other relevant evidence that establishes entitlement to survivors' benefits identified in clause (i). Certification.

"(II) The head of any other department or agency of the Federal Government notifies the Secretary of the death of the veteran.

"(iii) In notifying the Secretary of the death of a veteran as described in clause (ii)(I), the survivor (or the representative of such a survivor) may submit to the Secretary additional documents relating to such death without being required to file a formal claim.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on benefits paid pursuant to covered claims.

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

(A) The number of covered claims adjudicated during the 1-year period preceding the date of the report, disaggregated by the following:

(i) Claims in which the claimant was entitled to benefits under chapters 13 or 15 or sections 2302, 2307, or 5121 of title 38, United States Code, on the basis of the claimant's status as the spouse of a deceased veteran.

(ii) Claims in which the claimant was entitled to such benefits on the basis of the claimant's status as the child of a deceased veteran.

(iii) Claims in which the claimant was entitled to such benefits on the basis of the claimant's status as the parent of a deceased veteran.

(B) The number of covered claims during such period for which such benefits were not awarded, disaggregated by clauses (i) through (iii) of subparagraph (A).

(C) A comparison of the accuracy and timeliness of covered claims adjudicated during such period with non-covered claims filed by survivors of a veteran.

(D) The findings of the Secretary with respect to adjudicating covered claims.

(E) Such recommendations as the Secretary may have for legislative or administrative action to improve the adjudication of claims submitted to the Secretary for benefits Recommendations.

under chapters 13 and 15 and sections 2302, 2307, and 5121 of title 38, United States Code.

(3) COVERED CLAIM DEFINED.—In this subsection, the term "covered claim" means a claim covered by section 5101(a)(1)(B) of title 38, United States Code, as added by subsection (a).

Applicability.
38 USC 5101 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to claims for benefits based on a death occurring on or after the date of the enactment of this Act.

SEC. 102. BOARD OF VETERANS' APPEALS VIDEO HEARINGS.

38 USC 7107.

Section 7107 is amended—

(1) in subsection (d), by amending paragraph (1) to read as follows:

Determinations.

"(1)(A)(i) Upon request for a hearing, the Board shall determine, for purposes of scheduling the hearing for the earliest possible date, whether a hearing before the Board will be held at its principal location or at a facility of the Department or other appropriate Federal facility located within the area served by a regional office of the Department.

"(ii) The Board shall also determine whether to provide a hearing through the use of the facilities and equipment described in subsection (e)(1) or by the appellant personally appearing before a Board member or panel.

Notification.

"(B)(i) The Board shall notify the appellant of the determinations of the location and type of hearing made under subparagraph (A).

"(ii) Upon notification, the appellant may request a different location or type of hearing as described in such subparagraph.

"(iii) If so requested, the Board shall grant such request and ensure that the hearing is scheduled at the earliest possible date without any undue delay or other prejudice to the appellant."; and

(2) in subsection (e), by amending paragraph (2) to read as follows:

"(2) Any hearing provided through the use of the facilities and equipment described in paragraph (1) shall be conducted in the same manner as, and shall be considered the equivalent of, a personal hearing.".

SEC. 103. REQUIREMENT THAT SECRETARY OF VETERANS AFFAIRS PUBLISH THE AVERAGE TIME REQUIRED TO ADJUDICATE EARLY-FILED AND LATER-FILED APPEALS.

(a) PUBLICATION REQUIREMENT.—

Public information.

(1) IN GENERAL.—On an ongoing basis, the Secretary of Veterans Affairs shall make available to the public the following:

(A) The average length of time to adjudicate an early-filed appeal.

(B) The average length of time to adjudicate a later-filed appeal.

Time period.
Applicability.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply until the date that is 3 years after the date of the enactment of this Act.

(b) REPORT.—

(1) IN GENERAL.—Not later than 39 months after the date of the enactment of this Act, the Secretary shall submit to

the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on whether publication pursuant to subsection (a)(1) has had an effect on the number of early-filed appeals filed.

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

(A) The number of appeals and early-filed appeals that were filed during the 1-year period ending on the effective date specified in subsection (a)(2).

(B) The number of appeals and early-filed appeals that were filed during the 1-year period ending on the date that is 2 years after the effective date specified in subsection (a)(2). Time period.

(c) DEFINITIONS.—In this section: Deadlines.

(1) APPEAL.—The term "appeal" means a notice of disagreement filed pursuant to section 7105(a) of title 38, United States Code, in response to notice of the result of an initial review or determination regarding a claim for a benefit under a law administered by the Secretary of Veterans Affairs.

(2) EARLY-FILED.—The term "early-filed" with respect to an appeal means that the notice of disagreement was filed not more than 180 days after the date of mailing of the notice of the result of the initial review or determination described in paragraph (1).

(3) LATER-FILED.—The term "later-filed" with respect to an appeal means the notice of disagreement was filed more than 180 days after the date of mailing of the notice of the result of the initial review or determination described in paragraph (1).

SEC. 104. COMPTROLLER GENERAL REVIEW OF CLAIMS PROCESSING PERFORMANCE OF REGIONAL OFFICES OF VETERANS BENEFITS ADMINISTRATION.

(a) REVIEW REQUIRED.—Not later than 15 months after the effective date specified in subsection (e), the Comptroller General of the United States shall complete a review of the regional offices of the Veterans Benefits Administration to help the Veterans Benefits Administration achieve more consistent performance in the processing of claims for disability compensation. Deadline.

(b) ELEMENTS.—The review required by subsection (a) shall include the following:

(1) An identification of the following:

(A) The factors, including management practices, that distinguish higher performing regional offices from other regional offices with respect to claims for disability compensation.

(B) The best practices employed by higher performing regional offices that distinguish the performance of such offices from other regional offices.

(C) Such other management practices or tools as the Comptroller General determines could be used to improve the performance of regional offices.

(2) An assessment of the effectiveness of communication with respect to the processing of claims for disability compensation between the regional offices and veterans service organizations and caseworkers employed by Members of Congress. Assessment.

(c) REPORT.—Not later than 15 months after the effective date specified in subsection (e), the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the review completed under subsection (a).

(d) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is 270 days after the date of the enactment of this Act.

Criteria. Procedures.

SEC. 105. REPORT ON STAFFING LEVELS AT REGIONAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS UNDER NATIONAL WORK QUEUE.

Not later than 15 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the criteria and procedures that the Secretary will use to determine appropriate staffing levels at the regional offices of the Department under the National Work Queue for the distribution of the claims processing workload.

38 USC 303 note.

SEC. 106. INCLUSION IN ANNUAL BUDGET SUBMISSION OF INFORMATION ON CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS.

President.

(a) IN GENERAL.—Along with the supporting information included in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, the President shall include information on the capacity of the Veterans Benefits Administration to process claims for benefits under the laws administered by the Secretary of Veterans Affairs, including information described in subsection (b), during the fiscal year covered by the budget with which the information is submitted.

(b) INFORMATION DESCRIBED.—The information described in this subsection is the following:

Estimate.

(1) An estimate of the average number of claims for benefits under the laws administered by the Secretary, excluding such claims completed during mandatory overtime, that a single full-time equivalent employee of the Administration should be able to process in a year, based on the following:

(A) A time and motion study that the Secretary shall conduct on the processing of such claims.

(B) Such other information relating to such claims as the Secretary considers appropriate.

(2) A description of the actions the Secretary will take to improve the processing of such claims.

Assessment.

(3) An assessment of the actions identified by the Secretary under paragraph (2) in the previous year and an identification of the effects of those actions.

Applicability.

(c) EFFECTIVE DATE.—This section shall apply with respect to any budget submitted as described in subsection (a) with respect to any fiscal year after fiscal year 2018.

SEC. 107. REPORT ON PLANS OF SECRETARY OF VETERANS AFFAIRS TO REDUCE INVENTORY OF NON-RATING WORKLOAD; SENSE OF CONGRESS REGARDING MONDAY MORNING WORKLOAD REPORT.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that details the plans of the Secretary to reduce the inventory of work items listed in the Monday Morning Workload Report under End Products 130, 137, 173, 290, 400, 600, 607, 690, 930, and 960.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Veterans Affairs should include in each Monday Morning Workload Report published by the Secretary the following:

(1) With respect to each regional office of the Department of Veterans Affairs, the following:

(A) The number of fully developed claims for benefits under the laws administered by the Secretary that have been received.

(B) The number of claims described in subparagraph (A) that are pending a decision.

(C) The number of claims described in subparagraph (A) that have been pending a decision for more than 125 days.

(2) Enhanced information on appeals of decisions relating to claims for benefits under the laws administered by the Secretary that are pending, including information contained in the reports of the Department entitled "Appeals Pending" and "Appeals Workload By Station".

SEC. 108. ANNUAL REPORT ON PROGRESS IN IMPLEMENTING VETERANS BENEFITS MANAGEMENT SYSTEM.

(a) IN GENERAL.—Not later than each of 1 year, 2 years, and 3 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Secretary in implementing the Veterans Benefits Management System.

(b) CONTENTS.—Each report required by subsection (a) shall include the following: Recommendations.

(1) An assessment of the current functionality of the Veterans Benefits Management System. Assessment.

(2) Recommendations submitted to the Secretary by employees of the Department of Veterans Affairs who are involved in processing claims for benefits under the laws administered by the Secretary, including veterans service representatives, rating veterans service representatives, and decision review officers, for such legislative or administrative action as the employees consider appropriate to improve the processing of such claims.

(3) Recommendations submitted to the Secretary by veterans service organizations who use the Veterans Benefits Management System for such legislative or administrative action as the veterans service organizations consider appropriate to improve such system.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 109. IMPROVEMENTS TO AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

(a) LICENSURE OF CONTRACT PHYSICIANS.—

(1) TEMPORARY AUTHORITY.—Section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended—

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

(B) by inserting after subsection (c) the following new subsection (d):

"(d) LICENSURE OF CONTRACT PHYSICIANS.—

"(1) IN GENERAL.—Notwithstanding any law regarding the licensure of physicians, a physician described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (b) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

"(2) PHYSICIAN DESCRIBED.—A physician described in this paragraph is a physician who—

"(A) has a current unrestricted license to practice the health care profession of the physician;

"(B) is not barred from practicing such health care profession in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States; and

"(C) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (b).".

(2) PILOT PROGRAM.—Section 504 of the Veterans' Benefits Improvement Act of 1996 (38 U.S.C. 5101 note) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) LICENSURE OF CONTRACT PHYSICIANS.—

"(1) IN GENERAL.—Notwithstanding any law regarding the licensure of physicians, a physician described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (a) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

"(2) PHYSICIAN DESCRIBED.—A physician described in this paragraph is a physician who—

"(A) has a current unrestricted license to practice the health care profession of the physician;

"(B) is not barred from practicing such health care profession in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States; and

"(C) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (a).".

SEC. 110. INDEPENDENT REVIEW OF PROCESS BY WHICH DEPARTMENT OF VETERANS AFFAIRS ASSESSES IMPAIRMENTS THAT RESULT FROM TRAUMATIC BRAIN INJURY FOR PURPOSES OF AWARDING DISABILITY COMPENSATION.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 9 months after the date of the enactment of this Act. Deadline.

(b) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under this section, the National Academies of Sciences, Engineering, and Medicine shall conduct a comprehensive review of examinations furnished by the Department of Veterans Affairs to individuals who submit claims to the Secretary for compensation under chapter 11 of title 38, United States Code, for traumatic brain injury to assess the impairments of such individuals relating to such injury.

(2) ELEMENTS.—The comprehensive review carried out pursuant to paragraph (1) shall include the following: Determinations.

(A) A determination of the adequacy of the tools and protocols used by the Department to provide examinations described in paragraph (1).

(B) A determination of which credentials are necessary for health care specialists and providers to perform such portions of such examinations that relate to an assessment of all disabling effects.

(3) GROUP OF EXPERIENCED HEALTH CARE PROVIDERS.—In carrying out the comprehensive review pursuant to paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall convene a group of relevant experts, including experts in clinical neuropsychology, psychiatry, physiatry, neurosurgery, and neurology.

(c) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date on which the Secretary enters into an agreement under subsection (a)(1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the comprehensive review conducted under this section.

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

(A) The findings of the National Academies of Sciences, Engineering, and Medicine with respect to the comprehensive review conducted under this section.

(B) Such recommendations for legislative or administrative action as the National Academies of Sciences, Engineering, and Medicine may have for the improvement of the adjudication of claims described in subsection (b)(1). Recommendations.

(d) ALTERNATE CONTRACT ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the National Academies of Sciences, Engineering, and Medicine on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Health and Medicine Division of the National Academies of Sciences, Engineering, and Medicine.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academies of Sciences, Engineering, and Medicine shall be treated as a reference to the other organization.

SEC. 111. REPORTS ON CLAIMS FOR DISABILITY COMPENSATION.

(a) REPORT ON REASONABLY RAISED CLAIMS.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the policies of the Department of Veterans Affairs with respect to processing reasonably raised unrelated claims. Such report shall include—

(1) any statistics on how frequently such unrelated claims are identified by the Secretary;

(2) how frequently the Secretary notifies claimants about potential unrelated claims; and

(3) how often the claimant later submits a claim for the condition described by the unrelated claim.

Time periods.

(b) ANNUAL REPORTS ON COMPLETE AND INCOMPLETE CLAIMS.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives annual reports on complete and incomplete claims for disability compensation submitted to the Secretary. Each such report shall include, for the 1-year period covered by the report—

(1) the total number of claims submitted to the Secretary;

(2) the total number of incomplete claims submitted to the Secretary;

(3) the total number of complete claims submitted to the Secretary;

(4) the total number of forms indicating an intent to file a claim for benefits submitted to the Secretary;

(5) the total number of electronically filed claims submitted to the Secretary;

(6) the total number of fully developed claims submitted to the Secretary;

(7) the total number of claims submitted to the Secretary that are not complete claims but that the Secretary treats as a request by the claimant for a form to file a claim; and

(8) of the total number of claims identified under paragraph (7), the percent for which the Secretary notified the claimant of the need to file a complete claim.

(c) DEFINITIONS.—In this section:

(1) The term "claimant" has the meaning given such term in section 5100 of title 38, United States Code, and includes a representative of a claimant.

(2) The term "reasonably raised unrelated claim" means a claim for disability compensation under the laws administered by the Secretary of Veterans Affairs that, in addition to the condition for which such claim is made, includes evidence of a separate condition that is not specifically identified as part of the claim but may be inferred or logically placed at issue upon a sympathetic reading of the claim and the record developed with respect to that claim.

SEC. 112. SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE.

(a) FINDINGS.—Congress finds the following:

(1) There are at least 4,200,000 veterans currently living with service-connected disabilities.

(2) As a result of their service, many veterans are permanently disabled throughout their lives and in many cases must rely on the support of their families and friends when these visible and invisible burdens become too much to bear alone.

(3) October 5, which is the anniversary of the dedication of the American Veterans Disabled for Life Memorial, has been recognized as an appropriate day on which to honor American veterans disabled for life each year.

(b) SENSE OF CONGRESS.—Congress—

(1) expresses its appreciation to the men and women left permanently wounded, ill, or injured as a result of their service in the Armed Forces;

(2) supports the annual recognition of American veterans disabled for life each year; and

(3) encourages the American people to honor American veterans disabled for life each year with appropriate programs and activities.

SEC. 113. SENSE OF CONGRESS ON SUBMITTAL OF INFORMATION RELATING TO CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—It is the sense of Congress that the Secretary of Veterans Affairs should submit to Congress information on the covered claims submitted to the Secretary during each fiscal year, including the information specified in subsection (b).

(b) ELEMENTS.—The information specified in this subsection with respect to each fiscal year is the following:

(1) The number of covered claims submitted to or considered by the Secretary during such fiscal year.

(2) Of the covered claims under paragraph (1), the number and percentage of such claims—

(A) submitted by each sex;

(B) that were approved, including the number and percentage of such approved claims submitted by each sex; and

(C) that were denied, including the number and percentage of such denied claims submitted by each sex.

(3) Of the covered claims under paragraph (1) that were approved, the number and percentage, listed by each sex, of claims assigned to each rating percentage of disability.

(4) Of the covered claims under paragraph (1) that were denied—

(A) the three most common reasons given by the Secretary under section 5104(b)(1) of title 38, United States Code, for such denials; and

(B) the number of denials that were based on the failure of a veteran to report for a medical examination.

(5) The number of covered claims that, as of the end of such fiscal year, are pending and, separately, the number of such claims on appeal.

(6) The average number of days that covered claims take to complete beginning on the date on which the claim is submitted.

(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

(c) DEFINITIONS.—In this section:

(1) The term "covered claims" means claims for disability compensation submitted to the Secretary based on a mental health condition alleged to have been incurred or aggravated by military sexual trauma.

(2) The term "military sexual trauma" shall have the meaning specified by the Secretary for purposes of this section and shall include "sexual harassment" (as so specified).

TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 201. EXTENSION OF TEMPORARY INCREASE IN NUMBER OF JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

38 USC 7253 note.

(a) IN GENERAL.—Section 7253(i)(2) is amended by striking "January 1, 2013" and inserting "January 1, 2021".

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2020, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the temporary expansions of the Court under section 7253 of title 38, United States Code.

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

Assessment.

(A) An assessment of the effect of the expansions on ensuring appeals are handled in a timely manner.

(B) A description of the ways in which the complexity levels of the appeals acted on by the Court may have changed based on service during recent conflicts compared to those based on service from previous eras.

Recommendation.

(C) A recommendation on whether the number of judges should be adjusted at the end of the temporary expansion period, including statistics, projections, trend analyses, and other information to support the recommendation.

SEC. 202. LIFE INSURANCE PROGRAM RELATING TO JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Section 7281 is amended by adding at the end the following: 38 USC 7281.

"(j) For purposes of chapter 87 of title 5, a judge who is in regular active service and a judge who is retired under section 7296 of this title or under chapter 83 or 84 of title 5 shall be treated as an employee described in section 8701(a)(5) of title 5.

"(k) Notwithstanding any other provision of law, the Court may pay on behalf of its judges, who are age 65 or older, any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the chief judge of the Court in a manner consistent with such payment authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of the enactment of this Act. Applicability. 38 USC 7281 note.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 7297 is amended by adding at the end the following new subsection:

"(p)(1) A covered judge who makes an election under subsection (b) may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in this section. Time period.

"(2) In this subsection, the term 'covered judge' means any of the following: Definition.

"(A) A judge in regular active service.

"(B) A retired judge who is a recall-eligible retired judge pursuant to subsection (a) of section 7257 of this title.

"(C) A retired judge who would be a recall-eligible retired judge pursuant to subsection (a) of section 7257 but for—

"(i) meeting the aggregate recall service requirements under subsection (b)(3) of such section; or

"(ii) being permanently disabled as described by subsection (b)(4) of such section.".

SEC. 204. SELECTION OF CHIEF JUDGE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Section 7253(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and";

(B) by redesignating subparagraph (B) as subparagraph (C); and

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

"(B) have at least 3 years remaining in term of office; and"; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) In any case in which there is no judge of the Court in regular active service who meets the requirements under paragraph (1), the judge of the Court in regular active service who

is senior in commission and meets subparagraph (A) or (B) and subparagraph (C) of paragraph (1) shall act as the chief judge.

"(B) In any case under subparagraph (A) of this paragraph in which there is no judge of the Court in regular active service who meets subparagraph (A) or (B) and subparagraph (C) of paragraph (1), the judge of the Court in regular active service who is senior in commission and meets subparagraph (C) shall act as the chief judge.".

Effective date. 38 USC 7253 note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to the selection of a chief judge occurring on or after January 1, 2020.

TITLE III—BURIAL BENEFITS AND OTHER MATTERS

SEC. 301. EXPANSION OF ELIGIBILITY FOR HEADSTONES, MARKERS, AND MEDALLIONS.

38 USC 2306.

Section 2306(d) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4)(A) In lieu of furnishing a headstone or marker under this subsection to a deceased individual described in subparagraph (B), the Secretary may furnish, upon request, a medallion or other device of a design determined by the Secretary to signify the deceased individual's status as a veteran, to be attached to a headstone or marker furnished at private expense.

"(B) A deceased individual described in this subsection is an individual who—

Time period.

"(i) served in the Armed Forces on or after April 6, 1917; and

"(ii) is eligible for a headstone or marker furnished under paragraph (1) (or would be so eligible but for the date of the death of the individual)."; and

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

"(5)(A) In carrying out this subsection with respect to a deceased individual described in subparagraph (C), the Secretary shall furnish, upon request, a headstone or marker under paragraph (1) or a medallion under paragraph (4) that signifies the deceased's status as a medal of honor recipient.

"(B) If the Secretary furnished a headstone, marker, or medallion under paragraph (1) or (4) for a deceased individual described in subparagraph (C) that does not signify the deceased's status as a medal of honor recipient, the Secretary shall, upon request, replace such headstone, marker, or medallion with a headstone, marker, or medallion, as the case may be, that so signifies the deceased's status as a medal of honor recipient.

"(C) A deceased individual described in this subparagraph is a deceased individual who—

Time period.

"(i) served in the Armed Forces on or after April 6, 1917;

"(ii) is eligible for a headstone or marker furnished under paragraph (1) or a medallion furnished under paragraph (4) (or would be so eligible for such headstone, marker, or medallion but for the date of the death of the individual); and

"(iii) was awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14 (including posthumously).

"(D) In this paragraph, the term 'medal of honor recipient' means an individual who is awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14.". Definition.

SEC. 302. EXPANSION OF PRESIDENTIAL MEMORIAL CERTIFICATE PROGRAM.

(a) IN GENERAL.—Section 112(a) is amended by striking "veterans," and all that follows through "service," and inserting the following: "persons eligible for burial in a national cemetery by reason of any of paragraphs (1), (2), (3), or (7) of section 2402(a) of this title,". 38 USC 112.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to the death of a person eligible for burial in a national cemetery by reason of paragraph (1), (2), (3), or (7) of section 2402(a) of title 38, United States Code, occurring before, on, or after the date of the enactment of this Act. 38 USC 112 note.

SEC. 303. DEPARTMENT OF VETERANS AFFAIRS STUDY ON MATTERS RELATING TO BURIAL OF UNCLAIMED REMAINS OF VETERANS IN NATIONAL CEMETERIES.

(a) STUDY AND REPORT REQUIRED.—Not later than 1 year after the effective date specified in subsection (d), the Secretary of Veterans Affairs shall—

(1) complete a study on matters relating to the interring of unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the study required under paragraph (1).

(b) MATTERS STUDIED.—The matters studied under subsection (a)(1) shall include the following: Assessment.

(1) Determining the scope of issues relating to unclaimed remains of veterans, including an estimate of the number of unclaimed remains of veterans.

(2) Assessing the effectiveness of the procedures of the Department of Veterans Affairs for working with persons or entities having custody of unclaimed remains to facilitate interment of unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration.

(3) Assessing State and local laws that affect the ability of the Secretary to inter unclaimed remains of veterans in national cemeteries under the control of the National Cemetery Administration.

(4) Developing recommendations for such legislative or administrative action as the Secretary considers appropriate. Recommendations.

(c) METHODOLOGY.—

(1) NUMBER OF UNCLAIMED REMAINS.—In estimating the number of unclaimed remains of veterans under subsection (b)(1), the Secretary may review such subset of applicable entities as the Secretary considers appropriate, including a subset of funeral homes and coroner offices that possess unclaimed veterans remains. Estimate.

(2) ASSESSMENT OF STATE AND LOCAL LAWS.—In assessing State and local laws under subsection (b)(3), the Secretary may assess such sample of applicable State and local laws as the Secretary considers appropriate in lieu of reviewing all applicable State and local laws.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 304. STUDY ON PROVISION OF INTERMENTS IN VETERANS' CEMETERIES DURING WEEKENDS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasibility and the need for providing increased interments in veterans' cemeteries on Saturdays and Sundays to meet the needs of surviving family members to properly honor the deceased.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) The number of requests made for interments in veterans' cemeteries on a Saturday or a Sunday since January 1, 2007.

(B) The number of requests identified under subparagraph (A) that were granted.

Estimate.

(C) An estimate of the number of families that, since January 1, 2007, would have selected a weekend interment if such an interment would have been offered.

Review.

(D) A review of the practices relating to weekend interments among non-veterans' cemeteries, including private and municipal cemeteries.

(E) A comparison of the costs to veterans' cemeteries with respect to providing regular interments only during weekdays and such costs for providing regular interments during the weekdays and at least 1 weekend day.

(F) Any other information the Secretary determines appropriate.

(3) CONSULTATION.—In carrying out the study under paragraph (1), the Secretary shall consult with the following:

(A) Veterans who are eligible to be interred in a veterans' cemetery.

(B) Family members of a deceased individual interred in a veterans' cemetery.

(C) Veterans service organizations.

(D) Associations representing cemetery and funeral home professionals.

(E) The heads of agencies of State governments relating to veterans affairs.

(F) The directors of the veterans' cemeteries.

(G) Any other person the Secretary determines appropriate.

Deadline.
Reports.

(b) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the study conducted under subsection (a).

(c) VETERANS' CEMETERIES DEFINED.—In this section, the term "veterans' cemeteries" means the cemeteries of the National Cemetery Administration, veterans' cemeteries owned by a State, and veterans' cemeteries owned by a tribal organization.

38 USC 101 note.

SEC. 305. HONORING AS VETERANS CERTAIN PERSONS WHO PERFORMED SERVICE IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

Any person who is entitled under chapter 1223 of title 10, United States Code, to retired pay for nonregular service or, but

for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this honor.

TITLE IV—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION

SEC. 401. CLARIFICATION OF ELIGIBILITY FOR MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) IN GENERAL.—Section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is amended to read as follows:

"(d) APPLICABILITY.— Effective date.

"(1) IN GENERAL.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after January 1, 2015.

"(2) DEATHS THAT OCCURRED BETWEEN SEPTEMBER 11, 2001, AND DECEMBER 31, 2005.—For purposes of section 3311(f)(2) of title 38, United States Code, any member of the Armed Forces who died during the period beginning on September 11, 2001, and ending on December 31, 2005, is deemed to have died on January 1, 2006.". Time period.

(b) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—Section 3311(f) is amended— 38 USC 3311.

(1) in paragraph (3), by striking "A surviving spouse" and inserting "Except as provided in paragraph (4), a surviving spouse";

(2) by redesignating paragraph (4) as paragraph (5); and

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

"(4) EXCEPTION FOR CERTAIN ELECTIONS.—

"(A) IN GENERAL.—An election made under paragraph (3) by a spouse described in subparagraph (B) may not be treated as irrevocable if such election occurred before the date of the enactment of this paragraph.

"(B) ELIGIBLE SURVIVING SPOUSE.—A spouse described in this subparagraph is an individual—

"(i) who is entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b); and Time period.

"(ii) who was the spouse of a member of the Armed Forces who died during the period beginning on September 11, 2001, and ending on December 31, 2005.".

(c) TECHNICAL AMENDMENT.—Paragraph (5) of subsection (f) of section 3311, as redesignated by subsection (b)(2), is amended by striking "that paragraph" and inserting "paragraph (9) of subsection (b)".

SEC. 402. APPROVAL OF COURSES OF EDUCATION AND TRAINING FOR PURPOSES OF THE VOCATIONAL REHABILITATION PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3104(b) is amended by adding at the end the following new sentences: "To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the Waiver authority.

preceding sentence to the extent the Secretary determines appropriate.".

Applicability.
38 USC 3104 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a course of education or training pursued by a veteran who first begins a program of rehabilitation under chapter 31 of title 38, United States Code, on or after the date that is 1 year after the date of the enactment of this Act.

SEC. 403. AUTHORITY TO PRIORITIZE VOCATIONAL REHABILITATION SERVICES BASED ON NEED.

38 USC 3104.

Section 3104, as amended by section 402, is further amended by adding at the end the following new subsection:

Determination.

"(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary. In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and any other factor the Secretary determines appropriate.

Evaluation.

Deadline.
Plan.

"(2) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan describing such changes.".

SEC. 404. REPORTS ON PROGRESS OF STUDENTS RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subchapter III of chapter 33 is amended—

(1) in section 3325(c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

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

"(3) the information received by the Secretary under section 3326 of this title; and"; and

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

38 USC 3326.

"§ 3326. Report on student progress

"As a condition of approval under chapter 36 of this title of a course offered by an educational institution (as defined in section 3452 of this title), each year, each educational institution (as so defined) that received a payment in that year on behalf of an individual entitled to educational assistance under this chapter shall submit to the Secretary such information regarding the academic progress of the individual as the Secretary may require.".

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

38 USC prec. 3301.

"3326. Report on student progress.".

38 USC 3325 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 405. RECODIFICATION AND IMPROVEMENT OF ELECTION PROCESS FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 33, as amended by section 404, is further amended by adding at the end the following new section:

"§ 3327. Election to receive educational assistance 38 USC 3327.

"(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under this chapter if such individual—

"(1) as of August 1, 2009— Eligibility date.

"(A) is entitled to basic educational assistance under chapter 30 of this title and has used, but retains unused, entitlement under that chapter;

"(B) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 and has used, but retains unused, entitlement under the applicable chapter;

"(C) is entitled to basic educational assistance under chapter 30 of this title but has not used any entitlement under that chapter;

"(D) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 but has not used any entitlement under such chapter;

"(E) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of this title and is making contributions toward such assistance under section 3011(b) or 3012(c) of this title; or

"(F) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of this title by reason of an election under section 3011(c)(1) or 3012(d)(1) of this title; and

"(2) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under this chapter.

"(b) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under subsection (a) of an individual described by paragraph (1)(E) of that subsection, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of this title, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual. Effective date.

"(c) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

"(1) ELECTION TO REVOKE.—If, on the date an individual described in paragraph (1)(A) or (1)(C) of subsection (a) makes an election under that subsection, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of this title is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

"(2) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this subsection shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational

assistance under chapter 33 of this title in accordance with the provisions of this section.

"(3) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in paragraph (1) that is not revoked by an individual in accordance with that paragraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of this title.

"(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2) and except as provided in subsection (e), an individual making an election under subsection (a) shall be entitled to educational assistance under this chapter in accordance with the provisions of this chapter, instead of basic educational assistance under chapter 30 of this title, or educational assistance under chapter 107, 1606, or 1607 of title 10, as applicable.

"(2) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under subsection (a) who is described by paragraph (1)(A) of that subsection, the number of months of entitlement of the individual to educational assistance under this chapter shall be the number of months equal to—

"(A) the number of months of unused entitlement of the individual under chapter 30 of this title, as of the date of the election, plus

"(B) the number of months, if any, of entitlement revoked by the individual under subsection (c)(1).

"(e) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—In the event educational assistance to which an individual making an election under subsection (a) would be entitled under chapter 30 of this title, or chapter 107, 1606, or 1607 of title 10, as applicable, is not authorized to be available to the individual under the provisions of this chapter, the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

"(2) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under paragraph (1) shall be chargeable against the entitlement of the individual to educational assistance under this chapter at the rate of 1 month of entitlement under this chapter for each month of entitlement utilized by the individual under paragraph (1) (as determined as if such entitlement were utilized under the provisions of chapter 30 of this title, or chapter 107, 1606, or 1607 of title 10, as applicable).

"(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

"(1) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under subsection (a) who is described by subparagraph (A), (C), or (E) of paragraph (1) of that subsection, the amount of educational assistance payable to the individual under this chapter as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), shall be the

amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

"(A) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of this title, as of the date of the election, multiplied by

"(B) the fraction—

"(i) the numerator of which is—

"(I) the number of months of entitlement to basic educational assistance under chapter 30 of this title remaining to the individual at the time of the election; plus

"(II) the number of months, if any, of entitlement under chapter 30 of this title revoked by the individual under subsection (c)(1); and

"(ii) the denominator of which is 36 months.

"(2) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by paragraph (1) who is described by subsection (a)(1)(E), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of paragraph (1)(B)(i)(II) shall be 36 months.

"(3) TIMING OF PAYMENT.—The amount payable with respect to an individual under paragraph (1) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under this chapter.

"(g) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY AND ADDITIONAL SERVICE.—An individual making an election under subsection (a)(1) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

"(h) ALTERNATIVE ELECTION BY SECRETARY.—

"(1) IN GENERAL.—In the case of an individual who, on or after January 1, 2017, submits to the Secretary an election under this section that the Secretary determines is clearly against the interests of the individual, or who fails to make an election under this section, the Secretary may make an alternative election on behalf of the individual that the Secretary determines is in the best interests of the individual. Effective date. Determination.

"(2) NOTICE.—If the Secretary makes an election on behalf of an individual under this subsection, the Secretary shall notify the individual by not later than seven days after making such election and shall provide the individual with a 30-day period, beginning on the date of the individual's receipt of such notice, during which the individual may modify or revoke Time period. Effective date.

Statement.

the election made by the Secretary on the individual's behalf. The Secretary shall include, as part of such notice, a clear statement of why the alternative election made by the Secretary is in the best interests of the individual as compared to the election submitted by the individual. The Secretary shall provide the notice required under this paragraph by electronic means whenever possible.

"(i) IRREVOCABILITY OF ELECTIONS.—An election under subsection (a) or (c)(1) is irrevocable.".

38 USC prec. 3301.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 404, is further amended by adding at the end the following new item:

"3327. Election to receive educational assistance.".

(c) CONFORMING REPEAL.—Subsection (c) of section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note) is hereby repealed.

Time period.

SEC. 406. WORK-STUDY ALLOWANCE.

38 USC 3485.

Section 3485(a)(4) is amended by striking "June 30, 2013" each place it appears and inserting "June 30, 2013, or the period beginning on June 30, 2017, and ending on June 30, 2022".

SEC. 407. CENTRALIZED REPORTING OF VETERAN ENROLLMENT BY CERTAIN GROUPS, DISTRICTS, AND CONSORTIUMS OF EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3684(a) is amended—

(1) in paragraph (1), by inserting "32, 33," after "31,"; and

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

Definition.

"(4) For purposes of this subsection, the term 'educational institution' may include a group, district, or consortium of separately accredited educational institutions located in the same State that are organized in a manner that facilitates the centralized reporting of the enrollments in such group, district, or consortium of institutions.".

Applicability. 38 USC 3684 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports submitted on or after the date of the enactment of this Act.

SEC. 408. ROLE OF STATE APPROVING AGENCIES.

(a) APPROVAL OF CERTAIN COURSES.—Section 3672(b)(2)(A) is amended by striking "the following" and all that follows through the colon and inserting the following: "a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the following programs:".

(b) APPROVAL OF OTHER COURSES.—Section 3675 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "The Secretary or a State approving agency" and inserting "A State approving agency, or the Secretary when acting in the role of a State approving agency,"; and

(B) by striking "offered by proprietary for-profit educational institutions" and inserting "not covered by section 3672 of this title"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "the Secretary or the State approving agency" and inserting "the State approving agency, or the Secretary when acting in the role of a State approving agency,"; and

(B) in paragraph (1), by striking "the Secretary or the State approving agency" and inserting "the State approving agency, or the Secretary when acting in the role of a State approving agency".

SEC. 409. MODIFICATION OF REQUIREMENTS FOR APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS OF PROGRAMS DESIGNED TO PREPARE INDIVIDUALS FOR LICENSURE OR CERTIFICATION.

(a) APPROVAL OF NONACCREDITED COURSES.—Subsection (c) of section 3676 is amended— 38 USC 3676.

(1) by redesignating paragraph (14) as paragraph (16); and

(2) by inserting after paragraph (13) the following new paragraphs:

"(14) In the case of a course designed to prepare an individual for licensure or certification in a State, the course—

"(A) meets all instructional curriculum licensure or certification requirements of such State; and

"(B) in the case of a course designed to prepare an individual for licensure to practice law in a State, is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b).

"(15) In the case of a course designed to prepare an individual for employment pursuant to standards developed by a board or agency of a State in an occupation that requires approval, licensure, or certification, the course—

"(A) meets such standards; and

"(B) in the case of a course designed to prepare an individual for licensure to practice law in a State, is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b).".

(b) EXCEPTIONS.—Such section is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary may waive the requirements of paragraph (14) or (15) of subsection (c) in the case of a course of education offered by an educational institution (either accredited or not accredited) if the Secretary determines all of the following: Waiver authority. Determination.

"(A) The educational institution is not accredited by an agency or association recognized by the Secretary of Education.

"(B) The course did not meet the requirements of such paragraph at any time during the 2-year period preceding the date of the waiver. Time period.

"(C) The waiver furthers the purposes of the educational assistance programs administered by the Secretary or would further the education interests of individuals eligible for assistance under such programs.

"(D) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

Deadline. Notification.

"(2) Not later than 30 days after the date on which the Secretary issues a waiver under paragraph (1), the Secretary shall submit to Congress notice of such waiver and a justification for issuing such waiver.".

38 USC 3675.

(c) APPROVAL OF ACCREDITED COURSES.—Section 3675(b)(3) is amended—

(1) by striking "and (3)" and inserting "(3), (14), (15), and (16)"; and

(2) by inserting before the period at the end the following: "(or, with respect to such paragraphs (14) and (15), the requirements under such paragraphs are waived pursuant to subsection (f)(1) of section 3676 of this title)".

(d) APPROVAL OF ACCREDITED STANDARD COLLEGE DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS.—Section 3672(b)(2) is amended—

(1) in subparagraph (A)(i), by striking "An accredited" and inserting "Except as provided in subparagraph (C), an accredited"; and

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

"(C) A course that is described in both subparagraph (A)(i) of this paragraph and in paragraph (14) or (15) of section 3676(c) of this title shall not be deemed to be approved for purposes of this chapter unless—

Determination.

"(i) a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the course meets the applicable criteria in such paragraphs; or

Waiver.

"(ii) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.".

(e) DISAPPROVAL OF COURSES.—Section 3679 is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this chapter, the Secretary or the applicable State approving agency shall disapprove a course of education described in paragraph (14) or (15) of section 3676(c) of this title unless the educational institution providing the course of education—

Public information.

"(1) publicly discloses any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

Regulations.

"(2) makes each disclosure required by paragraph (1) in a manner that the Secretary considers prominent (as specified by the Secretary in regulations prescribed for purposes of this subsection).".

38 USC 3672 note.

(f) APPLICABILITY.—If after enrollment in a course of education that is subject to disapproval by reason of an amendment made by this section, an individual pursues one or more courses of education at the same educational institution while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at that institution, any course

so pursued by the individual at that institution while so continuously enrolled shall not be subject to disapproval by reason of such amendment.

SEC. 410. CRITERIA USED TO APPROVE COURSES.

(a) NONACCREDITED COURSES.—Paragraph (16) of section 3676(c), as redesignated by section 409, is amended by inserting before the period the following: "if the Secretary, in consultation with the State approving agency and pursuant to regulations prescribed to carry out this paragraph, determines such criteria are necessary and treat public, private, and proprietary for-profit educational institutions equitably". Consultation. Determination. 38 USC 3676.

(b) ACCREDITED COURSES.—Section 3675(b)(3) is amended by striking "and (3)" and inserting "(3), and (14)". Effective dates. 38 USC 3676 note.

(c) APPLICATION.—The amendment made by subsection (a) shall apply with respect to—

(1) criteria developed pursuant to paragraph (16) of subsection (c) of section 3676 of title 38, United States Code, on or after January 1, 2013; and

(2) an investigation conducted under such subsection that is covered by a reimbursement of expenses paid by the Secretary of Veterans Affairs to a State pursuant to section 3674 of such title on or after October 1, 2015.

SEC. 411. COMPLIANCE SURVEYS.

(a) IN GENERAL.—Section 3693 is amended—

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

"(a)(1) Except as provided in subsection (b), the Secretary shall conduct an annual compliance survey of educational institutions and training establishments offering one or more courses approved for the enrollment of eligible veterans or persons if at least 20 such veterans or persons are enrolled in any such course. The Secretary shall—

"(A) design the compliance surveys to ensure that such institutions or establishments, as the case may be, and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of this title;

"(B) survey each such educational institution and training establishment not less than once during every 2-year period; and

"(C) assign not fewer than 1 education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section for such year.

"(2) The Secretary, in consultation with the State approving agencies, shall— Consultation. Deadlines.

"(A) annually determine the parameters of the surveys required under paragraph (1); and

"(B) not later than September 1 of each year, make available to the State approving agencies a list of the educational institutions and training establishments that will be surveyed during the fiscal year following the date of making such list available."; and

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

"(c) In this section, the terms 'educational institution' and 'training establishment' have the meanings given such terms in section 3452 of this title.".

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) by striking "subsection (a) of this section for an annual compliance survey" and inserting "subsection (a)(1) for a compliance survey";

(2) by striking "institution" and inserting "educational institution or training establishment"; and

(3) by striking "institution's demonstrated record of compliance" and inserting "record of compliance of such institution or establishment".

Time period. Effective date. Applicability. 38 USC 3684 note.

SEC. 412. MODIFICATION OF REDUCTIONS IN REPORTING FEE MULTIPLIERS FOR PAYMENTS BY SECRETARY OF VETERANS AFFAIRS TO EDUCATIONAL INSTITUTIONS.

(a) THROUGH SEPTEMBER 25, 2017.—During the period beginning on the date of the enactment of this Act and ending on September 25, 2017, the second sentence of section 3684(c) of title 38, United States Code, shall be applied—

(1) by substituting "$6" for "$12"; and

(2) by substituting "$12" for "$15".

(b) SEPTEMBER 26, 2017, THROUGH SEPTEMBER 25, 2026.—During the period beginning on September 26, 2017, and ending on September 25, 2026, the second sentence of such section shall be applied—

(1) by substituting "$7" for "$12"; and

(2) by substituting "$12" for "$15".

(c) CONFORMING AMENDMENT.—Section 406 of the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113–175; 38 U.S.C. 3684 note), as amended by the Department of Veterans Affairs Expiring Authorities Act of 2016, is amended by striking "During the three-year period beginning on the date of the enactment of this Act" and inserting "During the period beginning on the date of the enactment of this Act and ending on the day before the date of the enactment of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016".

SEC. 413. COMPOSITION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

38 USC 3692.

Section 3692(a) is amended in the second sentence by striking "veterans representative of World War II" and all that follows through the period at the end of that sentence and inserting the following: "a representative sample of veterans and other individuals who have used, or may in the future use, educational assistance benefits administered by the Secretary.".

SEC. 414. SURVEY OF INDIVIDUALS USING THEIR ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER THE EDUCATIONAL ASSISTANCE PROGRAMS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Deadlines. Contracts.

(a) SURVEY REQUIRED.—By not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with a non-government entity for the conduct of a survey of a statistically valid sample of individuals who have used or are using their entitlement to educational assistance under chapters 30, 32, 33, and 35 of title 38, United States Code, to pursue a program of education or training. The contract shall provide that—

(1) not later than 1 month before the collection of data under the survey begins, the survey shall be submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives;

(2) the non-government entity shall complete the survey and submit to the Secretary the results of the survey by not later than 180 days after entering into the contract; and

(3) the survey shall be conducted by electronic means and by any other means the non-government entity determines appropriate.

(b) INFORMATION TO BE COLLECTED.—The contract under subsection (a) shall provide that the survey shall be designed to collect the following types of information about each individual surveyed, where applicable:

(1) Demographic information, including the highest level of education completed by the individual, the military occupational specialty or specialties of the individual while serving on active duty as a member of the Armed Forces or as a member of the National Guard or of a Reserve Component of the Armed Forces, and whether the individual has a service-connected disability.

(2) The opinion of the individual regarding participation in the transition assistance program under section 1144 of title 10, United States Code, and the effectiveness of the program, including instruction on the use of the benefits under laws administered by the Secretary of Veterans Affairs.

(3) The resources the individual used to help the individual—

(A) decide to use the individual's entitlement to educational assistance to enroll in a program of education or training; and

(B) choose the program of education or training the individual pursued.

(4) The individual's goal when the individual enrolled in the program of education or training.

(5) The nature of the individual's experience with the education benefits processing system of the Department of Veterans Affairs.

(6) The nature of the individual's experience with the school certifying official of the educational institution where the individual pursued the program of education or training who processed the individual's claim.

(7) Any services or benefits the educational institution or program of education or training provided to veterans while the individual pursued the program of education or training.

(8) The type of educational institution at which the individual pursued the program of education or training.

(9) Whether the individual completed the program of education or training or the number of credit hours completed by the individual as of the time of the survey, and, if applicable, any degree or certificate obtained by the individual for completing the program.

(10) The employment status of the individual and whether such employment status differs from the employment status of the individual prior to enrolling in the program of education or training.

(11) Whether the individual is or was enrolled in a program of education on a full-time or part-time basis.

(12) The opinion of the individual on the effectiveness of the educational assistance program of the Department of Veterans Affairs under which the individual was entitled to educational assistance.

(13) Whether the individual was ever entitled to a rehabilitation under chapter 31 of title 38, United States Code, and whether the individual participated in such a program.

(14) A description of any circumstances that prevented the individual from using the individual's entitlement to educational assistance to pursue a desired career path or degree.

(15) Whether the individual is using the individual's entitlement to educational assistance to pursue a program of education or training or has transferred such an entitlement to a dependent.

(16) Such other matters as the Secretary determines appropriate.

(c) REPORT.—Not later than 90 days after receiving the results of the survey required under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the survey and any recommendations of the Secretary relating to such results. Such report shall also include an unedited version of the results of the survey submitted by the non-government entity that conducted the survey.

38 USC 3067A.

SEC. 415. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF INFORMATION ON ARTICULATION AGREEMENTS BETWEEN INSTITUTIONS OF HIGHER LEARNING.

(a) INFORMATION.—Department of Veterans Affairs counselors who provide educational or vocational counseling services pursuant to section 3697A of title 38, United States Code, shall provide to any eligible individual who requests such counseling services information about the articulation agreements of each institution of higher learning in which the individual is interested.

(b) CERTIFICATION OF ELIGIBILITY.—When the Secretary of Veterans Affairs provides to an individual a certification of eligibility for educational assistance provided by the Department of Veterans Affairs, the Secretary shall also include detailed information on such educational assistance, including information on requesting education counseling services and on articulation agreements.

(c) DEFINITIONS.—In this section:

(1) The term "institution of higher learning" has the meaning given such term in section 3452(f) of title 38, United States Code.

(2) The term "articulation agreement" has the meaning given such term in section 486A of the Higher Education Act of 1965 (Public Law 89–329; 20 U.S.C. 1093a).

(d) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement this section not later than 90 days after the date of the enactment of this Act.

SEC. 416. RETENTION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE DURING CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY.

(a) EDUCATIONAL ASSISTANCE ALLOWANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b". 10 USC 16131.

(b) EXPIRATION DATE.—Section 16133(b)(4) of such title is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b".

SEC. 417. TECHNICAL AMENDMENT RELATING TO IN-STATE TUITION RATE FOR INDIVIDUALS TO WHOM ENTITLEMENT IS TRANSFERRED UNDER ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Subparagraph (B) of section 3679(c)(2) is amended to read as follows: 38 USC 3679.

"(B) An individual who is entitled to assistance under—

"(i) section 3311(b)(9) of this title; or

"(ii) section 3319 of this title by virtue of the individual's relationship to—

"(I) a veteran described in subparagraph (A); or

"(II) a member of the uniformed services described in section 3319(b) of this title who is serving on active duty.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to a course, semester, or term that begins after July 1, 2017. Coordination. Evaluation.

SEC. 418. STUDY ON THE EFFECTIVENESS OF VETERANS TRANSITION EFFORTS.

(a) STUDY.—The Secretary of Veterans Affairs, in coordination with the Secretary of Labor and the Secretary of Defense, shall carry out a study to evaluate programs to assist veterans of the Armed Forces in their transition to civilian life. Such study shall be designed to determine the effectiveness of current programs, especially in regards to the unique challenges faced by women veterans, veterans with disabilities, Native American veterans (including Alaska Native veterans and Native Hawaiian veterans), veterans who are residents of a territory of the United States, veterans who are part of the indigenous population of a territory of the United States, and other groups of minority veterans identified by the Secretaries, including whether such programs— Determination.

(1) effectively address the challenges veterans face in pursuing higher education, especially the challenges faced by such groups of minority veterans;

(2) effectively address the challenges such veterans face entering the civilian workforce and in translating experience and skills from military service to the job market; and

(3) effectively address the challenges faced by the families of such veterans transitioning to civilian life.

(b) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the findings and recommendations of the study required under subsection (a).

(c) PROHIBITION ON AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to carry out the requirements of this section. Such requirements shall be carried out using amounts otherwise authorized.

TITLE V—SMALL BUSINESS AND EMPLOYMENT MATTERS

SEC. 501. MODIFICATION OF TREATMENT UNDER CONTRACTING GOALS AND PREFERENCES OF DEPARTMENT OF VETERANS AFFAIRS.

38 USC 8127.

(a) IN GENERAL.—Subsection (h) of section 8127 is amended—

(1) in paragraph (3), by striking "rated as" and all that follows through "disability." and inserting a period; and

(2) in paragraph (2), by amending subparagraph (C) to read as follows:

Time periods.

"(C) The date that—

"(i) in the case of a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability, is 10 years after the date of the veteran's death; or

"(ii) in the case of a surviving spouse of a veteran with a service-connected disability rated as less than 100 percent disabling who does not die as a result of a service-connected disability, is 3 years after the date of the veteran's death.".

Applicability. Contracts. 38 USC 8127 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to contracts awarded on or after such date.

SEC. 502. LONGITUDINAL STUDY OF JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS.

(a) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

38 USC 3415.

"§ 4115. Longitudinal study of job counseling, training, and placement service for veterans

Contracts.

"(a) STUDY REQUIRED.—(1) The Secretary shall enter into a contract with a non-government entity to conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The contract shall provide for the study of each such group over a period of at least 5 years.

Time period.

"(2) The groups of individuals described in this paragraph are the following:

"(A) Veterans who have received intensive services.

"(B) Veterans who did not receive intensive services but who otherwise received services under this chapter.

"(C) Veterans who did not seek or receive services under this chapter.

"(3) The study required by this subsection shall include the collection of the following information for each individual who participates in the study:

"(A) The average number of months such individual served on active duty.

"(B) The disability ratings of such individual.

"(C) Any unemployment benefits received by such individual.

"(D) The average number of months such individual was employed during the year covered by the report.

"(E) The average annual starting and ending salaries of any such individual who was employed during the year covered by the report.

"(F) The average annual income of such individual.

"(G) The average total household income of such individual for the year covered by the report.

"(H) The percentage of such individuals who own their principal residences.

"(I) The employment status of such individual.

"(J) In the case of such an individual who received services under this chapter, whether the individual believes that any service provided by a disabled veterans' outreach program specialist or local veterans' employment representative helped the individual to become employed.

"(K) In the case of such an individual who believes such a service helped the individual to become employed, whether—

"(i) the individual retained the position of employment for a period of 1 year or longer; and

"(ii) the individual believes such a service helped the individual to secure a higher wage or salary.

"(L) The conditions under which such individual was discharged or released from the Armed Forces.

"(M) Whether such individual has used any educational assistance to which the individual is entitled under this title.

"(N) Whether such individual has participated in a rehabilitation program under chapter 31 of this title.

"(O) Whether such individual had contact with a One-Stop Career Center employee while attending a workshop or job fair under the Transition GPS Program of the Department of Defense.

"(P) Demographic information about such individual.

"(Q) Such other information as the Secretary determines appropriate.

"(b) ANNUAL REPORT.—(1) By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the outcomes of the study during the preceding year.

"(2) The Secretary shall include in each report submitted under paragraph (1) the following:

"(A) Information with respect to job fairs attended by One-Stop Career Center employees at which the employees had contact with a veteran, including, for the year preceding the year in which the report is submitted, the following:

"(i) The number of job fairs attended by One-Stop Career Center employees at which the employees had contact with a veteran.

"(ii) The number of veterans contacted at each such job fair.

"(B) Such information as the Secretary determines is necessary to determine the long-term outcomes of the individuals in the groups described in subsection (a)(2).".

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

38 USC prec. 4100.

"4115. Longitudinal study of job counseling, training, and placement service for veterans.".

SEC. 503. LIMITATION ON ADMINISTRATIVE LEAVE FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 7 is amended by inserting after section 715 the following new section:

38 USC 717.

"§ 717. Limitation on administrative leave

Time period.

"(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not place any covered individual on administrative leave, or any other type of paid non-duty status without charge to leave, for more than a total of 14 days during any 365-day period.

Explanation.

"(b) WAIVER.—The Secretary may waive the limitation under subsection (a) and extend the administrative leave or other paid non-duty status without charge to leave of a covered individual placed on such leave or status under subsection (a) if the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a detailed explanation of the reasons the individual was placed on administrative leave or other paid non-duty status without charge to leave and the reasons for the extension of such leave or status. Such explanation shall include the job title and grade of the covered individual and the location where the individual is employed.

Definition.

"(c) COVERED INDIVIDUAL.—In this section, the term 'covered individual' means an employee of the Department—

"(1) who is subject to an investigation for purposes of determining whether such individual should be subject to any disciplinary action under this title or title 5; or

"(2) against whom any disciplinary action is proposed or initiated under this title or title 5.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 715 the following new item:

38 USC prec. 701.

"717. Limitation on administrative leave.".

Time period. Effective date. 38 USC 717 note.

(b) APPLICATION.—Section 717 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to any 365-day period beginning on or after the date of enactment of this Act.

SEC. 504. REQUIRED COORDINATION BETWEEN DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING WITH STATE DEPARTMENTS OF LABOR AND VETERANS AFFAIRS.

38 USC 4103.

(a) IN GENERAL.—Section 4103 is amended by adding at the end the following new subsection:

"(c) COORDINATION WITH STATE DEPARTMENTS OF LABOR AND VETERANS AFFAIRS.—Each Director for Veterans' Employment and Training for a State shall coordinate the Director's activities under

this chapter with the State department of labor and the State department of veterans affairs.".

(b) EFFECTIVE DATE.—Subsection (c) of such section, as added by subsection (a), shall take effect on the date that is 1 year after the date of the enactment of this Act. 38 USC 4103 note.

TITLE VI—HEALTH CARE MATTERS

Subtitle A—Medical Care

SEC. 601. REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE MEDICAL COMMUNITY CARE ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 117(c) is amended by adding at the end the following new paragraph: 38 USC 117.

"(7) Veterans Health Administration, Medical Community Care.".

(b) CONFORMING AMENDMENT.—Section 1105(a)(37) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(G) Veterans Health Administration, Medical Community Care.".

(c) APPLICABILITY.—The amendments made by this section shall apply to fiscal years beginning on and after October 1, 2017. Effective date.

SEC. 602. IMPROVED ACCESS TO APPROPRIATE IMMUNIZATIONS FOR VETERANS.

(a) INCLUSION OF RECOMMENDED ADULT IMMUNIZATIONS AS MEDICAL SERVICES.—

(1) COVERED BENEFIT.—Subparagraph (F) of section 1701(9) is amended to read as follows:

"(F) immunizations against infectious diseases, including each immunization on the recommended adult immunization schedule at the time such immunization is indicated on that schedule;".

(2) RECOMMENDED ADULT IMMUNIZATION SCHEDULE DEFINED.—Section 1701 is amended by adding at the end the following new paragraph:

"(10) The term 'recommended adult immunization schedule' means the schedule established (and periodically reviewed and, as appropriate, revised) by the Advisory Committee on Immunization Practices established by the Secretary of Health and Human Services and delegated to the Centers for Disease Control and Prevention.".

(b) INCLUSION OF RECOMMENDED ADULT IMMUNIZATIONS IN ANNUAL REPORT.—Section 1704(1)(A) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) to provide veterans each immunization on the recommended adult immunization schedule at the time such immunization is indicated on that schedule.".

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs

shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the development and implementation by the Department of Veterans Affairs of quality measures and metrics, including targets for compliance, to ensure that veterans receiving medical services under chapter 17 of title 38, United States Code, receive each immunization on the recommended adult immunization schedule at the time such immunization is indicated on that schedule.

(2) RECOMMENDED ADULT IMMUNIZATION SCHEDULE DEFINED.—In this subsection, the term "recommended adult immunization schedule" has the meaning given that term in section 1701(10) of title 38, United States Code, as added by subsection (a)(2).

38 USC 1701 note.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to require a veteran to receive an immunization that the veteran does not want to receive.

SEC. 603. PRIORITY OF MEDAL OF HONOR RECIPIENTS IN HEALTH CARE SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ENROLLMENT PRIORITY.—

38 USC 1705.

(1) IN GENERAL.—Section 1705(a) is amended—

(A) in paragraph (1), by striking the period at the end and inserting the following: "and veterans who were awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14."; and

(B) in paragraph (3), by striking "veterans who were awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14,".

38 USC 1705 note.

(2) APPLICATION.—The priority of enrollment of medal of honor recipients in the system of annual patient enrollment established and operated under section 1705(a) of such title, as amended by paragraph (1), shall apply to each such recipient, regardless of the date on which the medal is awarded.

(b) ELIGIBILITY.—Section 1710(a)(2)(D) is amended by inserting after "war" the following: ", who was awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14,".

(c) EXTENDED CARE SERVICES.—Section 1710B(c)(2) is amended—

(1) in subparagraph (B), by striking "or";

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) to a veteran who was awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14.".

(d) COPAYMENT FOR MEDICATIONS.—Section 1722A(a)(3) is amended—

(1) in subparagraph (B), by striking "or";

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) to a veteran who was awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14.".

SEC. 604. REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1705 the following new section:

"§ 1705A. Management of health care: information regarding health-plan contracts 38 USC 1705A.

"(a) IN GENERAL.—(1) Any individual who seeks hospital care or medical services under this chapter shall provide to the Secretary such current information as the Secretary may require to identify any health-plan contract under which such individual is covered.

"(2) The information required to be provided to the Secretary under paragraph (1) with respect to a health-plan contract shall include, as applicable, the following:

"(A) The name of the entity providing coverage under the health-plan contract.

"(B) If coverage under the health-plan contract is in the name of an individual other than the individual required to provide information under this section, the name of the policy holder of the health-plan contract.

"(C) The identification number for the health-plan contract.

"(D) The group code for the health-plan contract.

"(b) ACTION TO COLLECT INFORMATION.—The Secretary may take such action as the Secretary considers appropriate to collect the information required under subsection (a).

"(c) EFFECT ON SERVICES FROM DEPARTMENT.—The Secretary may not deny any services under this chapter to an individual solely due to the fact that the individual fails to provide information required under subsection (a).

"(d) HEALTH-PLAN CONTRACT DEFINED.—In this section, the term 'health-plan contract' has the meaning given that term in section 1725(f) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1705 the following new item: 38 USC prec. 1701.

"1705A. Management of health care: information regarding health-plan contracts.".

SEC. 605. MENTAL HEALTH TREATMENT FOR VETERANS WHO SERVED IN CLASSIFIED MISSIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that veterans who experience combat-related mental health wounds should have immediate, appropriate, and consistent access to comprehensive mental health care.

(b) IN GENERAL.—Subchapter II of chapter 17 is amended by adding at the end the following new section:

"§ 1720H. Mental health treatment for veterans who served in classified missions 38 USC 1720H.

"(a) ESTABLISHMENT OF STANDARDS.—(1) The Secretary shall establish standards and procedures to ensure that each eligible veteran may access mental health care furnished by the Secretary Procedures.

in a manner that fully accommodates the obligation of the veteran to not improperly disclose classified information.

Consultation.

"(2) In establishing standards and procedures under paragraph (1), the Secretary shall consult with the Secretary of Defense to ensure that such standards and procedures are consistent with the policies on classified information of the Department of Defense.

Guidance.

"(3) The Secretary shall disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on the standards and procedures established under paragraph (1) and how to best engage eligible veterans during the course of mental health treatment with respect to classified information.

"(b) IDENTIFICATION.—In carrying out this section, the Secretary shall ensure that a veteran may elect to identify as an eligible veteran on an appropriate form.

"(c) DEFINITIONS.—In this section:

"(1) The term 'classified information' means any information or material that has been determined by an official of the United States pursuant to law to require protection against unauthorized disclosure for reasons of national security.

"(2) The term 'eligible veteran' means a veteran who—

"(A) is eligible to receive health care furnished by the Department under this title;

"(B) is seeking mental health treatment; and

"(C) in the course of serving in the Armed Forces, participated in a sensitive mission or served in a sensitive unit.

"(3) The term 'sensitive mission' means a mission of the Armed Forces that, at the time at which an eligible veteran seeks treatment, is classified.

"(4) The term 'sensitive unit' has the meaning given that term in section 130b(c)(4) of title 10.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720G the following new item:

38 USC prec. 1701.

"1720H. Mental health treatment for veterans who served in classified missions.".

SEC. 606. EXAMINATION AND TREATMENT BY DEPARTMENT OF VETERANS AFFAIRS FOR EMERGENCY MEDICAL CONDITIONS AND WOMEN IN LABOR.

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by inserting after section 1784 the following new section:

38 USC 1784A.

"§ 1784A. Examination and treatment for emergency medical conditions and women in labor

"(a) IN GENERAL.—In the case of a hospital of the Department that has an emergency department, if any individual comes to the hospital or the campus of the hospital and a request is made on behalf of the individual for examination or treatment for a medical condition, the hospital must provide for an appropriate medical screening examination within the capability of the emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists.

Informed consent.

"(b) NECESSARY STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If any individual comes to a hospital of the Department that has an emergency department

or the campus of such a hospital and the hospital determines that the individual has an emergency medical condition, the hospital must provide either—

"(A) within the staff and facilities available at the hospital, for such further medical examination and such treatment as may be required to stabilize the medical condition; or

"(B) for transfer of the individual to another medical facility in accordance with subsection (c).

"(2) A hospital is deemed to meet the requirement of paragraph (1)(A) with respect to an individual if the hospital offers the individual the further medical examination and treatment described in that paragraph and informs the individual (or a person acting on behalf of the individual) of the risks and benefits to the individual of such examination and treatment, but the individual (or a person acting on behalf of the individual) refuses to consent to the examination and treatment. The hospital shall take all reasonable steps to secure the written informed consent of the individual (or person) to refuse such examination and treatment.

"(3) A hospital is deemed to meet the requirement of paragraph (1)(B) with respect to an individual if the hospital offers to transfer the individual to another medical facility in accordance with subsection (c) and informs the individual (or a person acting on behalf of the individual) of the risks and benefits to the individual of such transfer, but the individual (or a person acting on behalf of the individual) refuses to consent to the transfer. The hospital shall take all reasonable steps to secure the written informed consent of the individual (or person) to refuse such transfer.

"(c) RESTRICTING TRANSFERS UNTIL INDIVIDUAL STABILIZED.—(1) If an individual at a hospital of the Department has an emergency medical condition that has not been stabilized, the hospital may not transfer the individual unless—

"(A)(i) the individual (or a legally responsible person acting on behalf of the individual), after being informed of the obligations of the hospital under this section and of the risk of transfer, requests, in writing, transfer to another medical facility;

"(ii) a physician of the Department has signed a certification that, based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual and, in the case of labor, to the unborn child from effecting the transfer; or Certification.

"(iii) if a physician of the Department is not physically present in the emergency department at the time an individual is transferred, a qualified medical person (as defined by the Secretary for purposes of this section) has signed a certification described in clause (ii) after a physician of the Department, in consultation with the person, has made the determination described in such clause, and subsequently countersigns the certification; and Consultation.

"(B) the transfer is an appropriate transfer to that facility.

"(2) A certification described in clause (ii) or (iii) of paragraph (1)(A) shall include a summary of the risks and benefits upon which the certification is based. Summary.

"(3) For purposes of paragraph (1)(B), an appropriate transfer to a medical facility is a transfer—

"(A) in which the transferring hospital provides the medical treatment within its capacity that minimizes the risks to the health of the individual and, in the case of a woman in labor, the health of the unborn child;

"(B) in which the receiving facility—

"(i) has available space and qualified personnel for the treatment of the individual; and

"(ii) has agreed to accept transfer of the individual and to provide appropriate medical treatment;

"(C) in which the transferring hospital sends to the receiving facility all medical records (or copies thereof) available at the time of the transfer relating to the emergency medical condition for which the individual has presented, including—

"(i) observations of signs or symptoms;

"(ii) preliminary diagnosis;

"(iii) treatment provided;

"(iv) the results of any tests; and

"(v) the informed written request or certification (or copy thereof) provided under paragraph (1)(A);

"(D) in which the transfer is effected through qualified personnel and transportation equipment, including the use of necessary and medically appropriate life support measures during the transfer; and

"(E) that meets such other requirements as the Secretary considers necessary in the interest of the health and safety of the individual or individuals transferred.

"(d) PAYMENT TO THE DEPARTMENT.—The Secretary shall charge for any care or services provided under this section in accordance with billing and reimbursement authorities available to the Secretary under other provisions of law.

"(e) DEFINITIONS.—In this section:

"(1) The term 'campus' means, with respect to a hospital of the Department—

"(A) the physical area immediately adjacent to the main buildings of the hospital;

"(B) other areas and structures that are not strictly contiguous to the main buildings but are located not more than 250 yards from the main buildings; and

"(C) any other areas determined by the Secretary to be part of the campus of the hospital.

"(2) The term 'emergency medical condition' means—

"(A) a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—

"(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

"(ii) serious impairment to bodily functions; or

"(iii) serious dysfunction of any bodily organ or part; or

"(B) in the case of a pregnant woman, a stage of labor that a medical provider determines indicates—

"(i) that there is inadequate time to effect a safe transfer to another hospital before delivery; or

"(ii) that transfer may pose a threat to the health or safety of the woman or the unborn child.

"(3)(A) The term 'to stabilize' means—

"(i) with respect to an emergency medical condition described in paragraph (2)(A), to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility; or

"(ii) with respect to an emergency medical condition described in paragraph (2)(B), to deliver (including the placenta).

"(B) The term 'stabilized' means—

"(i) with respect to an emergency medical condition described in paragraph (2)(A), that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur during the transfer of the individual from a facility; or

"(ii) with respect to an emergency medical condition described in paragraph (2)(B), that the woman has delivered (including the placenta).

"(4) The term 'transfer' means the movement (including the discharge) of an individual outside the facilities of a hospital of the Department at the direction of any person employed by (or affiliated or associated, directly or indirectly, with) the hospital, but does not include such a movement of an individual who—

"(A) has been declared dead; or

"(B) leaves the facility without the permission of any such person.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1784 the following new item: 38 USC prec. 1701.

"1784A. Examination and treatment for emergency medical conditions and women in labor.".

Subtitle B—Veterans Health Administration

SEC. 611. TIME PERIOD COVERED BY ANNUAL REPORT ON READJUSTMENT COUNSELING SERVICE.

Section 7309(e)(1) is amended by striking "calendar year" and inserting "fiscal year". 38 USC 7309.

SEC. 612. ANNUAL REPORT ON VETERANS HEALTH ADMINISTRATION AND FURNISHING OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE.

(a) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7330B. Annual report on Veterans Health Administration and furnishing of hospital care, medical services, and nursing home care 38 USC 7330B.

"(a) REPORT REQUIRED.—Not later than March 1 of each of years 2018 through 2022, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on,

for the calendar year preceding the calendar year during which the report is submitted—

"(1) the furnishing of hospital care, medical services, and nursing home care under the laws administered by the Secretary; and

"(2) the administration of the furnishing of such care and services by the Veterans Health Administration.

Evaluations.

"(b) ELEMENTS.—Each report required by subsection (a) shall include each of the following for the year covered by the report:

"(1) An evaluation of the effectiveness of the Veterans Health Administration in increasing the access of veterans to hospital care, medical services, and nursing home care furnished by the Secretary for which such veterans are eligible.

"(2) An evaluation of the effectiveness of the Veterans Health Administration in improving the quality of health care provided to veterans, without increasing the costs incurred for such health care by the Federal Government or veterans, including relevant information for each medical center and Veterans Integrated Service Network of the Department set forth separately.

Assessment.

"(3) An assessment of—

"(A) the workload of physicians and other employees of the Veterans Health Administration;

"(B) patient demographics and utilization rates;

"(C) physician compensation;

"(D) the productivity of physicians and other employees of the Veterans Health Administration;

"(E) the percentage of hospital care, medical services, and nursing home care provided to veterans in facilities of the Department and in non-Department facilities and any changes in such percentages compared to the year preceding the year covered by the report;

"(F) pharmaceutical prices; and

"(G) third-party health billings owed to the Department, including the total amount of such billings and the total amount collected by the Department, set forth separately for claims greater than $1,000 and for claims equal to or less than $1,000.

"(c) DEFINITIONS.—In this section, the terms 'hospital care', 'medical services', 'nursing home care', 'facilities of the Department', and 'non-Department facilities' have the meanings given those terms in section 1701 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330A the following new item:

38 USC prec. 7301.

"7330B. Annual report on Veterans Health Administration and furnishing of hospital care, medical services, and nursing home care.".

SEC. 613. EXPANSION OF QUALIFICATIONS FOR LICENSED MENTAL HEALTH COUNSELORS OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE DOCTORAL DEGREES.

38 USC 7402.

Section 7402(b)(11)(A) is amended by inserting "or doctoral degree" after "master's degree".

SEC. 614. MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

38 USC 7423.

Section 7423(a) of title 38, United States Code, is amended—

(1) by striking "(a) The hours" and inserting "(a)(1) Except as provided in paragraph (2), the hours"; and

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

"(2)(A) Upon the advance written request of a covered physician, the Secretary may modify the hours of employment for a physician appointed in the Administration under any provision of this chapter on a full-time basis to be more or less than 80 hours in a biweekly pay period, subject to the requirements in subparagraph (B). For the purpose of determining pay, such a physician shall be deemed to have a biweekly schedule of 80 hours of employment.

"(B) A physician with an irregular work schedule established under subparagraph (A) shall be obligated to account for at least 2,080 hours of employment (through performance of work or use of leave or paid time off) in a calendar year.

"(C) The Secretary may prescribe regulations to implement this paragraph, including regulations making adjustments to address the annual hours requirement for physicians who are covered by this paragraph for only a portion of a calendar year.".

SEC. 615. REPEAL OF COMPENSATION PANELS TO DETERMINE MARKET PAY FOR PHYSICIANS AND DENTISTS.

Section 7431(c) is amended—

(1) by striking paragraph (4);

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

(3) in paragraph (6), as so redesignated, by striking "under paragraph (6)" and inserting "under paragraph (5)".

SEC. 616. CLARIFICATION REGARDING LIABILITY FOR BREACH OF AGREEMENT UNDER DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM.

Section 7675(b)(1)(E) is amended by striking "In the case of a participant who is a part-time student, the" and inserting "The".

SEC. 617. EXTENSION OF PERIOD FOR INCREASE IN GRADUATE MEDICAL EDUCATION RESIDENCY POSITIONS AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Paragraph (2) of section 301(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note) is amended—

(1) in the paragraph heading, by striking "FIVE-YEAR" and inserting "TEN-YEAR"; and

(2) in subparagraph (A), by striking "5-year period" and inserting "10-year period".

(b) REPORT.—Paragraph (3)(A) of such section is amended by striking "2019" and inserting "2024".

SEC. 618. REPORT ON PUBLIC ACCESS TO RESEARCH BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than each of 180 days and 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on increasing public access to scientific

publications and digital data from research funded by the Department of Veterans Affairs.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following:

(1) An identification of the location or locations in which the public will be able to access the results of research funded by the Department, whether on an Internet website of the Department or through another source.

(2) A description of the progress made by the Department in meeting public access requirements set forth in the notice entitled "Policy and Implementation Plan for Public Access to Scientific Publications and Digital Data from Research Funded by the Department of Veterans Affairs" (80 Fed. Reg. 60751), including the following:

(A) Compliance of Department investigators with requirements relating to ensuring that research funded by the Department is accessible by the public.

(B) Ensuring data management plans of the Department include provisions for long-term preservation of the scientific data resulting from research funded by the Department.

(3) An explanation of the factors used to evaluate the merit of data management plans of research funded by the Veterans Health Administration.

(4) An explanation of the process of the Department in effect that enables stakeholders to petition a change to the embargo period for a specific field and the factors considered during such process.

SEC. 619. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic, life safety, and utilities upgrades and expansion of clinical services in Reno, Nevada, in an amount not to exceed $213,800,000.

(2) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $317,300,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2017 or the year in which funds are appropriated for the Construction, Major Projects, account $531,100,000 for the projects authorized in subsection (a).

(c) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2017 or the year in which funds are appropriated for the Construction, Major Projects, account pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2017 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2017 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2017 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2017 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2017 for a category of activity not specific to a project.

Subtitle C—Toxic Exposure

SEC. 631. DEFINITIONS.

38 USC 1116 note.

In this subtitle:

(1) ARMED FORCES.—The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

(2) DESCENDANT.—The term "descendant" means, with respect to an individual, the biological child or grandchild of that individual.

(3) TOXIC EXPOSURE.—The term "toxic exposure" means a condition in which an individual inhaled or ingested an agent determined to be hazardous to the health of the individual or the agent came in contact with the skin or eyes of the individual in a manner that could be hazardous to the health of the individual.

(4) VETERAN.—The term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

SEC. 632. NATIONAL ACADEMY OF MEDICINE ASSESSMENT ON RESEARCH RELATING TO THE DESCENDANTS OF INDIVIDUALS WITH TOXIC EXPOSURE.

38 USC 1116 note.

(a) IN GENERAL.—

(1) AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Medicine under which the National Academy of Medicine conducts an assessment on scientific research relating to the descendants of individuals with toxic exposure.

Deadline.

(2) ALTERNATE ORGANIZATION.—

(A) IN GENERAL.—If the Secretary is unable within the period prescribed in paragraph (1) to enter into an agreement described in such paragraph with the National Academy of Medicine on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Federal Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Medicine.

(B) TREATMENT.—If the Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this section to the National

Academy of Medicine shall be treated as a reference to the other organization.

(b) ELEMENTS.—The assessment conducted pursuant to the agreement entered into under subsection (a) shall include the following:

Review.

(1) A scientific review of the scientific literature regarding toxicological and epidemiological research on descendants of individuals with toxic exposure.

(2) An assessment of areas requiring further scientific study relating to the descendants of veterans with toxic exposure.

(3) An assessment of the scope and methodology required to conduct adequate scientific research relating to the descendants of individuals with toxic exposure, including—

(A) the types of individuals to be studied, including veterans with toxic exposure and the descendants of those veterans;

(B) the number of veterans and descendants described in subparagraph (A) to be studied;

(C) the potential alternatives for participation in such a study, including whether it would be necessary for participants to travel in order to participate;

(D) the approximate amount of time and resources needed to prepare and conduct the research; and

(E) the appropriate Federal agencies to participate in the research, including the Department of Defense and the Department of Veterans Affairs.

(4) The establishment of categories, including definitions for each such category, to be used in assessing the evidence that a particular health condition is related to toxic exposure, such as—

(A) sufficient evidence of a causal relationship;

(B) sufficient evidence of an association;

(C) limited or suggestive evidence of an association;

(D) inadequate or insufficient evidence to determine whether an association exists; and

(E) limited or suggestive evidence of no association.

Analysis.

(5) An analysis of—

(A) the feasibility of conducting scientific research to address the areas that require further study as described under paragraph (2);

(B) the value and relevance of the information that could result from such scientific research; and

(C) for purposes of conducting further research, the feasibility and advisability of accessing additional information held by a Federal agency that may be sensitive.

(6) An identification of a research entity or entities with—

(A) expertise in conducting research on health conditions of descendants of individuals with toxic exposure; and

(B) an ability to conduct research on those health conditions to address areas requiring further scientific study as described under paragraph (2).

(c) REPORT.—The agreement entered into under subsection (a) shall require the National Academy of Medicine to submit, not later than 2 years after entering into such agreement, to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs

of the Senate, and the Committee on Veterans' Affairs of the House of Representatives—

(1) the results of the assessment conducted pursuant to such agreement, including such recommendations as the National Academy of Medicine considers appropriate regarding the scope and methodology required to conduct adequate scientific research relating to the descendants of veterans with toxic exposure; and Recommendations.

(2) a determination regarding whether the results of such assessment indicate that it is feasible to conduct further research regarding health conditions of descendants of veterans with toxic exposure, including an explanation of the basis for the determination. Determination.

(d) CERTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after receiving the results of the assessment and determination under subsection (c), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a certification of the understanding of the Secretary, based on such results and determination, regarding the feasibility of conducting further research regarding health conditions of descendants of veterans with toxic exposure that is expressed by such results and determination.

(2) BASIS FOR CERTIFICATION.—The certification submitted under paragraph (1) shall include an explanation of the basis for the certification.

SEC. 633. ADVISORY BOARD ON RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES. 38 USC 1116 note.

(a) ESTABLISHMENT.—Unless the Secretary of Veterans Affairs certifies under section 632(d) that the results of the assessment and determination under section 632(c) indicate that it is not feasible to conduct further research regarding health conditions of descendants of veterans with toxic exposure, not later than 180 days after receiving such results and determination, the Secretary shall establish an advisory board (in this section referred to as the "Advisory Board") to advise the Secretary in the selection of a research entity or entities under section 634, advise such entity or entities in conducting research under such section, and advise the Secretary with respect to the activities of such entity or entities under such section. Certification. Deadline.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Secretary, in consultation with the National Academy of Medicine, the Director of the National Institute of Environmental Health Sciences, and such other heads of Federal agencies as the Secretary determines appropriate— Consultation.

(A) shall select not more than 13 voting members of the Advisory Board, of whom—

(i) not less than two shall be members of organizations exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986;

(ii) not less than two shall be descendants of veterans with toxic exposure while serving as members of the Armed Forces; and

(iii) not less than seven shall be health professionals, scientists, or academics who are not employees of the Federal Government and have expertise in—

(I) birth defects;

(II) developmental disabilities;

(III) epigenetics;

(IV) public health;

(V) the science of environmental exposure or environmental exposure assessment;

(VI) the science of toxic substances; or

(VII) medical and research ethics; and

(B) may select not more than two nonvoting members who are employees of the Federal Government and who are otherwise described in subparagraph (A)(iii).

(2) CHAIR.—The Secretary shall select a Chair from among the members of the Advisory Board selected under paragraph (1)(A).

(3) TERMS.—

(A) IN GENERAL.—Each member of the Advisory Board shall serve a term of 2 or 3 years as determined by the Secretary.

(B) REAPPOINTMENT.—At the end of the term of a member of the Advisory Board, the Secretary may reselect the member for another term, except that no member may serve more than 4 consecutive terms.

(c) DUTIES.—The Advisory Board shall—

(1) advise the Secretary in the selection of a research entity or entities to conduct research under section 634 from among those identified under section 632(b)(6);

(2) advise such entity or entities and assess the activities of such entity or entities in conducting such research;

(3) develop a research strategy for such entity or entities based on, but not limited to, the results of the assessment conducted under section 632;

(4) advise the Secretary with respect to the activities of such entity or entities under section 634;

(5) submit recommendations to be included by such entity or entities in the report under section 634(d)(2)(C); and

(6) not less frequently than semiannually, meet with the Secretary and representatives of such entity or entities on the research conducted by such entity or entities under section 634.

(d) MEETINGS.—The Advisory Board shall meet at the call of the Chair, but not less frequently than semiannually.

(e) COMPENSATION.—The members of the Advisory Board shall serve without compensation.

(f) EXPENSES.—The Secretary of Veterans Affairs shall determine the appropriate expenses of the Advisory Board.

(g) PERSONNEL.—

(1) IN GENERAL.—The Chair may, without regard to the civil service laws and regulations, appoint an executive director of the Advisory Board, who shall be a civilian employee of the Department of Veterans Affairs, and such other personnel as may be necessary to enable the Advisory Board to perform its duties.

(2) APPROVAL.—The appointment of an executive director under paragraph (1) shall be subject to approval by the Advisory Board.

(3) COMPENSATION.—The Chair may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 634. RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES.

38 USC 1116 note.

Certification. Deadline. Consultation. Contracts.

(a) IN GENERAL.—Unless the Secretary of Veterans Affairs certifies under section 632(d) that the results of the assessment and determination under section 632(c) indicate that it is not feasible to conduct further research regarding health conditions of descendants of veterans with toxic exposure, not later than 1 year after receiving such results and determination, the Secretary shall (in consultation with the advisory board established under section 633 (in this section referred to as the "Advisory Board")) enter into an agreement with one or more research entities identified under section 632(b)(6) (excluding an entity of the Department of Veterans Affairs) to conduct research on health conditions of descendants of veterans with toxic exposure while serving as members of the Armed Forces (in this section referred to as the "research entity or entities").

(b) RESEARCH.—

(1) IN GENERAL.—To the extent included in the research strategy developed by the Advisory Board under section 633(c)(3), the research entity or entities shall conduct research on health conditions of descendants of veterans with toxic exposure while serving as members of the Armed Forces.

(2) STUDIES.—In conducting research under paragraph (1), the research entity or entities may study any veteran, at the election of the veteran, identified under section 632(b)(3)(A) as a type of individual to be studied in order to conduct adequate scientific research relating to the descendants of veterans with toxic exposure.

(3) CATEGORIZATION.—In conducting research under paragraph (1), the research entity or entities shall assess, using the categories established under section 632(b)(4), the extent to which a health condition of a descendant of a veteran is related to the toxic exposure of the veteran while serving as a member of the Armed Forces.

(c) AVAILABILITY OF RECORDS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Veterans Affairs, and the head of each Federal agency identified under section 632(b)(3)(E) shall make available to the research entity or entities records held by the Department of Veterans Affairs, the Department of Defense, the Armed Forces, that Federal agency, or any other source under the jurisdiction of any such Federal agency or the Armed Forces, as appropriate, that the research entity or entities determine are necessary to carry out this section.

(2) MECHANISM FOR ACCESS.—The Secretary of Veterans Affairs, the Secretary of Defense, and the head of each Federal agency identified under section 632(b)(3)(E) shall jointly establish a mechanism for access by the research entity or entities to records made available under paragraph (1).

(d) ANNUAL REPORT.—

Consultation.

(1) IN GENERAL.—Not later than 1 year after commencing the conduct of research under this section, and not later than September 30 each year thereafter, each research entity with which the Secretary has entered into an agreement under subsection (a) shall, in consultation with the Advisory Board, submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on the functions of such entity under this section during the year preceding the submittal of the report.

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

Summary.

(A) A summary of the research efforts that have been completed during the year preceding the submittal of the report and that are ongoing as of the date of the submittal of the report.

(B) A description of any findings made during such year in carrying out such research efforts.

Recommendations.

(C) Recommendations for administrative or legislative action made by the Advisory Board based on such findings, which may include recommendations for further research under this section.

Records.

(3) UPON REQUEST.—Upon the request of any organization exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, the Secretary of Veterans Affairs may transmit to such organization a copy of a report received by the Secretary under paragraph (1).

TITLE VII—HOMELESSNESS MATTERS

Subtitle A—Access of Homeless Veterans to Benefits

SEC. 701. EXPANSION OF DEFINITION OF HOMELESS VETERAN FOR PURPOSES OF BENEFITS UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

38 USC 2002.

Section 2002 is amended—

(1) by striking "In this chapter" and inserting "(a) IN GENERAL.—In this chapter";

(2) by striking "in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a))" and inserting "in subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)"; and

(3) by adding at the end the following:

"(b) VETERAN DEFINED.—(1) Notwithstanding section 101(2) of this title and except as provided in paragraph (2), for purposes of sections 2011, 2012, 2013, 2044, and 2061 of this title, the term 'veteran' means a person who served in the active military,

naval, or air service, regardless of length of service, and who was discharged or released therefrom.

"(2) For purposes of paragraph (1), the term 'veteran' excludes a person who—

"(A) received a dishonorable discharge from the Armed Forces; or

"(B) was discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial.".

SEC. 702. AUTHORIZATION TO FURNISH CERTAIN BENEFITS TO HOMELESS VETERANS WITH DISCHARGES OR RELEASES UNDER OTHER THAN HONORABLE CONDITIONS.

38 USC 5303.

Section 5303(d) is amended—

(1) by striking "not apply to any war-risk insurance, Government (converted) or National Service Life Insurance policy." and inserting the following: "not apply to the following:

"(1) Any war-risk insurance, Government (converted) or National Service Life Insurance policy."; and

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

"(2) Benefits under section 2011, 2012, 2013, 2044, or 2061 of this title (except for benefits for individuals discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial).".

SEC. 703. WAIVER OF MINIMUM PERIOD OF CONTINUOUS ACTIVE DUTY IN ARMED FORCES FOR CERTAIN BENEFITS FOR HOMELESS VETERANS.

Section 5303A(b)(3) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

"(F) to benefits under section 2011, 2012, 2013, 2044, or 2061 of this title;".

SEC. 704. TRAINING OF PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS AND GRANT RECIPIENTS.

38 USC 2002 note.

The Secretary of Veterans Affairs shall conduct a program of training and education to ensure that the following persons are aware of and implement this title and the amendments made by this subtitle:

(1) Personnel of the Department of Veterans Affairs who are supporting or administering a program under chapter 20 of title 38, United States Code.

(2) Recipients of grants or other amounts for purposes of carrying out such a program.

SEC. 705. REGULATIONS.

Deadline. 38 USC 2002 note.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations, including such modifications to section 3.12 of title 38, Code of Federal Regulations (or any successor regulation), as the Secretary considers appropriate, to ensure that the Department of Veterans Affairs is in full compliance with this title and the amendments made by this subtitle.

Applicability.
38 USC 2002 note.

SEC. 706. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall apply to individuals seeking benefits under chapter 20 of title 38, United States Code, before, on, and after the date of the enactment of this Act.

Subtitle B—Other Homelessness Matters

SEC. 711. INCREASED PER DIEM PAYMENTS FOR TRANSITIONAL HOUSING ASSISTANCE THAT BECOMES PERMANENT HOUSING FOR HOMELESS VETERANS.

38 USC 2012.

Section 2012(a)(2) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(2) in subparagraph (C), as redesignated, by striking "in subparagraph (D)" and inserting "in subparagraph (E)";

(3) in subparagraph (D), as redesignated, by striking "under subparagraph (B)" and inserting "under subparagraph (C)";

(4) in subparagraph (E), as redesignated, by striking "in subparagraphs (B) and (C)" and inserting "in subparagraphs (C) and (D)";

(5) in subparagraph (A)—

(A) by striking "The rate" and inserting "Except as otherwise provided in subparagraph (B), the rate"; and

(B) by striking "under subparagraph (B)" and all that follows and inserting "under subparagraph (C).''; and

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

"(B)(i) Except as provided in clause (ii), in no case may the rate determined under this paragraph exceed the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.

"(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.".

SEC. 712. PROGRAM TO IMPROVE RETENTION OF HOUSING BY FORMERLY HOMELESS VETERANS AND VETERANS AT RISK OF BECOMING HOMELESS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Subchapter II of chapter 20 is amended—

38 USC 2014.

(A) by redesignating section 2013 as section 2014; and

(B) by inserting after section 2012 the following new section 2013:

38 USC 2013.

"§ 2013. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless

"(a) PROGRAM REQUIRED.—The Secretary shall carry out a program under which the Secretary shall provide case management

services to improve the retention of housing by veterans who were previously homeless and are transitioning to permanent housing and veterans who are at risk of becoming homeless.

"(b) GRANTS.—(1) The Secretary shall carry out the program through the award of grants.

"(2)(A) In awarding grants under paragraph (1), the Secretary shall give priority to organizations that demonstrate a capability to provide case management services as described in subsection (a), particularly organizations that are successfully providing or have successfully provided transitional housing services using amounts provided by the Secretary under sections 2012 and 2061 of this title.

"(B) In giving priority under subparagraph (A), the Secretary shall give extra priority to an organization described in such subparagraph that—

"(i) voluntarily stops receiving amounts provided by the Secretary under sections 2012 and 2061 of this title; and

"(ii) converts a facility that the organization used to provide transitional housing services into a facility that the organization uses to provide permanent housing that meets housing quality standards established under section 8(o)(8)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)(B)).

"(C) In any case in which a facility, with respect to which a person received a grant for construction, rehabilitation, or acquisition under section 2011 of this title, is converted as described in subparagraph (B)(ii), such conversion shall be considered to have been carried out pursuant to the needs of the Department and such person shall not be considered in noncompliance with the terms of such grant by reason of such conversion.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2013 and inserting the following new items: 38 USC prec. 2001.

"2013. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless.
"2014. Authorization of appropriations.".

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out section 2013 of such title, as added by subsection (a)(1)(B). Deadline. 38 USC 2013 note.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2020, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the program required by section 2013 of such title, as added by subsection (a)(1)(B).

(2) CONTENTS.—The report submitted under paragraph (1) shall include assessments of the following:

(A) The percentage of veterans who received case management services under the program who were able to retain permanent housing by the end of the program, disaggregated by each recipient of a grant under such section.

(B) The percentage of veterans who received case management services under the program who were not in permanent housing at the end of the program, disaggregated by housing status and reason for failing to retain permanent housing under the program.

(C) The use by veterans, who received case management services under the program, of housing assistance furnished by the Department of Veterans Affairs, including a comparison of the use of such assistance by such veterans before and after receiving such services.

(D) An assessment of the employment status of veterans who received case management services under the program, including a comparison of the employment status of such veterans before and after receiving such services.

SEC. 713. ESTABLISHMENT OF NATIONAL CENTER ON HOMELESSNESS AMONG VETERANS.

(a) IN GENERAL.—Subchapter VII of chapter 20 is amended by adding at the end the following new section:

38 USC 2067.

"§ 2067. National Center on Homelessness Among Veterans

"(a) IN GENERAL.—(1) The Secretary shall establish and operate a center to carry out the functions described in subsection (b).

"(2) The center established under paragraph (1) shall be known as the 'National Center on Homelessness Among Veterans'.

"(3) To the degree practicable, the Secretary shall operate the center established under paragraph (1) independently of the other programs of the Department that address homelessness among veterans.

"(b) FUNCTIONS.—The functions described in this subsection are as follows:

"(1) To carry out and promote research into the causes and contributing factors to veteran homelessness.

"(2) To assess the effectiveness of programs of the Department to meet the needs of homeless veterans.

"(3) To identify and disseminate best practices with regard to housing stabilization, income support, employment assistance, community partnerships, and such other matters as the Secretary considers appropriate with respect to addressing veteran homelessness.

"(4) To integrate evidence-based and best practices, policies, and programs into programs of the Department for homeless veterans and veterans at risk of homelessness and to ensure that the staff of the Department and community partners can implement such practices, policies, and programs.

"(5) To serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Department and by other Federal and non-Federal entities with respect to veteran homelessness.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 20 is amended by inserting after the item relating to section 2066 the following new item:

38 USC prec. 2001.

"2067. National Center on Homelessness Among Veterans.".

38 USC 2011 note.

SEC. 714. REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) assess and measure the capacity of programs for which entities receive grants under section 2011 of title 38, United

States Code, or per diem payments under section 2012 or 2061 of such title; and

(2) assess such programs with respect to—

(A) how well they achieve their stated goals at a national level;

(B) placements in permanent housing;

(C) placements in employment; and

(D) increases in the regular income of participants in the programs.

(b) ASSESSMENT AT NATIONAL AND LOCAL LEVELS.—In assessing and measuring under subsection (a)(1), the Secretary shall develop and use tools to examine the capacity of programs described in such subsection at both the national and local level in order to assess the following:

(1) Whether sufficient capacity exists to meet the needs of homeless veterans in each geographic area.

(2) Whether existing capacity meets the needs of the subpopulations of homeless veterans located in each geographic area.

(3) The amount of capacity that recipients of grants under sections 2011 and 2061 and per diem payments under section 2012 of such title have to provide services for which the recipients are eligible to receive per diem under section 2012(a)(2)(B)(ii) of title 38, United States Code, as added by section 711(6).

(c) CONSIDERATION OF OTHER RESOURCES.—In assessing and measuring programs under subsection (a)(1), the Secretary shall consider the availability to such programs of resources made available to such programs and to homeless veterans, including resources provided by the Department of Veterans Affairs and by entities other than the Department.

(d) USE OF INFORMATION.—The Secretary shall use the information collected under this section as follows:

(1) To set specific goals to ensure that programs described in subsection (a) are effectively serving the needs of homeless veterans.

(2) To assess whether programs described in subsection (a) are meeting goals set under paragraph (1).

(3) To inform funding allocations for programs described in subsection (a).

(4) To improve the referral of homeless veterans to programs described in subsection (a).

(e) REPORT.—Not later than 180 days after the date on which the assessment required by subsection (a) is completed, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such assessment and such recommendations for legislative and administrative action as the Secretary may have to improve the programs and per diem payments described in subsection (a).

SEC. 715. REPORT ON OUTREACH RELATING TO INCREASING THE AMOUNT OF HOUSING AVAILABLE TO VETERANS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Veterans' Affairs

and the Committee on Financial Services of the House of Representatives a report describing and assessing the outreach conducted by the Secretary to realtors, landlords, property management companies, and developers to educate them about the housing needs of veterans and the benefits of having veterans as tenants.

TITLE VIII—OTHER MATTERS

SEC. 801. DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION REFORMS.

38 USC 8103.

(a) APPLICATION OF INDUSTRY STANDARDS; ASSISTANCE.—Section 8103 is amended by adding at the end the following new subsections:

"(f) To the maximum extent practicable, the Secretary shall use industry standards, standard designs, and best practices in carrying out the construction of medical facilities.

Determination.

"(g) The Secretary shall ensure that each employee of the Department with responsibilities, as determined by the Secretary, relating to the infrastructure construction or alteration of medical facilities, including such construction or alteration carried out pursuant to contracts or agreements, undergoes a program of ongoing professional training and development. Such program shall be designed to ensure that employees maintain adequate expertise relating to industry standards and best practices for the acquisition of design and construction services. The Secretary may provide the program under this subsection directly or through a contract or agreement with a non-Federal entity or with a non-Department Federal entity.".

(b) FORENSIC AUDITS OF CERTAIN PROJECTS.—Subsection (c) of section 8104 is amended—

(1) by striking "Not less than 30 days" and inserting "(1) Not less than 30 days"; and

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

"(2) The Secretary shall—

Contracts.

"(A) enter into a contract or agreement with an appropriate non-department Federal entity with the ability to conduct forensic audits on medical facility projects for the conduct of an external forensic audit of the expenditures relating to any major medical facility or super construction project for which the total expenditures exceed the amount requested in the initial budget request for the project submitted to Congress under section 1105 of title 31 by more than 25 percent; and

Colorado.

"(B) enter into a contract or agreement with an appropriate non-department Federal entity with the ability to conduct forensic audits on medical facility projects for the conduct of an external audit of the medical center construction project in Aurora, Colorado.".

(c) USE OF AMOUNTS FROM BID SAVINGS.—Subsection (d)(2)(B) of such section is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following new clause (ii):

"(ii) If the major construction project that is the source of the bid savings is not complete—

"(I) the amount already obligated by the Department or available in the project reserve for such project;

"(II) the percentage of such project that has been completed; and

"(III) the amount available to the Department to complete such project."; and

(3) in clauses (iii) and (iv), as redesignated by paragraph (1), strike "amounts" and inserting "bid savings amounts" both places it appears.

(d) QUARTERLY REPORT ON SUPER CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—At the end of subchapter I of chapter 81 add the following new section:

"§ 8120. Quarterly report on super construction projects

38 USC 8120.

"(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the last day of each fiscal quarter the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the super construction projects carried out by the appropriate non-Department Federal entity described in section 8103(e)(1) of this title during such quarter. Each such report shall include, for each such project—

"(1) the budgetary and scheduling status of the project, as of the last day of the quarter covered by the report; and

"(2) the actual cost and schedule variances of the project, as of such day, compared to the planned cost and schedules for the project.

"(b) SUPER CONSTRUCTION PROJECT DEFINED.—In this section, the term 'super construction project' has the meaning given such term in section 8103(e)(3) of this title.".

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

38 USC prec. 8101.

"8120. Quarterly report on super construction projects.".

SEC. 802. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) In section 735(a)(5), by striking "(Public Law 104–191)" and inserting "(Public Law 104–191; 42 U.S.C. 1320d–2 note)".

38 USC 735.

(2) In the table of sections at the beginning of chapter 17, by striking the items relating to sections 1710D and 1710E and inserting the following new items:

38 USC prec. 1701.

"1710D. Traumatic brain injury: comprehensive program for long-term rehabilitation.

"1710E. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

(3) In section 1710(e)(1)(F), by inserting a comma after "1953".

38 USC 7412.

(4) In section 7412(b), by striking "under paragraph (1)" and inserting "under subsection (a)".

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6416:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 6, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–316
114th Congress

An Act

To ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

Dec. 16, 2016
[H.R. 6431]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Promoting Travel, Commerce, and National Security Act of 2016.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Travel, Commerce, and National Security Act of 2016".

SEC. 2. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.

(a) AMENDMENT.—Chapter 212A of title 18, United States Code, is amended— 18 USC prec. 3271.

(1) in the chapter heading, by striking "**TRAFFICKING IN PERSONS**"; and

(2) by adding after section 3272 the following:

"§ 3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives 18 USC 3273.

"(a) IN GENERAL.—Whoever, while employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in Canada pursuant to a treaty, executive agreement, or bilateral memorandum in furtherance of a border security initiative, engages in conduct (or conspires or attempts to engage in conduct) in Canada that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be fined or imprisoned, or both, as provided for that offense. Penalties.

"(b) DEFINITION.—In this section, the term 'employed by the Department of Homeland Security or the Department of Justice' means—

"(1) being employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Homeland Security or the Department of Justice;

"(2) being present or residing in Canada in connection with such employment; and

"(3) not being a national of or ordinarily resident in Canada.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Part II of title 18, United States Code, is amended—

18 USC prec. 3001.

(1) in the table of chapters, by striking the item relating to chapter 212A and inserting the following:

"212A. Extraterritorial jurisdiction over certain offenses ..... 3271";

and

18 USC prec. 3271.

(2) in the table of sections for chapter 212A, by inserting after the item relating to section 3272 the following:

"3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives.".

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this section and the amendments made by this section.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6431:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 7, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–317
114th Congress

An Act

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

Dec. 16, 2016
[H.R. 6450]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Inspector General Empowerment Act of 2016. 5 USC app. 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Inspector General Empowerment Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

5 USC app. 6.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 5 of this Act, is amended by adding at the end the following:

Records. Definitions.

"(j)(1) In this subsection, the terms 'agency', 'matching program', 'record', and 'system of records' have the meanings given those terms in section 552a(a) of title 5, United States Code.

"(2) For purposes of section 552a of title 5, United States Code, or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act shall not be considered a matching program.

"(3) Nothing in this subsection shall be construed to impede the exercise by an Inspector General of any matching program authority established under any other provision of law.

"(k) Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information during the conduct of an audit, investigation, inspection, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.".

SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

5 USC app. 11.

Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)(3)(B), by amending clause (viii) to read as follows:

Reports.

"(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

"(I) the President;

"(II) the appropriate committees of jurisdiction of the Senate and the House of Representatives;

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

"(IV) the Committee on Oversight and Government Reform of the House of Representatives.";

(2) in subsection (c)(1)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) except for matters coordinated among Inspectors General under section 3033 of title 50, United States Code, receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and"; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking "The Integrity" and inserting the following:

"(A) IN GENERAL.—The Integrity";

(iv) in clause (i), as so redesignated, by striking ", who" and all that follows through "the Committee";

(v) in clause (iii), as so redesignated, by inserting "or the designee of the Director" before the period at the end; and

(vi) by adding at the end the following:

"(B) CHAIRPERSON.—

"(i) IN GENERAL.—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

"(ii) TERM.—The term of office of the Chairperson of the Integrity Committee shall be 2 years.";

(B) by amending paragraph (5) to read as follows:

"(5) REVIEW OF ALLEGATIONS.—

Deadline.

"(A) IN GENERAL.—Not later than 7 days after the date on which the Integrity Committee receives an allegation of wrongdoing against an Inspector General or against a staff member of an Office of Inspector General described

under paragraph (4)(C), the allegation of wrongdoing shall be reviewed and referred to the Department of Justice or the Office of Special Counsel for investigation, or to the Integrity Committee for review, as appropriate, by—

"(i) a representative of the Department of Justice, as designated by the Attorney General;

"(ii) a representative of the Office of Special Counsel, as designated by the Special Counsel; and

"(iii) a representative of the Integrity Committee, as designated by the Chairperson of the Integrity Committee.

"(B) REFERRAL TO THE CHAIRPERSON.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after the date on which an allegation of wrongdoing is referred to the Integrity Committee under subparagraph (A), the Integrity Committee shall determine whether to refer the allegation of wrongdoing to the Chairperson of the Integrity Committee to initiate an investigation. Deadline. Determination.

"(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to the congressional committees described in paragraph (8)(A)(iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing."; Deadline. Notification.

(C) in paragraph (6)—

(i) in subparagraph (A), by striking "paragraph (5)(C)" and inserting "paragraph (5)(B)"; and

(ii) in subparagraph (B)(i), by striking "may provide resources" and inserting "shall provide assistance";

(D) in paragraph (7)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (III), by striking "and" at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:

"(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size;

"(VI) creating a process for rotation of Inspectors General assigned to investigate allegations through the Integrity Committee; and

"(VII) creating procedures to avoid conflicts of interest for Integrity Committee investigations.";

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

"(ii) EXCEPTION.—The requirement under clause (i)(V) shall not apply to any Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.";

(ii) by striking subparagraph (C); and

(iii) by inserting after subparagraph (B) the following:

Deadlines.

"(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

"(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

"(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

Notification.

"(I) promptly notify the congressional committees described in paragraph (8)(A)(iii); and

Briefing.

"(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the general reasons for delay until the investigation is complete.

"(D) CONCURRENT INVESTIGATION.—If an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph (4)(C) is referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Chairperson of the Integrity Committee may conduct any related investigation referred to the Chairperson under paragraph (5)(B) concurrently with the Department of Justice or the Office of Special Counsel, as applicable.

"(E) REPORTS.—

"(i) INTEGRITY COMMITTEE INVESTIGATIONS.—For each investigation of an allegation of wrongdoing referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall submit to members of the Integrity Committee and to the Chairperson of the Council a report containing the results of the investigation.

"(ii) OTHER INVESTIGATIONS.—For each allegation of wrongdoing referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Attorney General or the Special Counsel, as applicable, shall submit to the Integrity Committee a report containing the results of the investigation.

"(iii) AVAILABILITY TO CONGRESS.—

"(I) IN GENERAL.—The congressional committees described in paragraph (8)(A)(iii) shall have access to any report authored by the Integrity Committee.

"(II) MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the Integrity Committee may provide any report authored by the Integrity Committee to any Member of Congress.";

(E) by striking paragraph (8)(A)(iii) and inserting the following:

"(iii) submit the report, with the recommendations of the Integrity Committee, to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and other congressional committees of jurisdiction; and

"(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.";

Recommendations.

(F) in paragraph (9)(B), by striking "other agencies" and inserting "the Department of Justice or the Office of Special Counsel";

(G) in paragraph (10), by striking "any of the following" and all that follows through the period at the end and inserting "any Member of Congress."; and

(H) by adding at the end the following:

"(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

"(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term 'Special Counsel' means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

"(B) AUTHORITY OF INTEGRITY COMMITTEE.—

"(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation to the same extent and in the same manner as in the case of an allegation against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), subject to the requirement that the representative designated by the Special Counsel under paragraph (5)(A)(ii) shall recuse himself or herself from the consideration of any allegation brought under this paragraph.

"(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph shall not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this paragraph involves section 2302(b)(8) of such title, a failure to obtain corrective action within 120 days after the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of such title.

Deadline.

"(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as may otherwise apply.

"(13) COMMITTEE RECORDS.—The Chairperson of the Council shall maintain the records of the Integrity Committee.".

SEC. 4. REPORTS AND ADDITIONAL INFORMATION.

(a) REPORT ON VACANCIES IN THE OFFICES OF INSPECTOR GENERAL.—The Comptroller General of the United States shall—

Study.

(1) conduct a study of prolonged vacancies in the Offices of Inspector General during which a temporary appointee has served as the head of the office that includes—

(A) the number and duration of Inspector General vacancies;

Examination.

(B) an examination of the extent to which the number and duration of such vacancies has changed over time;

Evaluation.

(C) an evaluation of the impact such vacancies have had on the ability of the relevant Office of Inspector General to effectively carry out statutory requirements; and

Recommendations.

(D) recommendations to minimize the duration of such vacancies;

Deadline. Briefing.

(2) not later than 9 months after the date of enactment of this Act, present a briefing on the findings of the study conducted under paragraph (1) to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(3) not later than 15 months after the date of enactment of this Act, submit a report on the findings of the study conducted under paragraph (1) to the committees described in paragraph (2).

(b) REPORT ON ISSUES INVOLVING MULTIPLE OFFICES OF INSPECTOR GENERAL.—The Council of the Inspectors General on Integrity and Efficiency shall—

Analysis.

(1) conduct an analysis of critical issues that involve the jurisdiction of more than one individual Federal agency or entity to identify—

(A) each such issue that could be better addressed through greater coordination among, and cooperation between, individual Offices of Inspector General;

(B) the best practices that can be employed by the Offices of Inspector General to increase coordination and cooperation on each issue identified; and

(C) any recommended statutory changes that would facilitate coordination and cooperation among the Offices of Inspector General on critical issues; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on the findings of the analysis described in paragraph (1) to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(c) ADDITIONAL INFORMATION.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

5 USC app. 5.

(1) in subsection (a)—

(A) in paragraph (10)—

(i) by striking "period for which" and inserting "period—

"(A) for which"; and

(ii) by adding at the end the following:

"(B) for which no establishment comment was returned within 60 days of providing the report to the establishment; and

"(C) for which there are any outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations.";

(B) in paragraph (15), by striking "and" at the end;

(C) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(17) statistical tables showing—

"(A) the total number of investigative reports issued during the reporting period;

"(B) the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;

"(C) the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and

"(D) the total number of indictments and criminal informations during the reporting period that resulted from any prior referral to prosecuting authorities;

"(18) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

"(19) a report on each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including a detailed description of—

"(A) the facts and circumstances of the investigation; and

"(B) the status and disposition of the matter, including—

"(i) if the matter was referred to the Department of Justice, the date of the referral; and

"(ii) if the Department of Justice declined the referral, the date of the declination;

"(20) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation and what, if any, consequences the establishment imposed to hold that official accountable;

"(21) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

"(A) with budget constraints designed to limit the capabilities of the Office; and

"(B) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

"(22) detailed descriptions of the particular circumstances of each—

"(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

"(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public.";

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

"(4) Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described

in paragraph (1) may be provided to any Member of Congress upon request.

"(5) An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower."; and

(3) in subsection (f)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

Definition.

"(7) the term 'senior Government employee' means—

"(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18, United States Code) who occupies a position classified at or above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

"(B) any commissioned officer in the Armed Forces in pay grades O–6 and above.".

(d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE PUBLIC CERTAIN RECOMMENDATIONS.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

5 USC app. 4.

Recommendations.

"(e)(1) In carrying out the duties and responsibilities established under this Act, whenever an Inspector General issues a recommendation for corrective action to the agency, the Inspector General—

"(A) shall submit the document making a recommendation for corrective action to—

"(i) the head of the establishment;

"(ii) the congressional committees of jurisdiction; and

"(iii) if the recommendation for corrective action was initiated upon request by an individual or entity other than the Inspector General, that individual or entity;

"(B) may submit the document making a recommendation for corrective action to any Member of Congress upon request; and

Deadline.
Web posting.

"(C) not later than 3 days after the recommendation for corrective action is submitted in final form to the head of the establishment, post the document making a recommendation for corrective action on the website of the Office of Inspector General.

"(2) Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.".

(e) POSTING OF REPORTS ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.—Section 8M(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

5 USC app. 8M.

(1) in paragraph (1)(A), by striking "is made publicly available" and inserting "is submitted in final form to the head of the Federal agency or the head of the designated Federal entity, as applicable"; and

(2) by adding at the end the following:

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.".

SEC. 5. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended— 5 USC app. 6.

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

"(1)(A) to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act;

"(B) to have access under subparagraph (A) notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly—

"(i) refers to the Inspector General; and

"(ii) limits the right of access of the Inspector General; and

"(C) except as provided in subsection (i), with regard to Federal grand jury materials protected from disclosure pursuant to rule 6(e) of the Federal Rules of Criminal Procedure, to have timely access to such information if the Attorney General grants the request in accordance with subsection (h);";

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

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

"(b) Nothing in this section shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law."; and

(4) by inserting after subsection (g), as redesignated, the following:

"(h)(1) If the Inspector General of an establishment submits a request to the head of the establishment for Federal grand jury materials pursuant to subsection (a)(1), the head of the establishment shall immediately notify the Attorney General of such request. Records. Notification.

"(2) Not later than 15 days after the date on which a request is submitted to the Attorney General under paragraph (1), the Attorney General shall determine whether to grant or deny the request for Federal grand jury materials and shall immediately notify the head of the establishment of such determination. The Attorney General shall grant the request unless the Attorney General determines that granting access to the Federal grand jury materials would be likely to— Deadline. Determinations.

"(A) interfere with an ongoing criminal investigation or prosecution;

"(B) interfere with an undercover operation;

"(C) result in disclosure of the identity of a confidential source, including a protected witness;

"(D) pose a serious threat to national security; or

"(E) result in significant impairment of the trade or economic interests of the United States.

"(3)(A) The head of the establishment shall inform the Inspector General of the establishment of the determination made by the

Attorney General with respect to the request for Federal grand jury materials.

"(B) The Inspector General of the establishment described under subparagraph (A) may submit comments on the determination submitted pursuant to such subparagraph to the committees listed under paragraph (4) that the Inspector General considers appropriate.

Deadline. Statement.

"(4) Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

"(A) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

"(B) The Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(C) Other appropriate committees and subcommittees of Congress.

"(i) Subsections (a)(1)(C) and (h) shall not apply to requests from the Inspector General of the Department of Justice.".

SEC. 6. ACCESS TO INFORMATION FOR CERTAIN INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is amended—

5 USC app. 8.

(1) in section 8(b)(2)—

(A) by inserting "from accessing information described in paragraph (1)," after "completing any audit or investigation,"; and

(B) by inserting ", access such information," after "complete such audit or investigation";

5 USC app. 8D.

(2) in section 8D(a)(2)—

(A) by inserting "from accessing information described in paragraph (1)," after "completing any audit or investigation,"; and

(B) by inserting ", access such information," after "complete such audit or investigation";

5 USC app. 8E.

(3) in section 8E(a)(2)—

(A) by inserting "from accessing information described in paragraph (1)," after "completing any audit or investigation,"; and

(B) by inserting ", access such information," after "complete such audit or investigation";

5 USC app. 8G.

(4) in section 8G(d)(2)(A), by inserting ", or from accessing information available to an element of the intelligence community specified in subparagraph (D)," after "investigation";

5 USC app. 8I.

(5) in section 8I(a)(2)—

(A) by inserting "from accessing information described in paragraph (1)," after "completing any audit or investigation,"; and

(B) by inserting ", access such information," after "complete such audit or investigation";

5 USC app. 8J.

(6) in section 8J, by striking "or 8H" and inserting "8H, or 8N"; and

(7) by inserting after section 8M the following:

"SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE DEPARTMENT OF ENERGY. 5 USC app. 8N.

"(a) The Secretary of Energy may prohibit the Inspector General of the Department of Energy from accessing Restricted Data and nuclear safeguards information protected from disclosure under chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intelligence or counterintelligence, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), if the Secretary of Energy determines that the prohibition is necessary to protect the national security or prevent the significant impairment to the national security interests of the United States. Determination.

"(b) Not later than 7 days after the date on which the Secretary of Energy exercises any power authorized under subsection (a), the Secretary shall notify the Inspector General of the Department of Energy in writing the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of Energy shall submit to the appropriate committees of Congress a statement concerning such exercise.". Deadlines. Notification. Statement.

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEALS.—

(1) INSPECTOR GENERAL ACT OF 2008.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note) is repealed.

(2) FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111–8; 123 Stat. 693) is repealed. 5 USC app. 8M note.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 8M— 5 USC app. 8M.

(i) in subsection (a)(1)—

(I) by striking "Each agency" and inserting "Each Federal agency and designated Federal entity"; and

(II) by striking "that agency" each place that term appears and inserting "that Federal agency or designated Federal entity";

(ii) in subsection (b)—

(I) in paragraph (1), by striking "agency" and inserting "Federal agency and designated Federal entity"; and

(II) in paragraph (2), by striking "agency" each place that term appears and inserting "Federal agency and designated Federal entity"; and

(iii) by adding at the end the following:

"(c) DEFINITIONS.—In this section, the terms 'designated Federal entity' and 'head of the designated Federal entity' have the meanings given those terms in section 8G(a).";

(B) in section 11(c)(3)(A)(ii), by striking "department, agency, or entity of the executive branch" and inserting "Federal agency or designated Federal entity (as defined in section 8G(a))". 5 USC app. 11.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 180 days after the date of enactment of this Act. Time period. 5 USC app. 8M note.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—Section 8M(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended— 5 USC app. 8M.

(1) in subparagraph (A), by striking "report or audit (or portion of any report or audit)" and inserting "audit report, inspection report, or evaluation report (or portion of any such report)"; and

(2) by striking "report or audit (or portion of that report or audit)" each place that term appears and inserting "report (or portion of that report)".

(d) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501 note) is amended by striking "12933" and inserting "12993". 5 USC app. 11 note.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 4(b)(2)— 5 USC app. 4.

(i) by striking "8F(a)(2)" each place that term appears and inserting "8G(a)(2)"; and

(ii) by striking "8F(a)(1)" and inserting "8G(a)(1)";

(B) in section 5(a)(5), by striking "section 6(b)(2)" and inserting "section 6(c)(2)"; 5 USC app. 5.

(C) in section 5(a)(13), by striking "05(b)" and inserting "804(b)";

(D) in section 6(a)(4), by striking "information, as well as any tangible thing)" and inserting "information), as well as any tangible thing"; 5 USC app. 6.

(E) in section 8A(d), by striking "section 6(c)" and inserting "section 6(d)"; 5 USC app. 8A.

(F) in section 8G(g)(3), by striking "8C" and inserting "8D"; and 5 USC app. 8G.

(G) in section 11(d)(8)(A), in the matter preceding clause (i), by striking "paragraph (7)(C)" and inserting "paragraph (7)(E)". 5 USC app. 11.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 3(a), by striking "subpena" and inserting "subpoena"; 5 USC app. 3.

(B) in section 6(a)(4), by striking "subpenas" and inserting "subpoenas";

(C) in section 8D(a)— 5 USC app. 8D.

(i) in paragraph (1), by striking "subpenas" and inserting "subpoenas"; and

(ii) in paragraph (2), by striking "subpena" each place that term appears and inserting "subpoena";

(D) in section 8E(a)— 5 USC app. 8E.

(i) in paragraph (1), by striking "subpenas" and inserting "subpoenas"; and

(ii) in paragraph (2), by striking "subpena" each place that term appears and inserting "subpoena"; and

(E) in section 8G(d)(1), by striking "subpena" and inserting "subpoena".

SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act or the amendments made by this Act. The requirements of this Act and the amendments made by this Act shall be carried out using amounts otherwise authorized.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6450 (S. 579):

SENATE REPORTS: No. 114–36 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 579.

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 8, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–318
114th Congress

An Act

Dec. 16, 2016
[H.R. 6451]

To improve the Government-wide management of Federal property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Property Management Reform Act of 2016.
40 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Property Management Reform Act of 2016".

40 USC 621 note.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property;

(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices; and

(3) establishing a Federal Real Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property.

SEC. 3. PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

40 USC prec. 621.

"Subchapter VII—Property Management

40 USC 621.

"§ 621. Definitions

"In this subchapter:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

"(2) COUNCIL.—The term 'Council' means the Federal Real Property Council established by section 623(a).

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(4) FEDERAL AGENCY.—The term 'Federal agency' means—

"(A) an executive department or independent establishment in the executive branch of the Government; or

"(B) a wholly owned Government corporation (other than the United States Postal Service).

"(5) FIELD OFFICE.—The term 'field office' means any office of a Federal agency that is not the headquarters office location for the Federal agency.

"(6) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the United States Postal Service.

"(7) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining one or more Federal real property assets.

"(8) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

"(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

"(B) for program purposes that can be satisfied only with a portion of the property.

"§ 622. Collocation among United States Postal Service properties 40 USC 622.

"(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

"(1) identify a list of postal properties with space available for use by Federal agencies; and Records.

"(2) not later than September 30, submit the list to— Deadline.

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

"(B) the Committee on Oversight and Government Reform of the House of Representatives.

"(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

"(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.— Deadlines.

"(1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

"(2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—

"(A) review the list;

"(B) review properties under the control of the Federal agency; and

"(C) recommend collocations if appropriate. Recommendations.

"(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

"(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

"§ 623. Establishment of a Federal Real Property Council 40 USC 623.

"(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

"(b) PURPOSE.—The purpose of the Council shall be—

"(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

"(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

"(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

"(c) COMPOSITION.—

"(1) IN GENERAL.—The Council shall be composed exclusively of—

"(A) the senior real property officers of each Federal agency;

"(B) the Deputy Director for Management of the Office of Management and Budget;

"(C) the Controller of the Office of Management and Budget;

"(D) the Administrator; and

"(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

"(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

"(3) EXECUTIVE DIRECTOR.—

Designation.

"(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

"(B) QUALIFICATIONS.—The Executive Director shall—

Appointment.

"(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

"(ii) hold no outside employment that may conflict with duties inherent to the position.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

"(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

Consultation.

"(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

Deadlines.
Plan.

"(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

"(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;

"(B) to improve the management of real property; and

"(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies;

"(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

"(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly; Strategy.

"(4) provide guidance on eliminating inefficiencies in the Federal leasing process; Guidance.

"(5) compile a list of field offices that are suitable for collocation with other property assets; List.

"(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property; and

"(7) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains— Deadlines. Time periods. Effective date. Reports.

"(A) a list of the remaining excess property that is real property, surplus property that is real property, and underutilized property of each Federal agency; List.

"(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner; Guidance.

"(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7);

"(D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess or underutilized real property; and Recommendations.

"(E) a list of entities that are consulted under subsection (f). List.

"(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

"(1) State, local, and tribal authorities, as appropriate, and other affected communities; and

"(2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—

"(A) commercial real estate and development;

"(B) government management and operations;

"(C) space planning;

"(D) community development, including transportation and planning;

"(E) historic preservation; and

"(F) providing housing to the homeless population.

"(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

"(h) ACCESS TO REPORT.—The Council shall provide, on an annual basis, the real property management plan template required

under subsection (e)(1) and the reports required under subsection (e)(7) to—

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

"(2) the Committee on Environment and Public Works of the Senate;

"(3) the Committee on Oversight and Government Reform of the House of Representatives;

"(4) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(5) the Comptroller General of the United States.

"(i) EXCLUSIONS.—In this section, surplus property shall not include—

"(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

"(2) any property that is excepted from the definition of the term 'property' under section 102;

"(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

"(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

"(5) any real property the Director excludes for reasons of national security;

"(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

"(A) the Secretary of the Interior, acting through—

"(i) the Director of the Bureau of Land Management;

"(ii) the Director of the National Park Service;

"(iii) the Commissioner of Reclamation; or

"(iv) the Director of the United States Fish and Wildlife Service; or

"(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

"(7) any property operated and maintained by the United States Postal Service.

40 USC 624.

"§ 624. Information on certain leasing authorities

Deadline.
List.

"(a) IN GENERAL.—Except as provided in subsection (b), not later than December 31 of each year following the date of enactment of this subchapter, a Federal agency with independent leasing authority shall submit to the Council a list of all leases, including operating leases, in effect on the date of enactment of this subchapter that includes—

"(1) the date on which each lease was executed;

"(2) the date on which each lease will expire;

"(3) a description of the size of the space;

"(4) the location of the property;

"(5) the tenant agency;

"(6) the total annual rental payment; and

"(7) the amount of the net present value of the total estimated legal obligations of the Federal Government over the life of the contract.

"(b) EXCEPTION.—Subsection (a) shall not apply to—

"(1) the United States Postal Service; or

"(2) any other property the Director excludes from subsection (a) for reasons of national security.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following: 40 USC prec. 501.

"SUBCHAPTER VII—PROPERTY MANAGEMENT

"Sec. 621. Definitions.
"Sec. 622. Collocation among United States Postal Service properties.
"Sec. 623. Establishment of a Federal Real Property Council.
"Sec. 624. Information on certain leasing authorities.".

(2) TECHNICAL AMENDMENT.—Section 102 of title 40, United States Code, is amended in the matter preceding paragraph (1) by striking "The" and inserting "Except as provided in subchapter VII of chapter 5 of this title, the".

SEC. 4. UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT.

(a) IN GENERAL.—Part III of title 39, United States Code, is amended by adding at the end the following:

"CHAPTER 29—PROPERTY MANAGEMENT

39 USC prec. 2901.

"Sec.
"2901. Definitions.
"2902. Property management.

"§ 2901. Definitions

39 USC 2901.

"In this chapter:

"(1) EXCESS PROPERTY.—The term 'excess property' means any postal property that the Postal Service determines is not required to meet the needs or responsibilities of the Postal Service.

"(2) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the Postal Service.

"(3) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property that is postal property, including any improvements, that is used—

"(A) irregularly or intermittently by the Postal Service for program purposes of the Postal Service; or

"(B) for program purposes that can be satisfied only with a portion of the property.

"§ 2902. Property management

39 USC 2902.

"(a) IN GENERAL.—The Postal Service—

"(1) shall maintain adequate inventory controls and accountability systems for postal property;

"(2) shall develop current and future workforce projections so as to have the capacity to assess the needs of the Postal Service workforce regarding the use of property;

"(3) may develop a 5-year management template that—

"(A) establishes goals and policies that will lead to the reduction of excess property and underutilized property in the inventory of the Postal Service;

"(B) adopts workplace practices, configurations, and management techniques that can achieve increased levels

of productivity and decrease the need for real property assets;

Assessments. "(C) assesses leased space to identify space that is not fully used or occupied;

Recommendations. "(D) develops recommendations on how to address excess capacity at Postal Service facilities without negatively impacting mail delivery; and

Recommendations. "(E) develops recommendations on ensuring the security of mail processing operations; and

"(4) if the Postal Service develops a template under paragraph (3) shall, as part of that template and on a regular basis—

Records. "(A) conduct an inventory of postal property that is real property; and

Publication. Reports. "(B) publish a report that covers each property identified under subparagraph (A), similar to the USPS Owned Facilities Report and the USPS Leased Facilities Report, that includes—

"(i) the date on which the Postal Service first occupied the property;

"(ii) the size of the property in square footage and acreage;

"(iii) the geographical location of the property, including an address and description;

"(iv) the extent to which the property is being utilized;

"(v) the actual annual operating costs associated with the property;

"(vi) the total cost of capital expenditures associated with the property;

"(vii) the number of postal employees, contractor employees, and functions housed at the property;

"(viii) the extent to which the mission of the Postal Service is dependent on the property; and

Time period. "(ix) the estimated amount of capital expenditures projected to maintain and operate the property over each of the next 5 years after the date of enactment of this chapter.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(4)(B) shall be construed to require the Postal Service to obtain an appraisal of postal property.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end the following:

39 USC prec. 2001.

"29. Property Management ..... 2901".

SEC. 5. INSPECTOR GENERAL REPORT ON UNITED STATES POSTAL SERVICE PROPERTY.

(a) DEFINITION OF EXCESS PROPERTY.—In this section, the term "excess property" has the meaning given the term in section 2901 of title 39, United States Code, as added by section 4.

(b) EXCESS PROPERTY REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the United States Postal Service shall submit to Congress a report that includes—

Survey. (1) a survey of excess property held by the United States Postal Service; and

(2) recommendations for repurposing property identified in paragraph (1)—

(A) to—

(i) reduce excess capacity; and

(ii) increase collocation with other Federal agencies; and

(B) without diminishing the ability of the United States Postal Service to meet the service standards established under section 3691 of title 39, United States Code, as in effect on January 1, 2016.

SEC. 6. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 524(a) of title 40, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) develop current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

"(7) establish goals and policies that will lead the executive agency to reduce excess property and underutilized property in the inventory of the executive agency;

"(8) submit to the Federal Real Property Council an annual report on all excess property that is real property and underutilized property in the inventory of the executive agency, including—

"(A) whether underutilized property can be better utilized, including through collocation with other executive agencies or consolidation with other facilities; and

"(B) the extent to which the executive agency believes that retention of the underutilized property serves the needs of the executive agency;

"(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

"(10) assess leased space to identify space that is not fully used or occupied;

"(11) on an annual basis and subject to the guidance of the Federal Real Property Council—

"(A) conduct an inventory of real property under control of the executive agency; and

"(B) make an assessment of each property, which shall include—

"(i) the age and condition of the property;

"(ii) the size of the property in square footage and acreage;

"(iii) the geographical location of the property, including an address and description;

"(iv) the extent to which the property is being utilized;

"(v) the actual annual operating costs associated with the property;

"(vi) the total cost of capital expenditures incurred by the Federal Government associated with the property;

"(vii) sustainability metrics associated with the property;

"(viii) the number of Federal employees and contractor employees and functions housed at the property;

"(ix) the extent to which the mission of the executive agency is dependent on the property;

"(x) the estimated amount of capital expenditures projected to maintain and operate the property during the 5-year period beginning on the date of enactment of this paragraph; and

"(xi) any additional information required by the Administrator of General Services to carry out section 623; and

"(12) provide to the Federal Real Property Council and the Administrator of General Services the information described in paragraph (11)(B) to be used for the establishment and maintenance of the database described in section 21 of the Federal Assets Sale and Transfer Act of 2016.".

(b) DEFINITION OF EXECUTIVE AGENCY.—Section 524 of title 40, United States Code, is amended by adding at the end the following:

"(c) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of paragraphs (6) through (12) of subsection (a), the term 'executive agency' shall have the meaning given the term 'Federal agency' in section 621.".

SEC. 7. TECHNICAL AMENDMENTS.

(a) DEFINITION OF APPLICABLE ACT.—In this section, the term "applicable Act" means the Federal Assets Sale and Transfer Act of 2016 (H.R. 4465, 114th Congress, 2d Session).

40 USC 1303 note.

(b) BOARD.—Section 4(c) of the applicable Act is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) IN GENERAL.—The Board shall be composed of a Chairperson appointed by the President, by and with the advice and consent of the Senate, and 6 members appointed by the President.

"(2) APPOINTMENTS.—

"(A) IN GENERAL.—In selecting individuals for appointments to the Board, the President shall appoint members in the following manner:

"(i) Two members recommended by the Speaker of the House of Representatives.

"(ii) Two members recommended by the majority leader of the Senate.

"(iii) One member recommended by the minority leader of the House of Representatives.

"(iv) One member recommended by the minority leader of the Senate.

"(B) DEADLINE.—The appointment of members to the Board shall be made not later than 90 days after the date of enactment of this Act.

"(3) TERMS.—The term for each member of the Board shall be 6 years.".

(c) AGENCY RETENTION OF PROCEEDS.—

(1) IN GENERAL.—Section 571 of title 40, United States Code (as amended by section 20 of the applicable Act), is amended by adding at the end the following:

"(d) SAVINGS PROVISION.—Nothing in this section modifies, alters, or repeals any other provision of Federal law directing the use of retained proceeds relating to the sale of property of an agency.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted as part of the applicable Act. 40 USC 571 note.

(d) SALE.—Section 24 of the applicable Act is amended— 40 USC 1303 note.

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

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

"(c) REQUIREMENT.—Notwithstanding any other provision of law, the sale of the property by the Administrator of General Services shall ensure continuity of security measures, parking access, and infrastructure requirements of the James Forrestal Building while it is occupied by the Department of Energy.".

(e) EFFECTIVE DATE.—Except as provided in subsection (c)(2), this section and the amendments made by this section shall take effect immediately after the enactment of the applicable Act. 40 USC 571 note.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6451:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 8, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–319
114th Congress

An Act

Dec. 16, 2016
[H.R. 6477]

To amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Cultural Exchange Jurisdictional Immunity Clarification Act.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Cultural Exchange Jurisdictional Immunity Clarification Act".

SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF FOREIGN STATES.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

"(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART EXHIBITION ACTIVITIES.—

"(1) IN GENERAL.—If—

Exports and imports.

"(A) a work is imported into the United States from any foreign state pursuant to an agreement that provides for the temporary exhibition or display of such work entered into between a foreign state that is the owner or custodian of such work and the United States or one or more cultural or educational institutions within the United States;

President. Determination.

"(B) the President, or the President's designee, has determined, in accordance with subsection (a) of Public Law 89–259 (22 U.S.C. 2459(a)), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest; and

"(C) the notice thereof has been published in accordance with subsection (a) of Public Law 89–259 (22 U.S.C. 2459(a)),

any activity in the United States of such foreign state, or of any carrier, that is associated with the temporary exhibition or display of such work shall not be considered to be commercial activity by such foreign state for purposes of subsection (a)(3).

"(2) EXCEPTIONS.—

"(A) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case asserting jurisdiction under subsection (a)(3) in which rights in property taken in violation of international law are in issue within the meaning of that subsection and—

"(i) the property at issue is the work described in paragraph (1);

"(ii) the action is based upon a claim that such work was taken in connection with the acts of a covered government during the covered period;

"(iii) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d); and Determination.

"(iv) a determination under clause (iii) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

"(B) OTHER CULTURALLY SIGNIFICANT WORKS.—In addition to cases exempted under subparagraph (A), paragraph (1) shall not apply in any case asserting jurisdiction under subsection (a)(3) in which rights in property taken in violation of international law are in issue within the meaning of that subsection and—

"(i) the property at issue is the work described in paragraph (1);

"(ii) the action is based upon a claim that such work was taken in connection with the acts of a foreign government as part of a systematic campaign of coercive confiscation or misappropriation of works from members of a targeted and vulnerable group;

"(iii) the taking occurred after 1900;

"(iv) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d); and Determination.

"(v) a determination under clause (iv) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'work' means a work of art or other object of cultural significance;

"(B) the term 'covered government' means—

"(i) the Government of Germany during the covered period;

"(ii) any government in any area in Europe that was occupied by the military forces of the Government of Germany during the covered period;

"(iii) any government in Europe that was established with the assistance or cooperation of the Government of Germany during the covered period; and

"(iv) any government in Europe that was an ally of the Government of Germany during the covered period; and

"(C) the term 'covered period' means the period beginning on January 30, 1933, and ending on May 8, 1945.". Time period.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act. Applicability. 28 USC 1605 note.

28 USC 1605 note.

SEC. 3. NOTIFICATION.

The Secretary of State shall ensure that foreign states that apply for immunity under Public Law 89–259 (22 U.S.C. 2459) are appropriately notified of the text of this Act.

Approved December 16, 2016.

LEGISLATIVE HISTORY—H.R. 6477:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 8, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 114–320
114th Congress

An Act

To provide for the approval of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy.

Dec. 16, 2016
[S. 8]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL OF AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY CONCERNING PEACEFUL USES OF NUCLEAR ENERGY.

Effective date.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy, done at Washington June 11, 2016, may be brought into effect on or after the date of the enactment of this Act, as if all the requirements in such section for consideration of such agreement had been satisfied, subject to subsection (b).

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954 AND OTHER PROVISIONS OF LAW.—Upon entering into effect, the agreement referred to in subsection (a) shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and any other applicable United States law as if such agreement had

come into effect in accordance with the requirements of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 8:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 9, considered and passed Senate.
Dec. 13, considered and passed House.

Public Law 114–321
114th Congress

An Act

An Act to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

Dec. 16, 2016
[S. 546]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RESPONSE Act of 2016.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "RESPONSE Act of 2016".

SEC. 2. RAILROAD EMERGENCY SERVICES PREPAREDNESS, OPERATIONAL NEEDS, AND SAFETY EVALUATION SUBCOMMITTEE.

Section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) is amended—

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

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

"(d) RESPONSE SUBCOMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of the RESPONSE Act of 2016, the Administrator shall establish, as a subcommittee of the National Advisory Council, the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation Subcommittee (referred to in this subsection as the 'RESPONSE Subcommittee'). Deadline.

"(2) MEMBERSHIP.—Notwithstanding subsection (c), the RESPONSE Subcommittee shall be composed of the following:

"(A) The Deputy Administrator, Protection and National Preparedness of the Federal Emergency Management Agency, or designee.

"(B) The Chief Safety Officer of the Pipeline and Hazardous Materials Safety Administration, or designee.

"(C) The Associate Administrator for Hazardous Materials Safety of the Pipeline and Hazardous Materials Safety Administration, or designee.

"(D) The Director of the Office of Emergency Communications of the Department of Homeland Security, or designee.

"(E) The Director for the Office of Railroad, Pipeline and Hazardous Materials Investigations of the National Transportation Safety Board, or designee.

"(F) The Chief Safety Officer and Associate Administrator for Railroad Safety of the Federal Railroad Administration, or designee.

"(G) The Assistant Administrator for Security Policy and Industry Engagement of the Transportation Security Administration, or designee.

"(H) The Assistant Commandant for Response Policy of the Coast Guard, or designee.

"(I) The Assistant Administrator for the Office of Solid Waste and Emergency Response of the Environmental Protection Agency, or designee.

"(J) Such other qualified individuals as the co-chairpersons shall jointly appoint as soon as practicable after the date of the enactment of the RESPONSE Act of 2016 from among the following:

"(i) Members of the National Advisory Council that have the requisite technical knowledge and expertise to address rail emergency response issues, including members from the following disciplines:

"(I) Emergency management and emergency response providers, including fire service, law enforcement, hazardous materials response, and emergency medical services.

"(II) State, local, and tribal government officials.

"(ii) Individuals who have the requisite technical knowledge and expertise to serve on the RESPONSE Subcommittee, including at least 1 representative from each of the following:

"(I) The rail industry.

"(II) Rail labor.

"(III) Persons who offer oil for transportation by rail.

"(IV) The communications industry.

"(V) Emergency response providers, including individuals nominated by national organizations representing State and local governments and emergency responders.

"(VI) Emergency response training providers.

"(VII) Representatives from tribal organizations.

"(VIII) Technical experts.

"(IX) Vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency responder services.

"(iii) Representatives of such other stakeholders and interested and affected parties as the co-chairpersons consider appropriate.

"(3) CO-CHAIRPERSONS.—The members described in subparagraphs (A) and (B) of paragraph (2) shall serve as the co-chairpersons of the RESPONSE Subcommittee.

Deadline.

"(4) INITIAL MEETING.—The initial meeting of the RESPONSE Subcommittee shall take place not later than 90 days after the date of enactment of the RESPONSE Act of 2016.

"(5) CONSULTATION WITH NONMEMBERS.—The RESPONSE Subcommittee and the program offices for emergency responder training and resources shall consult with other relevant agencies and groups, including entities engaged in federally funded research and academic institutions engaged in relevant work

and research, which are not represented on the RESPONSE Subcommittee to consider new and developing technologies and methods that may be beneficial to preparedness and response to rail hazardous materials incidents.

"(6) RECOMMENDATIONS.—The RESPONSE Subcommittee shall develop recommendations, as appropriate, for improving emergency responder training and resource allocation for hazardous materials incidents involving railroads after evaluating the following topics: Evaluations.

"(A) The quality and application of training for State and local emergency responders related to rail hazardous materials incidents, including training for emergency responders serving small communities near railroads, including the following:

"(i) Ease of access to relevant training for State and local emergency responders, including an analysis of—

"(I) the number of individuals being trained;

"(II) the number of individuals who are applying;

"(III) whether current demand is being met;

"(IV) current challenges; and

"(V) projected needs.

"(ii) Modernization of training course content related to rail hazardous materials incidents, with a particular focus on fluctuations in oil shipments by rail, including regular and ongoing evaluation of course opportunities, adaptation to emerging trends, agency and private sector outreach, effectiveness and ease of access for State and local emergency responders.

"(iii) Identification of overlap in training content and identification of opportunities to develop complementary courses and materials among governmental and nongovernmental entities.

"(iv) Online training platforms, train-the-trainer, and mobile training options.

"(B) The availability and effectiveness of Federal, State, local, and nongovernmental funding levels related to training emergency responders for rail hazardous materials incidents, including emergency responders serving small communities near railroads, including—

"(i) identifying overlap in resource allocations;

"(ii) identifying cost savings measures that can be implemented to increase training opportunities;

"(iii) leveraging government funding with nongovernmental funding to enhance training opportunities and fill existing training gaps;

"(iv) adaptation of priority settings for agency funding allocations in response to emerging trends;

"(v) historic levels of funding across Federal agencies for rail hazardous materials incident response and training, including funding provided by the private sector to public entities or in conjunction with Federal programs; and

"(vi) current funding resources across agencies.

"(C) The strategy for integrating commodity flow studies, mapping, and rail and hazardous materials databases for State and local emergency responders and increasing the rate of access to the individual responder in existing or emerging communications technology.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the RESPONSE Act of 2016, the RESPONSE Subcommittee shall submit a report to the National Advisory Council that—

"(i) includes the recommendations developed under paragraph (6);

"(ii) specifies the timeframes for implementing any such recommendations that do not require congressional action; and

"(iii) identifies any such recommendations that do require congressional action.

"(B) REVIEW.—Not later than 30 days after receiving the report under subparagraph (A), the National Advisory Council shall begin a review of the report. The National Advisory Council may ask for additional clarification, changes, or other information from the RESPONSE Subcommittee to assist in the approval of the recommendations.

"(C) RECOMMENDATION.—Once the National Advisory Council approves the recommendations of the RESPONSE Subcommittee, the National Advisory Council shall submit the report to—

"(i) the co-chairpersons of the RESPONSE Subcommittee;

"(ii) the head of each other agency represented on the RESPONSE Subcommittee;

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

"(iv) the Committee on Commerce, Science, and Transportation of the Senate;

"(v) the Committee on Homeland Security of the House of Representatives; and

"(vi) the Committee on Transportation and Infrastructure of the House of Representatives.

"(8) INTERIM ACTIVITY.—

"(A) UPDATES AND OVERSIGHT.—After the submission of the report by the National Advisory Council under paragraph (7), the Administrator shall—

"(i) provide annual updates to the congressional committees referred to in paragraph (7)(C) regarding the status of the implementation of the recommendations developed under paragraph (6); and

Coordination.

"(ii) coordinate the implementation of the recommendations described in paragraph (6)(G)(i), as appropriate.

"(B) SUNSET.—The requirements of subparagraph (A) shall terminate on the date that is 2 years after the date of the submission of the report required under paragraph (7)(A).

"(9) TERMINATION.—The RESPONSE Subcommittee shall terminate not later than 90 days after the submission of the report required under paragraph (7)(C).".

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 546:

HOUSE REPORTS: No. 114–808 (Comm. on Transportation and Infrastructure).
SENATE REPORTS: No. 114–85 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 162 (2016):
May 9, considered and passed Senate.
Nov. 29, considered and passed House, amended.
Dec. 9, Senate concurred in House amendment.

Public Law 114–322
114th Congress

An Act

Dec. 16, 2016
[S. 612]

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Infrastructure Improvements for the Nation Act.
33 USC 2201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Infrastructure Improvements for the Nation Act" or the "WIIN Act".

(b) TABLE OF CONTENTS.—

Water Resources Development Act of 2016.

TITLE I—WATER RESOURCES DEVELOPMENT

33 USC 2201 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the "Water Resources Development Act of 2016".

33 USC 2201 note.

SEC. 1002. SECRETARY DEFINED.

In this title, the term "Secretary" means the Secretary of the Army.

Subtitle A—General Provisions

SEC. 1101. YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended—

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

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

"(c) YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.—The Secretary, to the maximum extent practicable, shall enter into cooperative agreements with qualified youth service and conservation corps organizations for services relating to projects under the jurisdiction of the Secretary and shall do so in a manner that ensures the maximum participation and opportunities for such organizations.".

SEC. 1102. NAVIGATION SAFETY.

33 USC 2232 note.

The Secretary shall use section 5 of the Act of March 4, 1915 (38 Stat. 1053, chapter 142; 33 U.S.C. 562), to carry out navigation safety activities at those projects eligible for operation and maintenance under section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)).

SEC. 1103. EMERGING HARBORS.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in subsection (c)(3) by striking "for each of fiscal years 2015 through 2022" and inserting "for each fiscal year"; and

(2) by striking subsection (d)(1)(A) and inserting the following:

"(A) IN GENERAL.—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.".

SEC. 1104. FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—The Secretary, at Federal expense, shall establish an inventory and conduct an assessment of the general structural condition of all Federal breakwaters and jetties protecting harbors and inland harbors within the United States.

(b) CONTENTS.—The inventory and assessment carried out under subsection (a) shall include—

(1) compiling location information for all Federal breakwaters and jetties protecting harbors and inland harbors within the United States;

(2) determining the general structural condition of each breakwater and jetty;

(3) analyzing the potential risks to navigational safety, and the impact on the periodic maintenance dredging needs of protected harbors and inland harbors, resulting from the general structural condition of each breakwater and jetty; and

(4) estimating the costs, for each breakwater and jetty, to restore or maintain the breakwater or jetty to authorized levels and the total of all such costs.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the inventory and assessment carried out under subsection (a).

SEC. 1105. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3) by inserting "in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project," after "community"; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting "and communities that are located in the region to be served by the project and that will rely on the project" after "community";

(B) in paragraph (4) by striking "local population" and inserting "regional population to be served by the project"; and

(C) in paragraph (5) by striking "community" and inserting "local community and communities that are located in the region to be served by the project and that will rely on the project".

33 USC 2326d.

SEC. 1106. ALTERNATIVE PROJECTS TO MAINTENANCE DREDGING.

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation channel, are less than the costs of maintaining such channel without the alternative project.

SEC. 1107. GREAT LAKES NAVIGATION SYSTEM.

Section 210(d)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(d)(1)(B)) is amended in the matter preceding clause (i) by striking "For each of fiscal years 2015 through 2024" and inserting "For each fiscal year".

SEC. 1108. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

Section 2101 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238b) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "The target total" and inserting "Except as provided in subsection (c), the target total";

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

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

"(c) EXCEPTION.—If the target total budget resources for a fiscal year described in subparagraphs (A) through (J) of subsection (b)(1) is lower than the target total budget resources for the previous fiscal year, the target total budget resources shall be adjusted to be equal to the lesser of—

"(1) 103 percent of the total budget resources appropriated for the previous fiscal year; or

"(2) 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.".

33 USC 2238d.

SEC. 1109. MAINTENANCE OF HARBORS OF REFUGE.

The Secretary is authorized to maintain federally authorized harbors of refuge to restore and maintain the authorized dimensions of the harbors.

SEC. 1110. DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

"(2) DISCRETIONARY CARGO.—The term 'discretionary cargo' means maritime cargo for which the United States port of unlading is different than the United States port of entry.";

(C) in paragraph (3) (as redesignated)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as redesignated) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(iii) by adding at the end the following:

"(B) CALCULATION.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described under subsection (c)(1) shall not be included.";

(D) in paragraph (5)(A) (as redesignated), by striking "Code of Federal Regulation" and inserting "Code of Federal Regulations"; and

(E) by adding at the end the following:

"(8) MEDIUM-SIZED DONOR PORT.—The term 'medium-sized donor port' means a port—

"(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

"(B) at which the total amount of harbor maintenance taxes collected comprise annually more than $5,000,000 but less than $15,000,000 of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

"(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

"(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded onto vessels in fiscal year 2012.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "donor ports" and inserting "donor ports, medium-sized donor ports,"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) shall be made available to a port as either a donor port, medium-sized donor port, or an energy transfer port, and no port may receive amounts from more than 1 designation; and

"(C) for donor ports and medium-sized donor ports—

"(i) 50 percent of the funds shall be equally divided between the eligible donor ports as authorized by this section; and

"(ii) 50 percent of the funds shall be divided between the eligible donor ports and eligible medium-sized donor ports based on the percentage of the total harbor maintenance tax revenues generated at each eligible donor port and medium-sized donor port.";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "donor port" and inserting "donor port, a medium-sized donor port,"; and

(B) in paragraph (1)—

(i) by striking "or shippers transporting cargo";

(ii) by striking "U.S. Customs and Border Protection" and inserting "the Secretary"; and

(iii) by striking "amount of harbor maintenance taxes collected" and inserting "value of discretionary cargo";

(4) by striking subsection (d) and inserting the following:

"(d) ADMINISTRATION OF PAYMENTS.—

"(1) IN GENERAL.—If a donor port, a medium-sized donor port, or an energy transfer port elects to provide payments to importers under subsection (c), the Secretary shall transfer to the Commissioner of U.S. Customs and Border Protection an amount equal to those payments that would otherwise be provided to the port under this section to provide the payments to the importers of the discretionary cargo that is—

"(A) shipped through the port; and

"(B) most at risk of diversion to seaports outside of the United States.

"(2) REQUIREMENT.—The Secretary, in consultation with a port electing to provide payments under subsection (c), shall determine the top importers at the port, as ranked by the value of discretionary cargo, and payments shall be limited to those top importers.";

(5) in subsection (f)—

(A) in paragraph (1) by striking "2018" and inserting "2020";

(B) by striking paragraph (2) and inserting the following:

"(2) DIVISION BETWEEN DONOR PORTS, MEDIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

"(A) donor ports and medium-sized donor ports; and

"(B) energy transfer ports."; and

(C) in paragraph (3)—

(i) by striking "2015 through 2018" and inserting "2016 through 2020"; and

(ii) by striking "2019 through 2022" and inserting "2021 through 2025"; and

(6) by adding at the end the following:

"(g) SAVINGS CLAUSE.—Nothing in this section waives any statutory requirement related to the transportation of merchandise as authorized under chapter 551 of title 46, United States Code.".

SEC. 1111. HARBOR DEEPENING.

Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

(1) in the matter preceding subparagraph (A) by striking "the date of enactment of this Act" and inserting "the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121)";

(2) in subparagraph (B) by striking "45 feet" and inserting "50 feet"; and

(3) in subparagraph (C) by striking "45 feet" and inserting "50 feet".

SEC. 1112. IMPLEMENTATION GUIDANCE.

33 USC 2238 note.

Section 2102 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1273) is amended by adding at the end the following:

"(d) GUIDANCE.—Not later than 90 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall publish on the website of the Corps of Engineers guidance on the implementation of this section and the amendments made by this section.".

SEC. 1113. NON-FEDERAL INTEREST DREDGING AUTHORITY.

33 USC 2326e.

(a) IN GENERAL.—The Secretary may permit a non-Federal interest to carry out, for an authorized navigation project (or a separable element of an authorized navigation project), such maintenance activities as are necessary to ensure that the project is maintained to not less than the minimum project dimensions.

(b) COST LIMITATIONS.—Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities, with any reimbursement subject to the non-Federal interest complying with all Federal laws and regulations that would apply to such maintenance activities if carried out by the Secretary.

(c) AGREEMENT.—Before initiating maintenance activities under this section, a non-Federal interest shall enter into an agreement with the Secretary that specifies, for the performance of the maintenance activities, the terms and conditions that are acceptable to the non-Federal interest and the Secretary.

(d) PROVISION OF EQUIPMENT.—In carrying out maintenance activities under this section, a non-Federal interest shall—

(1) provide equipment at no cost to the Federal Government; and

(2) hold and save the United States free from any and all damage that arises from the use of the equipment of the non-Federal interest, except for damage due to the fault or negligence of a contractor of the Federal Government.

(e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—Costs that are eligible for reimbursement under this section are the costs of maintenance activities directly related to the costs associated with operation and maintenance of a dredge based on the lesser of—

(1) the costs associated with operation and maintenance of the dredge during the period of time that the dredge is being used in the performance of work for the Federal Government during a given fiscal year; or

(2) the actual fiscal year Federal appropriations that are made available for the portion of the maintenance activities for which the dredge was used.

(f) AUDIT.—Not earlier than 5 years after the date of enactment of this Act, the Secretary may conduct an audit on any maintenance activities for an authorized navigation project (or a separable element of an authorized navigation project) carried out under this section to determine if permitting a non-Federal interest to carry out maintenance activities under this section has resulted in—

(1) improved reliability and safety for navigation; and
(2) cost savings to the Federal Government.

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 1114. TRANSPORTATION COST SAVINGS.

Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

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

(2) by inserting after subparagraph (A) the following:

"(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.".

SEC. 1115. RESERVOIR SEDIMENT.

(a) IN GENERAL.—Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended to read as follows:

"SEC. 215. RESERVOIR SEDIMENT.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016 and after providing public notice, the Secretary shall establish, using available funds, a pilot program to accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

"(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

"(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

"(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services;

"(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality; and

"(4) limit the number of dams for which services are accepted to 10.

"(c) LIMITATION.—

"(1) IN GENERAL.—The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

"(2) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment

and Public Works of the Senate written notice describing the reasoning for the determination.

"(d) DISPOSITION OF REMOVED SEDIMENT.—In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

"(e) CONGRESSIONAL NOTIFICATION.—Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

"(f) REPORT TO CONGRESS.—Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2000 is amended by striking the item relating to section 215 and inserting the following:

"Sec. 215. Reservoir sediment.".

SEC. 1116. WATER SUPPLY CONSERVATION.

(a) IN GENERAL.—In a State in which a drought emergency has been declared or was in effect during the 1-year period ending on the date of enactment of this Act, the Secretary is authorized—

(1) to conduct an evaluation for purposes of approving water supply conservation measures that are consistent with the authorized purposes of water resources development projects under the jurisdiction of the Secretary; and

(2) to enter into written agreements pursuant to section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with non-Federal interests to carry out the conservation measures approved by such evaluations.

(b) ELIGIBILITY.—Water supply conservation measures evaluated under subsection (a) may include the following:

(1) Stormwater capture.

(2) Releases for ground water replenishment or aquifer storage and recovery.

(3) Releases to augment water supply at another Federal or non-Federal storage facility.

(4) Other conservation measures that enhance usage of a Corps of Engineers project for water supply.

(c) COSTS.—A non-Federal interest shall pay only the separable costs associated with the evaluation, implementation, operation, and maintenance of an approved water supply conservation measure, which payments may be accepted and expended by the Corps of Engineers to cover such costs.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or alter the obligations of a non-Federal interest under existing or future agreements for—

(1) water supply storage pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); or

(2) surplus water use pursuant to section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708).

(e) LIMITATIONS.—Nothing in this section—

(1) affects, modifies, or changes the authorized purposes of a Corps of Engineers project;

(2) affects existing Corps of Engineers authorities, including its authorities with respect to navigation, flood damage reduction, and environmental protection and restoration;

(3) affects the Corps of Engineers ability to provide for temporary deviations;

(4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, and 2213);

(5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(6) supersedes or modifies any amendment to an existing multistate water control plan, including those water control plans along the Missouri River and those water control plans in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa basins;

(7) affects any water right in existence on the date of enactment of this Act; or

(8) preempts or affects any State water law or interstate compact governing water.

SEC. 1117. DROUGHT EMERGENCIES.

(a) AUTHORIZED ACTIVITIES.—With respect to a State in which a drought emergency is in effect on the date of enactment of this Act, or was in effect at any time during the 1-year period ending on such date of enactment, and upon the request of the Governor of the State, the Secretary is authorized to—

(1) prioritize the updating of the water control manuals for control structures under the jurisdiction of the Secretary that are located in the State; and

(2) incorporate into the update seasonal operations for water conservation and water supply for such control structures.

(b) COORDINATION.—The Secretary shall carry out the update under subsection (a) in coordination with all appropriate Federal agencies, elected officials, and members of the public.

(c) STATUTORY CONSTRUCTION.—Nothing in this section affects, modifies, or changes the authorized purposes of a Corps of Engineers project, or affects the applicability of section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

43 USC 390b–2.

SEC. 1118. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

(a) IN GENERAL.—At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at a Federal water resources development project through—

(1) modification of the project;

(2) modification of how the project is managed; or

(3) accessing water released from the project.

(b) PROPOSALS INCLUDED.—A proposal under subsection (a) may include—

(1) increasing the storage capacity of the project;

(2) diversion of water released or withdrawn from the project—

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;

(4) construction of facilities to access water; and

(5) a combination of the activities described in paragraphs (1) through (4).

(c) EXCLUSIONS.—This section shall not apply to a proposal that—

(1) reallocates existing water supply or hydropower storage; or

(2) reduces water available for any authorized project purpose.

(d) OTHER FEDERAL PROJECTS.—In any case in which a proposal relates to a Federal project that is not operated by the Secretary, this section shall apply only to activities under the authority of the Secretary.

(e) REVIEW PROCESS.—

(1) NOTICE.—On receipt of a proposal submitted under subsection (a), the Secretary shall provide a copy of the proposal to each entity described in paragraph (2) and, if applicable, the Federal agency that operates the project, in the case of a project operated by an agency other than the Department of the Army.

(2) PUBLIC PARTICIPATION.—In reviewing proposals submitted under subsection (a), and prior to making any decisions regarding a proposal, the Secretary shall comply with all applicable public participation requirements under law, including consultation with—

(A) affected States;

(B) power marketing administrations, in the case of reservoirs with Federal hydropower projects;

(C) entities responsible for operation and maintenance costs;

(D) any entity that has a contractual right from the Federal Government or a State to withdraw water from, or use storage at, the project;

(E) entities that the State determines hold rights under State law to the use of water from the project; and

(F) units of local government with flood risk reduction responsibilities downstream of the project.

(f) AUTHORITIES.—A proposal submitted to the Secretary under subsection (a) may be reviewed and approved, if applicable and appropriate, under—

(1) the specific authorization for the water resources development project;

(2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);

(3) section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and

(4) section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(g) LIMITATIONS.—The Secretary shall not approve a proposal submitted under subsection (a) that—

(1) is not supported by the Federal agency that operates the project, if that agency is not the Department of the Army;

(2) interferes with an authorized purpose of the project;

(3) adversely impacts contractual rights to water or storage at the reservoir;

(4) adversely impacts legal rights to water under State law, as determined by an affected State;

(5) increases costs for any entity other than the entity that submitted the proposal; or

(6) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section unless the modification is submitted to and authorized by Congress.

(h) COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), 100 percent of the cost of developing, reviewing, and implementing a proposal submitted under subsection (a) shall be provided by an entity other than the Federal Government.

(2) PLANNING ASSISTANCE TO STATES.—In the case of a proposal from an entity authorized to receive assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary may use funds available under that section to pay 50 percent of the cost of a review of a proposal submitted under subsection (a).

(3) OPERATION AND MAINTENANCE COSTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation and maintenance costs for the non-Federal sponsor of a proposal submitted under subsection (a) shall be 100 percent of the separable operation and maintenance costs associated with the costs of implementing the proposal.

(B) CERTAIN WATER SUPPLY STORAGE PROJECTS.—For a proposal submitted under subsection (a) for constructing additional water supply storage at a reservoir for use under a water supply storage agreement, in addition to the costs under subparagraph (A), the non-Federal costs shall include the proportional share of any joint-use costs for operation, maintenance, repair, replacement, or rehabilitation of the reservoir project determined in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(C) VOLUNTARY CONTRIBUTIONS.—An entity other than an entity described in subparagraph (A) may voluntarily contribute to the costs of implementing a proposal submitted under subsection (a).

(i) CONTRIBUTED FUNDS.—The Secretary may receive and expend funds contributed by a non-Federal interest for the review and approval of a proposal submitted under subsection (a).

(j) ASSISTANCE.—On request by a non-Federal interest, the Secretary may provide technical assistance in the development or implementation of a proposal under subsection (a), including assistance in obtaining necessary permits for construction, if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.

(k) EXCLUSION.—This section shall not apply to reservoirs in—

(1) the Upper Missouri River;

(2) the Apalachicola-Chattahoochee-Flint river system;

(3) the Alabama-Coosa-Tallapoosa river system; and

(4) the Stones River.

(l) EFFECT OF SECTION.—Nothing in this section affects or modifies any authority of the Secretary to review or modify reservoirs.

SEC. 1119. INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in the section heading by inserting "**AND INDIAN TRIBES**" after "**TERRITORIES**"; and

(2) in subsection (a)—

(A) by striking "projects in American" and inserting "projects—

"(1) in American";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) for any Indian tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).".

SEC. 1120. TRIBAL CONSULTATION REPORTS.

(a) REVIEW.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the following:

(1) Not later than 30 days after the date of enactment of this Act, all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, and submitted to the Office of Management and Budget before the date of enactment of this Act.

(2) Not later than 30 days after the date of the submission to the Committees under paragraph (1), all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, or successor policy, and submitted to the Office of Management and Budget after the date of enactment of this Act.

(3) Not later than 1 year after the date of enactment of this Act, a report that describes the results of a review by the Secretary of existing policies, regulations, and guidance related to consultation with Indian tribes on water resources development projects or other activities that require the approval of, or the issuance of a permit by, the Secretary and that may have an impact on tribal cultural or natural resources.

(b) CONSULTATION.—In completing the review under subsection (a)(3), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

(c) NO DELAYS.—During the review required under subsection (a)(3), the Secretary shall ensure that—

(1) all existing tribal consultation policies, regulations, and guidance continue to be implemented; and

(2) the review does not affect an approval or issuance of a permit required by the Secretary.

SEC. 1121. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "the Secretary" and all that follows through "projects" and inserting "the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects,";

(B) in paragraph (2) by striking "(2) MATTERS TO BE STUDIED.—A study" and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—An activity"; and

(C) by adding at the end the following:

"(3) FEASIBILITY STUDY AND REPORTS.—

"(A) IN GENERAL.—On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

"(B) RECOMMENDATION.—A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

"(4) DESIGN AND CONSTRUCTION.—

"(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than $10,000,000.

"(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in subparagraph (A) is more than $10,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.";

(2) in subsection (c)—

(A) in paragraph (1) by striking "studies" and inserting "an activity"; and

(B) in paragraph (2)(B) by striking "carrying out projects studied" and inserting "an activity conducted"; and

(3) in subsection (d)—

(A) in paragraph (1)(A) by striking "a study" and inserting "an activity conducted"; and

(B) by striking paragraph (2) and inserting the following:

"(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of an activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.

"(3) SOVEREIGN IMMUNITY.—The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian tribe as a condition to entering into a cost-sharing agreement under this subsection.

"(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

"(A) IN GENERAL.—The non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

"(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213) and shared in the same percentages as the purposes to which the costs are assigned.

"(5) WATER-RELATED PLANNING ACTIVITIES.—

"(A) IN GENERAL.—The non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

"(B) OTHER COSTS.—The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 50 percent.".

SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.

33 USC 2326 note.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies; and

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of—

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION.—

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.

(d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—

(1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) ADDITIONAL COSTS.—Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term "Federal standard" in section 335.7 of title 33, Code of Federal Regulations.

(i) REGIONAL SEDIMENT MANAGEMENT.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (a)(1)—

(A) by striking "For sediment" and inserting the following:

"(A) SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.—For sediment"; and

(B) by adding at the end the following:

"(B) SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense."; and

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

"(3) SPECIAL RULE.—Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.

"(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).".

(j) CLARIFICATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking "3" and inserting "6".

SEC. 1123. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(g) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(g)) is repealed.

SEC. 1124. CORPS OF ENGINEERS OPERATION OF UNMANNED AIRCRAFT SYSTEMS. 33 USC 576c.

(a) IN GENERAL.—The Secretary shall designate an individual, within the headquarters office of the Corps of Engineers, who shall serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers—

(1) operates and maintains small unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) systems in support of civil works and emergency response missions of the Corps of Engineers; and

(2) acquires, applies for, and receives any necessary Federal Aviation Administration authorizations for such operations and systems.

(b) REQUIREMENTS.—A small unmanned aircraft system acquired, operated, or maintained for carrying out the missions specified in subsection (a) shall be operated in accordance with regulations of the Federal Aviation Administration as a civil aircraft or public aircraft, at the discretion of the Secretary, and shall be exempt from regulations of the Department of Defense, including the Department of the Army, governing such system.

(c) LIMITATION.—A small unmanned aircraft system acquired, operated, or maintained by the Corps of Engineers is excluded from use by the Department of Defense, including the Department

of the Army, for any mission of the Department of Defense other than a mission specified in subsection (a).

SEC. 1125. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1) by adding at the end the following:

"(C) RAILROAD CARRIER.—The term 'railroad carrier' has the meaning given the term in section 20102 of title 49, United States Code.";

(2) in paragraph (2)—

(A) by striking "or natural gas company" and inserting ", natural gas company, or railroad carrier"; and

(B) by striking "or company" and inserting ", company, or carrier";

(3) in paragraph (3)—

(A) by striking "or natural gas company" and inserting ", natural gas company, or railroad carrier"; and

(B) by striking "7 years" and inserting "10 years"; and

(4) in paragraph (5) by striking "and natural gas companies" and inserting ", natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws".

SEC. 1126. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

"(e) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.".

SEC. 1127. NON-FEDERAL CONSTRUCTION OF AUTHORIZED FLOOD DAMAGE REDUCTION PROJECTS.

Section 204(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(d)) is amended by adding at the end the following:

"(5) DISCRETE SEGMENTS.—

"(A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection for a discrete segment of a flood damage reduction project, or separable element thereof, before final completion of the project or separable element if—

"(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

"(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.

"(B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

"(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

"(ii) the construction is consistent with the authorization of the applicable flood damage reduction project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).

"(C) WRITTEN AGREEMENT.—

"(i) IN GENERAL.—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

"(I) identify any discrete segment that the non-Federal interest may carry out; and

"(II) agree to the completion of the flood damage reduction project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

"(ii) REMITTANCE.—If a non-Federal interest fails to complete a flood damage reduction project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

"(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term 'discrete segment' means a physical portion of a flood damage reduction project, or separable element thereof—

"(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

"(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the flood damage reduction project, or separable element thereof.".

SEC. 1128. MULTISTATE ACTIVITIES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)(1)—

(A) by striking "or other non-Federal interest" and inserting ", group of States, or non-Federal interest";

(B) by inserting "or group of States" after "working with a State"; and

(C) by inserting "or group of States" after "boundaries of such State"; and

(2) in subsection (c)(1) by adding at the end the following: "The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).".

SEC. 1129. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended by adding at the end the following:

"(f) SPECIAL RULE.—The cost-share for assistance under this section provided to Indian tribes, the Commonwealth of Puerto

Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall be as provided under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).".

SEC. 1130. REGIONAL PARTICIPATION ASSURANCE FOR LEVEE SAFETY ACTIVITIES.

(a) NATIONAL LEVEE SAFETY PROGRAM.—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) in paragraph (11) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe";

(2) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(3) by inserting after paragraph (11) the following:

"(12) REGIONAL DISTRICT.—The term 'regional district' means a subdivision of a State government, or a subdivision of multiple State governments, that is authorized to acquire, construct, operate, and maintain projects for the purpose of flood damage reduction.".

(b) INVENTORY AND INSPECTION OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "one year after the date of enactment of this Act" and inserting "1 year after the date of enactment of the Water Resources Development Act of 2016";

(B) in paragraph (2)(A) by striking "States, Indian tribes, Federal agencies, and other entities" and inserting "States, regional districts, Indian tribes, Federal agencies, and other entities"; and

(C) in paragraph (3)—

(i) in the heading for subparagraph (A) by striking "FEDERAL, STATE, AND LOCAL" and inserting "FEDERAL, STATE, REGIONAL, TRIBAL, AND LOCAL"; and

(ii) in subparagraph (A) by striking "Federal, State, and local" and inserting "Federal, State, regional, tribal, and local"; and

(2) in subsection (c)—

(A) in paragraph (4)—

(i) in the paragraph heading by striking "STATE AND TRIBAL" and inserting "STATE, REGIONAL, AND TRIBAL"; and

(ii) by striking "State or Indian tribe" each place it appears and inserting "State, regional district, or Indian tribe"; and

(B) in paragraph (5)—

(i) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe"; and

(ii) by striking "chief executive of the tribal government" and inserting "chief executive of the regional district or tribal government".

(c) LEVEE SAFETY INITIATIVE.—Section 9005 of the Water Resources Development Act of 2007 (33 U.S.C. 3303a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

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

(I) by striking "1 year after the date of enactment of this subsection" and inserting "1 year after the date of enactment of the Water Resources Development Act of 2016"; and

(II) by striking "State, local, and tribal governments and organizations" and inserting "State, regional, local, and tribal governments and organizations"; and

(ii) in subparagraph (A) by striking "Federal, State, tribal, and local agencies" and inserting "Federal, State, regional, local, and tribal agencies";

(B) in paragraph (3)—

(i) in subparagraph (A) by striking "State, local, and tribal governments," and inserting "State, regional, local, and tribal governments"; and

(ii) in subparagraph (B) by inserting ", regional, or tribal" after "State" each place it appears; and

(C) in paragraph (5)(A) by striking "States, non-Federal interests, and other appropriate stakeholders" and inserting "States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders";

(2) in subsection (e)(1) in the matter preceding subparagraph (A) by striking "States, communities, and levee owners" and inserting "States, regional districts, Indian tribes, communities, and levee owners";

(3) in subsection (g)—

(A) in the subsection heading by striking "STATE AND TRIBAL" and inserting "STATE, REGIONAL, AND TRIBAL";

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "1 year after the date of enactment of this subsection" and inserting "1 year after the date of enactment of the Water Resources Development Act of 2016"; and

(II) by striking "State or tribal" and inserting "State, regional, or tribal"; and

(ii) in subparagraph (B)—

(I) by striking "State and Indian tribe" and inserting "State, regional district, and Indian tribe"; and

(II) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe"; and

(C) in paragraph (2)—

(i) in the paragraph heading by striking "STATES" and inserting "STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES";

(ii) in subparagraph (A) by striking "States and Indian tribes" and inserting "States, regional districts, and Indian tribes";

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe";

(II) in clause (ii) by striking "levees within the State" and inserting "levees within the State or regional district"; and

(III) in clause (iii) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe";

(iv) in subparagraph (C)(ii) in the matter preceding subclause (I) by striking "State or tribal" and inserting "State, regional, or tribal"; and

(v) in subparagraph (E)—

(I) by striking "States and Indian tribes" each place it appears and inserting "States, regional districts, and Indian tribes";

(II) in clause (ii)(II)—

(aa) in the matter preceding item (aa) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe";

(bb) in item (aa) by striking "miles of levees in the State" and inserting "miles of levees in the State or regional district"; and

(cc) in item (bb) by striking "miles of levees in all States" and inserting "miles of levees in all States and regional districts"; and

(III) in clause (iii)—

(aa) by striking "State or Indian tribe" and inserting "State, regional district, or Indian tribe"; and

(bb) by striking "State or tribal" and inserting "State, regional, or tribal"; and

(4) in subsection (h)—

(A) in paragraph (1) by striking "States, Indian tribes, and local governments" and inserting "States, regional districts, Indian tribes, and local governments";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking "State, Indian tribe, or local government" and inserting "State, regional district, Indian tribe, or local government"; and

(ii) in subparagraph (E) in the matter preceding clause (i) by striking "State or tribal" and inserting "State, regional, or tribal";

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "State, Indian tribe, or local government" and inserting "State, regional district, Indian tribe, or local government"; and

(ii) in subparagraph (D) by striking "180 days after the date of enactment of this subsection" and inserting "180 days after the date of enactment of the Water Resources Development Act of 2016"; and

(D) in paragraph (4)(A)(i) by striking "State or tribal" and inserting "State, regional, or tribal".

(d) REPORTS.—Section 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3303b) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A) by striking "1 year after the date of enactment of this subsection" and inserting "1 year after the date of enactment of the Water Resources Development Act of 2016"; and

(B) in subparagraph (B) by striking "State and tribal" and inserting "State, regional, and tribal";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "2 years after the date of enactment of this subsection" and inserting "2 years after the date of enactment of the Water Resources Development Act of 2016"; and

(ii) by striking "State, tribal, and local" and inserting "State, regional, tribal, and local";

(B) in paragraph (2) by striking "State and tribal" and inserting "State, regional, and tribal"; and

(C) in paragraph (4) by striking "State and local" and inserting "State, regional, tribal, and local"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1) by striking "1 year after the date of enactment of this subsection" and inserting "1 year after the date of enactment of the Water Resources Development Act of 2016"; and

(B) in paragraph (2) by striking "State or tribal" and inserting "State, regional, or tribal".

SEC. 1131. PARTICIPATION OF NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting "and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation" after "Indian tribe".

SEC. 1132. POST-AUTHORIZATION CHANGE REPORTS.

33 USC 2282e.

(a) IN GENERAL.—The completion of a post-authorization change report prepared by the Corps of Engineers for a water resources development project—

(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration; and

(2) shall be submitted, upon completion, to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) COMPLETION REVIEW.—With respect to a post-authorization change report subject to review by the Secretary, the Secretary shall, not later than 120 days after the date of completion of such report—

(1) review the report; and

(2) provide to Congress any recommendations of the Secretary regarding modification of the applicable water resources development project.

(c) PRIOR REPORTS.—Not later than 120 days after the date of enactment of this Act, with respect to any post-authorization change report that was completed prior to the date of enactment of this Act and is subject to a review by the Secretary that has

yet to be completed, the Secretary shall complete review of, and provide recommendations to Congress with respect to, the report.

(d) POST-AUTHORIZATION CHANGE REPORT INCLUSIONS.—In this section, the term "post-authorization change report" includes—

(1) a general reevaluation report;

(2) a limited reevaluation report; and

(3) any other report that recommends the modification of an authorized water resources development project.

33 USC 2326f.

SEC. 1133. MAINTENANCE DREDGING DATA.

(a) IN GENERAL.—The Secretary shall establish, maintain, and make publicly available a database on maintenance dredging carried out by the Secretary, which shall include information on maintenance dredging carried out by Federal and non-Federal vessels.

(b) SCOPE.—The Secretary shall include in the database maintained under subsection (a), for each maintenance dredging project and contract, estimated and actual data on—

(1) the volume of dredged material removed;

(2) the initial cost estimate of the Corps of Engineers;

(3) the total cost;

(4) the party and vessel carrying out the work; and

(5) the number of private contractor bids received and the bid amounts, including bids that did not win the final contract award.

SEC. 1134. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended to read as follows:

"SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

"(a) DEVELOPMENT OF ELECTRONIC SYSTEM.—

"(1) IN GENERAL.—The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.

"(2) INCLUSION.—The electronic system required under paragraph (1) shall address—

"(A) applications for standard individual permits;

"(B) applications for letters of permission;

"(C) joint applications with States for State and Federal permits;

"(D) applications for emergency permits;

"(E) applications or requests for jurisdictional determinations; and

"(F) preconstruction notification submissions, when required for a nationwide or other general permit.

"(3) IMPROVING EXISTING DATA SYSTEMS.—The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

"(4) PROTECTION OF INFORMATION.—The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is otherwise prohibited by law.

"(b) SYSTEM REQUIREMENTS.—The electronic system required under subsection (a) shall—

"(1) enable an applicant or requester to prepare electronically an application for a permit or request;

"(2) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;

"(3) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and other information in support of the permit application or request;

"(4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request; and

"(5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—

"(A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;

"(B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

"(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface.

"(c) DOCUMENTATION.—All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

"(d) RECORD OF DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary shall maintain, for a minimum of 5 years, a record of each permit decision and jurisdictional determination made by the Secretary, including documentation supporting the basis of the decision or determination.

"(2) ARCHIVING OF INFORMATION.—The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, after the 5-year maintenance period described in paragraph (1).

"(e) AVAILABILITY OF DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary available to the public for review and reproduction.

"(2) PROTECTION OF INFORMATION.—The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

"(f) DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.—

"(1) IN GENERAL.—The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than 2 years after

the date of enactment of the Water Resources Development Act of 2016.

"(2) REPORT ON ELECTRONIC SYSTEM IMPLEMENTATION.—Not later than 180 days after the expiration of the deadline under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the measures implemented and barriers faced in carrying out this section.

"(g) APPLICABILITY.—The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for jurisdictional determinations submitted to the Secretary after the date of enactment of the Water Resources Development Act of 2016.

"(h) LIMITATION.—This section shall not preclude the submission to the Secretary, acting through the Chief of Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2007 is amended by striking the item relating to section 2040 and inserting the following:

"Sec. 2040. Electronic submission and tracking of permit applications.".

SEC. 1135. DATA TRANSPARENCY.

Section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342) is amended to read as follows:

"SEC. 2017. ACCESS TO WATER RESOURCE DATA.

"(a) IN GENERAL.—Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

"(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

"(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

"(b) LIMITATION.—Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

"(c) TIMING.—The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

"(d) PARTNERSHIPS.—In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.".

SEC. 1136. QUALITY CONTROL.

(a) IN GENERAL.—Paragraph (a) of the first section of the Act of December 22, 1944 (58 Stat. 888, chapter 665; 33 U.S.C. 701–1(a)), is amended by inserting "and shall be made publicly available" before the period at the end of the last sentence.

(b) PROJECT ADMINISTRATION.—Section 2041(b)(1) of the Water Resources Development Act of 2007 (33 U.S.C. 2346(b)(1)) is amended by inserting "final post-authorization change report," after "final reevaluation report,".

SEC. 1137. REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.

Section 213(a) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4831) is amended by adding at the end the following:

"(4) REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

"(A) IN GENERAL.—In the first annual report submitted to Congress after the date of enactment of this paragraph in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)), the Secretary shall include a report on the amount of acquisitions in the prior fiscal year made by the Corps of Engineers for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States.

"(B) CONTENTS.—The report required under subparagraph (A) shall indicate, for each category of acquisition—

"(i) the dollar value of articles, materials, and supplies purchased that were manufactured outside of the United States; and

"(ii) a summary of the total procurement funds spent on goods manufactured in the United States and the total procurement funds spent on goods manufactured outside of the United States.

"(C) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of the report required under subparagraph (A), the Secretary shall make such report publicly available, including on the Internet.".

SEC. 1138. INTERNATIONAL OUTREACH PROGRAM.

Section 401(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2329(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly improve water resources development in the United States.

"(2) INCLUSIONS.—Activities under paragraph (1) may include—

"(A) development, monitoring, assessment, and dissemination of information about foreign water resources projects that could significantly improve water resources development in the United States;

"(B) research, development, training, and other forms of technology transfer and exchange; and

"(C) offering technical services that cannot be readily obtained in the private sector to be incorporated into water resources projects if the costs for assistance will be recovered under the terms of each project.".

33 USC 467n note.

SEC. 1139. DAM SAFETY REPAIR PROJECTS.

The Secretary shall issue guidance—

(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects.

SEC. 1140. FEDERAL COST LIMITATION FOR CERTAIN PROJECTS.

Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended by adding at the end the following:

"(5) RECREATION FEATURES.—A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal costs of such features may not exceed 10 percent of the Federal ecosystem restoration costs of the project.".

SEC. 1141. LAKE KEMP, TEXAS.

Section 3149(a) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1147) is amended—

(1) by striking "2020" and inserting "2025"; and

(2) by striking "this Act" and inserting "the Water Resources Development Act of 2016".

SEC. 1142. CORROSION PREVENTION.

Section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350) is amended by adding at the end the following:

"(d) REPORT.—In the first annual report submitted to Congress after the date of enactment of this subsection in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)), the Secretary shall report on the corrosion prevention activities encouraged under this section, including—

"(1) a description of the actions the Secretary has taken to implement this section; and

"(2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.".

SEC. 1143. SEDIMENT SOURCES.

(a) IN GENERAL.—The Secretary is authorized to undertake a study of the economic and noneconomic costs, benefits, and impacts of acquiring by purchase, exchange, or otherwise sediment from domestic and nondomestic sources for shoreline protection.

(b) REPORT.—Upon completion of the study, the Secretary shall report to Congress on the availability, benefits, and impacts, of using domestic and nondomestic sources of sediment for shoreline protection.

SEC. 1144. PRIORITIZATION OF CERTAIN PROJECTS. 33 USC 2341b.

The Secretary shall give priority to a project for flood risk management if—

(1) there is an executed project partnership agreement for the project; and

(2) the project is located in an area—

(A) with respect to which—

(i) there has been a loss of life due to flood events; and

(ii) the President has declared that a major disaster or emergency exists under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(B) that is at significant risk for catastrophic flooding.

SEC. 1145. GULF COAST OYSTER BED RECOVERY ASSESSMENT.

(a) GULF STATES DEFINED.—In this section, the term "Gulf States" means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(b) GULF COAST OYSTER BED RECOVERY ASSESSMENT.—The Secretary, in coordination with the Gulf States, shall conduct an assessment relating to the recovery of oyster beds on the coasts of the Gulf States that were damaged by events, including—

(1) Hurricane Katrina in 2005;

(2) the *Deepwater Horizon* oil spill in 2010; and

(3) floods in 2011 and 2016.

(c) INCLUSION.—The assessment conducted under subsection (b) shall address the beneficial use of dredged material in providing substrate for oyster bed development.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (b).

SEC. 1146. INITIATING WORK ON SEPARABLE ELEMENTS. 33 USC 2331a.

With respect to a water resources development project that has received construction funds in the previous 6-year period, for purposes of initiating work on a separable element of the project—

(1) no new start or new investment decision shall be required; and

(2) the work shall be treated as ongoing work.

SEC. 1147. LOWER BOIS D'ARC CREEK RESERVOIR PROJECT, FANNIN COUNTY, TEXAS.

(a) FINALIZATION REQUIRED.—The Secretary shall ensure that environmental decisions and reviews related to the construction of, impoundment of water in, and operation of the Lower Bois d'Arc Creek Reservoir Project, including any associated water transmission facilities, by the North Texas Municipal Water District in Fannin County, Texas, are made on an expeditious basis using the fastest applicable process.

(b) INTERIM REPORT.—Not later than June 30, 2017, the Secretary shall report to Congress on the implementation of subsection (a).

SEC. 1148. RECREATIONAL ACCESS AT CORPS OF ENGINEERS RESERVOIRS.

Section 1035 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1234) is amended—

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

"(b) RECREATIONAL ACCESS.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

"(1) the floating cabin—

"(A) is in compliance with, and maintained by the owner to satisfy the requirements of, regulations for recreational vessels, including health and safety standards, issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322); and

"(B) is located at a marina leased by the Corps of Engineers; and

"(2) the Secretary has authorized the use of recreational vessels on such waters."; and

(2) by adding at the end the following:

"(c) LIMITATION ON STATUTORY CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section may be construed to authorize the Secretary to impose requirements on a floating cabin or on any facility that serves a floating cabin, including marinas or docks located on waters under the jurisdiction of the Secretary in the Cumberland River basin, that are different or more stringent than the requirements imposed on all recreational vessels authorized to use such waters.

"(2) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) VESSEL.—The term 'vessel' has the meaning given that term in section 3 of title 1, United States Code.

"(B) REQUIREMENT.—The term 'requirement' includes a requirement imposed through the utilization of guidance.".

33 USC 1223 note.

SEC. 1149. NO WAKE ZONES IN NAVIGATION CHANNELS.

(a) IN GENERAL.—At the request of a State or local official, the Secretary, in consultation with the Commandant of the Coast Guard, shall promptly identify and, subject to the considerations in subsection (b), allow the implementation of measures for addressing navigation safety hazards in a covered navigation channel resulting from wakes created by recreational vessels identified by such official, while maintaining the navigability of the channel.

(b) CONSIDERATIONS.—In identifying measures under subsection (a) with respect to a covered navigation channel, the Secretary shall consider, at a minimum, whether—

(1) State or local law enforcement officers have documented the existence of safety hazards in the channel that are the direct result of excessive wakes from recreational vessels present in the channel;

(2) the Secretary has made a determination that safety concerns exist in the channel and that the proposed measures will remedy those concerns without significant impacts to the navigable capacity of the channel; and

(3) the measures are consistent with any recommendations made by the Commandant of the Coast Guard to ensure the safety of vessels operating in the channel and the safety of the passengers and crew aboard such vessels.

(c) COVERED NAVIGATION CHANNEL DEFINED.—In this section, the term "covered navigation channel" means a navigation channel that—

(1) is federally marked or maintained;

(2) is part of the Atlantic Intracoastal Waterway; and

(3) is adjacent to a marina.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to relieve the master, pilot, or other person responsible for determining the speed of a vessel from the obligation to comply with the inland navigation regulations promulgated pursuant to section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2071) or any other applicable laws or regulations governing the safe navigation of a vessel.

SEC. 1150. ICE JAM PREVENTION AND MITIGATION.

33 USC 701s note.

(a) IN GENERAL.—The Secretary may carry out projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), including planning, design, construction, and monitoring of structural and nonstructural technologies and measures, for preventing and mitigating flood damages associated with ice jams.

(b) INCLUSION.—The projects described in subsection (a) may include the development and demonstration of cost-effective technologies and designs developed in consultation with—

(1) the Cold Regions Research and Engineering Laboratory of the Corps of Engineers;

(2) universities;

(3) Federal, State, and local agencies; and

(4) private organizations.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—During fiscal years 2017 through 2022, the Secretary shall identify and carry out not fewer than 10 projects under this section to demonstrate technologies and designs developed in accordance with this section.

(2) PROJECT SELECTION.—The Secretary shall ensure that the projects are selected from all cold regions of the United States, including the Upper Missouri River Basin and the Northeast.

SEC. 1151. STRUCTURAL HEALTH MONITORING.

33 USC 2353.

(a) IN GENERAL.—The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

(1) response to flood and earthquake events;

(2) predisaster mitigation measures;

(3) lengthening the useful life of the infrastructure; and

(4) identifying risks due to sea level rise.

(b) CONSULTATION AND CONSIDERATIONS.—In developing the program under subsection (a), the Secretary shall—

(1) consult with academic and other experts; and

(2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

SEC. 1152. KENNEWICK MAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CLAIMANT TRIBES.—The term "claimant tribes" means the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum Band of Priest Rapids.

(2) DEPARTMENT.—The term "Department" means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term "human remains" means the human remains that—

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the human remains and repatriates the human remains to the claimant tribes.

(c) TERMS AND CONDITIONS.—The transfer shall be subject to the following terms and conditions:

(1) The release of the human remains to the claimant tribes is contingent upon the claimant tribes following the Department's requirements in the Revised Code of Washington.

(2) The claimant tribes verify to the Department their agreement on the final burial place of the human remains.

(3) The claimant tribes verify to the Department their agreement that the human remains will be buried in the State of Washington.

(4) The claimant tribes verify to the Department their agreement that the Department will take legal custody of the human remains upon the transfer by the Secretary.

(d) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(e) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

SEC. 1153. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

Section 1024 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a) is amended—

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

"(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to accept and use materials, services, or funds contributed by a non-Federal public entity, a nonprofit entity, or a private entity to repair, restore, replace, or maintain a water resources project in any case in which the District Commander determines that—

"(1) there is a risk of adverse impacts to the functioning of the project for the authorized purposes of the project; and

"(2) acceptance of the materials and services or funds is in the public interest.";

(2) by redesignating subsection (c) as subsection (d);

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

"(c) ADDITIONAL REQUIREMENTS.—

"(1) APPLICABLE LAWS AND REGULATIONS.—The Secretary may only use materials or services accepted under this section if such materials and services comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary.

"(2) SUPPLEMENTARY SERVICES.—The Secretary may only accept and use services under this section that provide supplementary services to existing Federal employees, and may only use such services to perform work that would not otherwise be accomplished as a result of funding or personnel limitations."; and

(4) in subsection (d) (as redesignated by paragraph (2)) in the matter preceding paragraph (1)—

(A) by striking "Not later than 60 days after initiating an activity under this section," and inserting "Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section,"; and

(B) by striking "a report" and inserting "an annual report".

SEC. 1154. MUNITIONS DISPOSAL.

Section 1027 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 426e–2) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ", at full Federal expense," after "The Secretary may"; and

(2) in subsection (b) by striking "funded" and inserting "reimbursed".

SEC. 1155. MANAGEMENT OF RECREATION FACILITIES.

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

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

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

"(c) USER FEES.—

"(1) COLLECTION OF FEES.—

"(A) IN GENERAL.—The Secretary may allow a non-Federal public entity that has entered into an agreement

pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

"(B) USE OF VISITOR RESERVATION SERVICES.—A non-Federal public entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

"(2) USE OF FEES.—A non-Federal public entity that collects user fees under paragraph (1)—

"(A) may retain up to 100 percent of the fees collected, as determined by the Secretary; and

"(B) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), shall use any retained amount for operation, maintenance, and management activities at the recreation site at which the fee is collected.

"(3) TERMS AND CONDITIONS.—The authority of a non-Federal public entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.".

SEC. 1156. STRUCTURES AND FACILITIES CONSTRUCTED BY SECRETARY.

(a) IN GENERAL.—Section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), is amended—

(1) by striking "That it shall not be lawful" and inserting the following:

"(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful"; and

(2) by adding at the end the following:

"(b) CONCURRENT REVIEW.—

"(1) NEPA REVIEW.—

"(A) IN GENERAL.—In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval of the activity under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.

"(B) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in subparagraph (A), the Corps of Engineers shall, to the maximum extent practicable and consistent with Federal laws—

"(i) participate in the review as a cooperating agency (unless the Corps of Engineers does not intend to submit comments on the project); and

"(ii) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

"(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(II) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

"(2) REVIEWS BY SECRETARY.—In any case in which the Secretary must approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

"(A) coordinate applicable reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

"(B) adopt and use any document prepared by the Corps of Engineers for the purpose of complying with the same law and that addresses the same types of impacts in the same geographic area if such document, as determined by the Secretary, is current and applicable.

"(3) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.

"(c) TIMELY REVIEW.—

"(1) COMPLETE APPLICATION.—On or before the date that is 30 days after the date on which the Secretary receives an application for permission to take action affecting public projects pursuant to subsection (a), the Secretary shall inform the applicant whether the application is complete and, if it is not, what items are needed for the application to be complete.

"(2) DECISION.—On or before the date that is 90 days after the date on which the Secretary receives a complete application for permission under subsection (a), the Secretary shall—

"(A) make a decision on the application; or

"(B) provide a schedule to the applicant identifying when the Secretary will make a decision on the application.

"(3) NOTIFICATION TO CONGRESS.—In any case in which a schedule provided under paragraph (2)(B) extends beyond 120 days from the date of receipt of a complete application, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an explanation justifying the extended timeframe for review.".

(b) GUIDANCE.—Section 1007 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 408a) is amended by adding at the end the following:

"(f) GUIDANCE.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall issue guidance on the implementation of this section.

"(2) INCORPORATION.—In issuing guidance under paragraph (1), or any other regulation, guidance, or engineering circular related to activities covered under section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408),

the Secretary shall incorporate the requirements under this section.

"(g) PRIORITIZATION.—The Secretary shall prioritize and complete the activities required of the Secretary under this section.".

SEC. 1157. PROJECT COMPLETION.

(a) COMPLETION OF PROJECTS AND PROGRAMS.—

(1) IN GENERAL.—For any project or program of assistance authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), the Secretary is authorized to carry out the project to completion if—

(A) as of the date of enactment of this Act, the project has received more than $4,000,000 in Federal appropriations and those appropriations equal an amount that is greater than 80 percent of the authorized amount;

(B) as of the date of enactment of this Act, significant progress has been demonstrated toward completion of the project or segments of the project but the project is not complete; and

(C) the benefits of the Federal investment will not be realized without completion of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $50,000,000 for fiscal years 2017 through 2021.

(b) MODIFICATION OF PROJECTS OR PROGRAMS OF ASSISTANCE.—Section 7001(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(f)) is amended by adding at the end the following:

"(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term 'water resources development project' includes a project under an environmental infrastructure assistance program if authorized before the date of enactment of the Water Resources Development Act of 2016.".

SEC. 1158. NEW ENGLAND DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), and not otherwise obligated, the Secretary may—

(1) design, renovate, and construct additions to 2 buildings located on Hanscom Air Force Base in Bedford, Massachusetts, for the headquarters of the New England District of the Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters of the New England District of the Corps of Engineers, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by such first section is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1159. BUFFALO DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), and not otherwise obligated, the Secretary may—

(1) design and construct a new building in Buffalo, New York, for the headquarters of the Buffalo District of the Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters and related installations and facilities of the Buffalo District of the Corps of Engineers, including any necessary demolition or renovation of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by such first section is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1160. FUTURE FACILITY INVESTMENT.

33 USC 701b–10.

The first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), is amended—

(1) by striking "For establishment of a revolving fund" and inserting the following:

"(a) REVOLVING FUND.—For establishment of a revolving fund"; and

(2) by adding at the end the following:

"(b) PROHIBITION.—

"(1) IN GENERAL.—No funds may be expended or obligated from the revolving fund described in subsection (a) to newly construct, or perform a major renovation on, a building for use by the Corps of Engineers unless specifically authorized by law.

"(2) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to—

"(A) change any authority provided under subchapter I of chapter 169 of title 10; or

"(B) change the use of funds under subsection (a) for purposes other than those described in paragraph (1).

"(c) TRANSMISSION TO CONGRESS OF PROSPECTUS.—To secure consideration for an authorization under subsection (b), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representative and the Committee on Environment and Public Works of the Senate a prospectus of the proposed construction or major renovation of a building that includes—

"(1) a brief description of the building;

"(2) the location of the building;

"(3) an estimate of the maximum cost to be provided by the revolving fund for the building to be constructed or renovated;

"(4) the total size of the building after the proposed construction or major renovation;

"(5) the number of personnel proposed to be housed in the building after the construction or major renovation;

"(6) a statement that other suitable space owned by the Federal Government is not available;

"(7) a statement of rents and other housing costs currently being paid for the tenants proposed to be housed in the building; and

"(8) the size of the building currently housing the tenants proposed to be housed in the building.

"(d) PROVISION OF BUILDING PROJECT SURVEYS.—

"(1) IN GENERAL.—If requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, the Secretary shall create a building project survey for the construction or major renovation of a building described in subsection (b).

"(2) REPORT.—Within a reasonable time after creating a building project survey under paragraph (1), the Secretary shall submit to Congress a report on the survey that includes the information required to be included in a prospectus under subsection (c).

"(e) MAJOR RENOVATION DEFINED.—In this section, the term 'major renovation' means a renovation or alteration of a building for use by the Corps of Engineers with a total expenditure of more than $20,000,000.".

SEC. 1161. COMPLETION OF ECOSYSTEM RESTORATION PROJECTS.

Section 2039 of the Water Resources Development Act of 2007 (33 U.S.C. 2330a) is amended by adding at the end the following:

"(d) INCLUSIONS.—A monitoring plan under subsection (b) shall include a description of—

"(1) the types and number of restoration activities to be conducted;

"(2) the physical action to be undertaken to achieve the restoration objectives of the project;

"(3) the functions and values that will result from the restoration plan; and

"(4) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that restoration measures are not achieving ecological success in accordance with criteria described in the monitoring plan.

"(e) CONCLUSION OF OPERATION AND MAINTENANCE RESPONSIBILITY.—The responsibility of a non-Federal interest for operation and maintenance of the nonstructural and nonmechanical elements of a project, or a component of a project, for ecosystem restoration shall cease 10 years after the date on which the Secretary makes a determination of success under subsection (b)(2).

"(f) FEDERAL OBLIGATIONS.—The Secretary is not responsible for the operation or maintenance of any components of a project with respect to which a non-Federal interest is released from obligations under subsection (e).".

SEC. 1162. FISH AND WILDLIFE MITIGATION.

Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (h)—

(A) in paragraph (4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(ii) by inserting after subparagraph (C) the following:

"(D) include measures to protect or restore habitat connectivity;";

(B) in paragraph (6)(C) by striking "impacts" and inserting "impacts, including impacts to habitat connectivity"; and

(C) by striking paragraph (11) and inserting the following:

"(11) EFFECT.—Nothing in this subsection—

"(A) requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated, including the addition of fish passage to an existing water resources development project; or

"(B) affects the mitigation responsibilities of the Secretary under any other provision of law."; and

(2) by adding at the end the following:

"(j) USE OF FUNDS.—

"(1) IN GENERAL.—The Secretary, with the consent of the applicable non-Federal interest, may use funds made available for preconstruction engineering and design after authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

"(2) NOTIFICATION.—Prior to the expenditure of any funds for a project pursuant to paragraph (1), the Secretary shall notify the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate.

"(k) MEASURES.—The Secretary shall consult with interested members of the public, the Director of the United States Fish and Wildlife Service, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, States, including State fish and game departments, and interested local governments to identify standard measures under subsection (h)(6)(C) that reflect the best available scientific information for evaluating habitat connectivity.".

SEC. 1163. WETLANDS MITIGATION.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is amended to read as follows:

"(c) MITIGATION BANKS AND IN-LIEU FEE ARRANGEMENTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary and in-lieu fee programs with an approved service area that includes the location of the projected impacts of the water resources development project.

"(2) REQUIREMENTS.—All potential mitigation bank and in-lieu fee credits that meet the criteria under paragraph (1) shall be considered a reasonable alternative for planning purposes if—

"(A) the applicable mitigation bank—

"(i) has an approved mitigation banking instrument; and

"(ii) has completed a functional analysis of the potential credits using the approved Corps of Engineers certified habitat assessment model specific to the region; and

"(B) the Secretary determines that the use of such banks or in-lieu fee programs provide reasonable assurance that the statutory (and regulatory) mitigation requirements for a water resources development project are met, including monitoring or demonstrating mitigation success.

"(3) EFFECT.—Nothing in this subsection—

"(A) modifies or alters any requirement for a water resources development project to comply with applicable laws or regulations, including section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

"(B) shall be construed as to limit mitigation alternatives or require the use of mitigation banks or in-lieu fee programs.".

SEC. 1164. DEBRIS REMOVAL.

Section 3 of the Act of March 2, 1945 (59 Stat. 23, chapter 19; 33 U.S.C. 603a), is amended—

(1) by striking "$1,000,000" and inserting "$5,000,000";

(2) by striking "accumulated snags and other debris" and inserting "accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel"; and

(3) by striking "or flood control" and inserting ", flood control, or recreation".

33 USC 578a.

SEC. 1165. DISPOSITION STUDIES.

(a) IN GENERAL.—In carrying out a disposition study for a project of the Corps of Engineers, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) or an assessment under section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349), the Secretary shall consider the extent to which the property concerned has economic, cultural, historic, or recreational significance or impacts at the national, State, or local level.

(b) COMPLETION OF ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349).

SEC. 1166. TRANSFER OF EXCESS CREDIT.

Section 1020(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223(a)) is amended—

(1) by striking the subsection designation and heading and all that follows through "Subject to subsection (b)" and inserting the following:

"(a) APPLICATION OF CREDIT.—

"(1) IN GENERAL.—Subject to subsection (b)"; and

(2) by adding at the end the following:

"(2) APPLICATION PRIOR TO COMPLETION OF PROJECT.—On request of a non-Federal interest, the credit described in paragraph (1) may be applied prior to completion of a study or project, if the credit amount is verified by the Secretary.".

SEC. 1167. HURRICANE AND STORM DAMAGE REDUCTION.

Section 3(c)(2)(B) of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426g(c)(2)(B)), is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 1168. FISH HATCHERIES. 33 USC 2330b.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, another Federal agency, or a group of non-Federal entities or other Federal agencies shall be responsible for 100 percent of the additional costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 1169. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

(1) in subsection (b) by striking "measures" and all that follows through "project" and inserting "measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project"; and

(2) by adding at the end the following:

"(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—Beginning on the date of enactment of this subsection, in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).".

SEC. 1170. ENHANCING LAKE RECREATION OPPORTUNITIES.

Section 3134 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1142) is amended by striking subsection (e).

SEC. 1171. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a) by striking "that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act" and inserting "for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as it existed before the repeal made by section 1014(c)(3))"; and

(2) in subsection (b) by striking "share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies" and inserting "non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest".

SEC. 1172. EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES. 33 USC 2354.

(a) DEFINITION OF WATER RESOURCES DEVELOPMENT PROJECT.—In this section, the term "water resources development

project" means a project under the administrative jurisdiction of the Corps of Engineers that is subject to part 327 of title 36, Code of Federal Regulations (or successor regulations).

(b) NO CONSIDERATION FOR EASEMENTS.—The Secretary may not collect consideration for an easement across water resources development project land for the electric, telephone, or broadband service facilities of nonprofit organizations eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

(c) ADMINISTRATIVE EXPENSES.—Nothing in this section affects the authority of the Secretary under section 2695 of title 10, United States Code, or under section 9701 of title 31, United State Code, to collect funds to cover reasonable administrative expenses incurred by the Secretary.

SEC. 1173. STUDY ON PERFORMANCE OF INNOVATIVE MATERIALS.

(a) INNOVATIVE MATERIAL DEFINED.—In this section, the term "innovative material", with respect to a water resources development project, includes high performance concrete formulations, geosynthetic materials, advanced alloys and metals, reinforced polymer composites, including any coatings or other corrosion prevention methods used in conjunction with such materials, and any other material, as determined by the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall offer to enter into a contract with the Transportation Research Board of the National Academy of Sciences—

(A) to develop a proposal to study the use and performance of innovative materials in water resources development projects carried out by the Corps of Engineers; and

(B) after the opportunity for public comment provided in accordance with subsection (c), to carry out the study proposed under subparagraph (A).

(2) CONTENTS.—The study under paragraph (1) shall identify—

(A) the conditions that result in degradation of water resources infrastructure;

(B) the capabilities of innovative materials in reducing degradation;

(C) any statutory, fiscal, regulatory, or other barriers to the expanded successful use of innovative materials;

(D) recommendations on including performance-based requirements for the incorporation of innovative materials into the Unified Facilities Guide Specifications;

(E) recommendations on how greater use of innovative materials could increase performance of an asset of the Corps of Engineers in relation to extended service life;

(F) additional ways in which greater use of innovative materials could empower the Corps of Engineers to accomplish the goals of the Strategic Plan for Civil Works of the Corps of Engineers; and

(G) recommendations on any further research needed to improve the capabilities of innovative materials in achieving extended service life and reduced maintenance costs in water resources development infrastructure.

(c) PUBLIC COMMENT.—After developing the study proposal under subsection (b)(1)(A) and before carrying out the study under

subsection (b)(1)(B), the Secretary shall provide an opportunity for public comment on the study proposal.

(d) CONSULTATION.—In carrying out the study under subsection (b)(1), the Secretary, at a minimum, shall consult with relevant experts on engineering, environmental, and industry considerations.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (b)(1).

SEC. 1174. CONVERSION OF SURPLUS WATER AGREEMENTS.

33 USC 708 note.

For the purposes of section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708), in any case in which a water supply agreement with a duration of 30 years or longer was predicated on water that was surplus to a purpose and provided for the complete payment of the actual investment costs of storage to be used, and that purpose is no longer authorized as of the date of enactment of this section, the Secretary shall provide to the non-Federal entity an opportunity to convert the agreement to a permanent storage agreement in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), with the same payment terms incorporated in the agreement.

SEC. 1175. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND.

Beginning on June 10, 2014, and ending on the date of the completion of the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any project authorized to receive funding from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

SEC. 1176. REHABILITATION ASSISTANCE.

Section 5 of the Act of August 18, 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n), is amended—

(1) in subsection (a) by adding at the end the following:

"(3) NONSTRUCTURAL ALTERNATIVES DEFINED.—In this subsection, the term 'nonstructural alternatives' includes efforts to restore or protect natural resources, including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk."; and

(2) by adding at the end the following:

"(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Chief of Engineers may increase the level of protection above the level to which the system was designed, or, if the repair or restoration includes repair or restoration of a pumping station, increase the capacity of a pump, if—

"(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

"(A) the authority under this section has been used more than once at the same location;

"(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

"(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

"(2) the non-Federal sponsor agrees to pay the difference between the cost of repair or restoration to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

"(e) NOTICE.—The Secretary shall notify and consult with the non-Federal sponsor regarding the opportunity to request implementation of nonstructural alternatives to the repair or restoration of a flood control work under subsection (a).".

33 USC 467f–2 note.

SEC. 1177. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

(a) IN GENERAL.—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as "high hazard potential" by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) COST LIMITATION.—The Secretary shall not expend more than $10,000,000 for a project at any single dam under this section.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2017 through 2026.

SEC. 1178. COLUMBIA RIVER.

(a) ECOSYSTEM RESTORATION.—Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking "$50,000,000" and inserting "$75,000,000".

(b) WATERCRAFT INSPECTION STATIONS.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States, with the highest likelihood

of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation."; and

(B) in paragraph (3)(A) by inserting "Governors of the" before "States"; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

"(3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and".

(c) TRIBAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED.—

(A) IN GENERAL.—Upon the request of the Secretary of the Interior, the Secretary may provide assistance on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100–581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

(B) CLARIFICATION.—

(i) IN GENERAL.—The Secretary is authorized to provide the assistance described in subparagraph (A) based on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(ii) ADDITIONAL STUDIES.—To the extent that the Secretary determines necessary, the Secretary is authorized to undertake additional studies to further examine any impacts to Indian tribes identified in subparagraph (A) beyond any information or studies identified under clause (i), except that the Secretary is authorized to provide the assistance described in subparagraph (A) based solely on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(2) STUDY OF IMPACTS OF JOHN DAY DAM, OREGON.—The Secretary shall—

(A) conduct a study to determine the number of Indian tribes displaced by the construction of the John Day Dam, Oregon; and

(B) recommend to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a plan to provide assistance to Indian tribes displaced as a result of the construction of the John Day Dam, Oregon.

SEC. 1179. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.—In this subsection, the term "sediment management plan" means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) UPPER MISSOURI RIVER BASIN PILOT PROGRAM.—The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) PLAN ELEMENTS.—A sediment management plan under paragraph (2) shall—

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;

(C) identify preliminary sediment management options, including sediment dikes and dredging;

(D) identify constraints;

(E) assess technical feasibility, economic justification, and environmental impacts;

(F) identify beneficial uses for sediment; and

(G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) COST SHARE.—The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

(5) CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) LEAD AGENCY.—The Secretary that has primary jurisdiction over a reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(b) SNOWPACK AND DROUGHT MONITORING.—Section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public

Law 113–121; 128 Stat. 1310) is amended by adding at the end the following:

"(5) LEAD AGENCY.—The Corps of Engineers shall be the lead agency for carrying out and coordinating the activities described in paragraph (1).".

SEC. 1180. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by striking "$60,000,000" and inserting "$100,000,000".

SEC. 1181. SALTON SEA, CALIFORNIA.

(a) IN GENERAL.—Section 3032 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1113) is amended—

(1) in the section heading by inserting "**PROGRAM**" after "**RESTORATION**";

(2) in subsection (b)—

(A) in the subsection heading by striking "PILOT PROJECTS" and inserting "PROGRAM";

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) ESTABLISHMENT.—The Secretary shall carry out a program to implement projects to restore the Salton Sea in accordance with this section.";

(iii) in subparagraph (B) (as redesignated by clause (i)) by striking "the pilot"; and

(iv) in subparagraph (C)(i) (as redesignated by clause (i))—

(I) in the matter preceding subclause (I), by striking "the pilot projects referred to in subparagraph (A)" and inserting "the projects referred to in subparagraph (B)";

(II) in subclause (I) by inserting ", Salton Sea Authority, or other non-Federal interest" before the semicolon; and

(III) in subclause (II) by striking "pilot";

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking "pilot"; and

(D) in paragraph (3)—

(i) by striking "pilot" each place it appears; and

(ii) by inserting ", Salton Sea Authority, or other non-Federal interest" after "State"; and

(3) in subsection (c) by striking "pilot".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) is amended by striking the item relating to section 3032 and inserting the following:

"3032. Salton Sea restoration program, California.".

SEC. 1182. ADJUSTMENT.

Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580) is amended—

(1) in paragraph (25) (113 Stat. 336)—

(A) by inserting "Berkeley," before "Calhoun,"; and

(B) by striking "Orangeberg, and Sumter" and inserting "and Orangeberg"; and

(2) in paragraph (78) (121 Stat. 1258)—

(A) in the paragraph heading by striking "ST. CLAIR COUNTY," and inserting "ST. CLAIR COUNTY, BLOUNT COUNTY, AND CULLMAN COUNTY,"; and

(B) by striking "St. Clair County," and inserting "St. Clair County, Blount County, and Cullman County,".

SEC. 1183. COASTAL ENGINEERING.

(a) IN GENERAL.—Section 4014(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2803a(b)) is amended—

(1) in paragraph (1) by inserting "Indian tribes," after "nonprofit organizations,";

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

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

"(3) give priority to projects in communities the existence of which is threatened by rising sea level, including projects relating to shoreline restoration, tidal marsh restoration, dunal habitats to protect coastal infrastructure, reduction of future and existing emergency repair costs, and the beneficial reuse of dredged materials;".

(b) INTERAGENCY COORDINATION ON COASTAL RESILIENCE.—

(1) IN GENERAL.—The Secretary shall convene an interagency working group on resilience to extreme weather, which will coordinate research, data, and Federal investments related to sea level rise, resiliency, and vulnerability to extreme weather, including coastal resilience.

(2) CONSULTATION.—The interagency working group convened under paragraph (1) shall participate in any activity carried out by an organization authorized by a State to study and issue recommendations on how to address the impacts on Federal assets of recurrent flooding and sea level rise, including providing consultation regarding policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in areas with significant Federal assets.

(c) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—The Secretary may conduct regional assessments of coastal and back bay protection and of Federal and State policies and programs related to coastal water resources, including—

(A) an assessment of the probability and the extent of coastal flooding and erosion, including back bay and estuarine flooding;

(B) recommendations for policies and other measures related to regional Federal, State, local, and private participation in shoreline and back bay protection projects;

(C) an evaluation of the performance of existing Federal coastal storm damage reduction, ecosystem restoration, and navigation projects, including recommendations for the improvement of those projects; and

(D) recommendations for the demonstration of methodologies for resilience through the use of natural and nature-based infrastructure approaches, as appropriate.

(2) COOPERATION.—In carrying out paragraph (1), the Secretary shall cooperate with—

(A) heads of appropriate Federal agencies;

(B) States that have approved coastal management programs and appropriate agencies of those States;

(C) local governments; and

(D) the private sector.

(d) STREAMLINING.—In carrying out this section, the Secretary shall—

(1) to the maximum extent practicable, use existing research done by Federal, State, regional, local, and private entities to eliminate redundancies and related costs;

(2) receive from any of the entities described in subsection (c)(2)—

(A) contributed funds; or

(B) research that may be eligible for credit as work-in-kind under applicable Federal law; and

(3) enable each District or combination of Districts of the Corps of Engineers that jointly participate in carrying out an assessment under this section to consider regionally appropriate engineering, biological, ecological, social, economic, and other factors in carrying out the assessment.

(e) REPORTS.—The Secretary shall submit in the 2019 annual report submitted to Congress in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)) all reports and recommendations prepared under this section, together with any necessary supporting documentation.

SEC. 1184. CONSIDERATION OF MEASURES. 33 USC 2289a.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) NATURAL FEATURE.—The term "natural feature" means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

(2) NATURE-BASED FEATURE.—The term "nature-based feature" means a feature that is created by human design, engineering, and construction to provide risk reduction in coastal areas by acting in concert with natural processes.

(b) REQUIREMENT.—In studying the feasibility of projects for flood risk management, hurricane and storm damage reduction, and ecosystem restoration the Secretary shall, with the consent of the non-Federal sponsor of the feasibility study, consider, as appropriate—

(1) natural features;

(2) nature-based features;

(3) nonstructural measures; and

(4) structural measures.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1, 2020, and 5 and 10 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of subsection (b).

(2) CONTENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of guidance or instructions issued, and other measures taken, by the Secretary and the Chief of Engineers to implement subsection (b).

(B) An assessment of the costs, benefits, impacts, and trade-offs associated with measures recommended by the Secretary for coastal risk reduction and the effectiveness of those measures.

(C) A description of any statutory, fiscal, or regulatory barriers to the appropriate consideration and use of a full array of measures for coastal risk reduction.

SEC. 1185. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall finalize the revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 2-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) OVERSIGHT COMMITTEE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an oversight committee (referred to in this subsection as the "Committee").

(2) PURPOSES.—The purposes of the Committee shall be—

(A) to review any permit to be issued under the existing Table Rock Lake Master Plan at the recommendation of the District Engineer; and

(B) to advise the District Engineer on revisions to the new Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(3) MEMBERSHIP.—The membership of the Committee shall not exceed 6 members and shall include—

(A) not more than 1 representative each from the State of Missouri and the State of Arkansas;

(B) not more than 1 representative each from local economic development organizations with jurisdiction over Table Rock Lake; and

(C) not more than 1 representative each representing the boating and conservation interests of Table Rock Lake.

(4) STUDY.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those permits and achieve cost savings;

(B) submit to Congress a report on the results of the study described in subparagraph (A); and

(C) begin implementation of a new permit fee structure based on the findings of the study described in subparagraph (A).

SEC. 1186. RURAL WESTERN WATER.

Section 595 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383; 128 Stat. 1316) is amended—

(1) by redesignating subsection (h) as subsection (i);

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

"(h) ELIGIBILITY.—

"(1) IN GENERAL.—Assistance under this section shall be made available to all eligible States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.

"(2) SELECTION OF PROJECTS.—In selecting projects for assistance under this section, the Secretary shall give priority to a project located in an eligible State or local entity for which the project sponsor is prepared to—

"(A) execute a new or amended project cooperation agreement; and

"(B) commence promptly after the date of enactment of the Water Resources Development Act of 2016.

"(3) RURAL PROJECTS.—The Secretary shall consider a project authorized under this section and an environmental infrastructure project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835) for new starts on the same basis as any other similarly funded project."; and

(3) in subsection (i) (as redesignated by paragraph (1)) by striking "which shall—" and all that follows through "remain" and inserting "to remain".

SEC. 1187. INTERSTATE COMPACTS.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (f).

SEC. 1188. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) State water quality standards that impact the disposal of dredged material should be developed collaboratively, with input from all relevant stakeholders;

(2) open-water disposal of dredged material should be reduced to the maximum extent practicable; and

(3) where practicable, the preference is for disputes between States related to the disposal of dredged material and the protection of water quality to be resolved between the States in accordance with regional plans and with the involvement of regional bodies.

SEC. 1189. DREDGED MATERIAL DISPOSAL.

33 USC 1344 note.

Disposal of dredged material shall not be considered environmentally acceptable for the purposes of identifying the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (or successor regulations)) if the disposal violates applicable State water quality standards approved by the Administrator of the Environmental Protection Agency under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

Subtitle B—Studies

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—Project for navigation, Ouachita-Black Rivers, Arkansas and Louisiana.

(2) CACHE CREEK SETTLING BASIN, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Cache Creek Settling Basin, California.

(3) COYOTE VALLEY DAM, CALIFORNIA.—Project for flood control, water conservation, and related purposes, Russian River Basin, California, authorized by the River and Harbor Act of 1950 (64 Stat. 177), to modify the Coyote Valley Dam to add environmental restoration as a project purpose and to increase water supply and improve reservoir operations.

(4) DEL ROSA CHANNEL, CITY OF SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(5) MERCED COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Merced County Streams, California.

(6) MISSION-ZANJA CHANNEL, CITIES OF SAN BERNARDINO AND REDLANDS, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(7) SOBOBA INDIAN RESERVATION, CALIFORNIA.—Project for flood damage reduction, Soboba Indian Reservation, California.

(8) INDIAN RIVER INLET, DELAWARE.—Project for hurricane and storm damage reduction, Indian River Inlet, Delaware.

(9) LEWES BEACH, DELAWARE.—Project for hurricane and storm damage reduction, Lewes Beach, Delaware.

(10) MISPILLION COMPLEX, KENT AND SUSSEX COUNTIES, DELAWARE.—Project for hurricane and storm damage reduction, Mispillion Complex, Kent and Sussex Counties, Delaware.

(11) DAYTONA BEACH, FLORIDA.—Project for flood damage reduction, Daytona Beach, Florida.

(12) BRUNSWICK HARBOR, GEORGIA.—Project for navigation, Brunswick Harbor, Georgia.

(13) DUBUQUE, IOWA.—Project for flood damage reduction, Dubuque, Iowa.

(14) ST. TAMMANY PARISH, LOUISIANA.—Project for flood damage reduction and ecosystem restoration, St. Tammany Parish, Louisiana.

(15) CATTARAUGUS CREEK, NEW YORK.—Project for flood damage reduction, Cattaraugus Creek, New York.

(16) CAYUGA INLET, ITHACA, NEW YORK.—Project for navigation and flood damage reduction, Cayuga Inlet, Ithaca, New York.

(17) DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE.—Projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 408 of the Act of July 24, 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (76 Stat. 1182), to review operations of the projects to enhance opportunities for ecosystem restoration and water supply.

(18) SILVER CREEK, HANOVER, NEW YORK.—Project for flood damage reduction and ecosystem restoration, Silver Creek, Hanover, New York.

(19) STONYCREEK AND LITTLE CONEMAUGH RIVERS, PENNSYLVANIA.—Project for flood damage reduction and recreation, Stonycreek and Little Conemaugh Rivers, Pennsylvania.

(20) TIOGA-HAMMOND LAKE, PENNSYLVANIA.—Project for ecosystem restoration, Tioga-Hammond Lake, Pennsylvania.

(21) BRAZOS RIVER, FORT BEND COUNTY, TEXAS.—Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

(22) CHACON CREEK, CITY OF LAREDO, TEXAS.—Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.

(23) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—Project for navigation, Corpus Christi Ship Channel, Texas.

(24) CITY OF EL PASO, TEXAS.—Project for flood damage reduction, city of El Paso, Texas.

(25) GULF INTRACOASTAL WATERWAY, BRAZORIA AND MATAGORDA COUNTIES, TEXAS.—Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.

(26) PORT OF BAY CITY, TEXAS.—Project for navigation, Port of Bay City, Texas.

(27) CHINCOTEAGUE ISLAND, VIRGINIA.—Project for hurricane and storm damage reduction, navigation, and ecosystem restoration, Chincoteague Island, Virginia.

(28) BURLEY CREEK WATERSHED, KITSAP COUNTY, WASHINGTON.—Project for flood damage reduction and ecosystem restoration, Burley Creek Watershed, Kitsap County, Washington.

(29) SAVANNAH RIVER BELOW AUGUSTA, GEORGIA.—Project for ecosystem restoration, water supply, recreation, and flood control, Savannah River below Augusta, Georgia.

(30) JOHNSTOWN, PENNSYLVANIA.—Project for flood damage reduction, Johnstown, Pennsylvania.

SEC. 1202. ADDITIONAL STUDIES.

(a) TULSA AND WEST TULSA, ARKANSAS RIVER, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377).

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.

(3) PRIORITIZATION TO ADDRESS SIGNIFICANT RISKS.—In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301)) is classified as Class I or II under the levee safety action classification tool developed by the Corps of Engineers, the Secretary shall expedite the project for budget consideration.

(b) CINCINNATI, OHIO.—

(1) REVIEW.—The Secretary shall review the Central Riverfront Park Master Plan, dated December 1999, and the Ohio Riverfront Study, Cincinnati, Ohio, dated August 2002, to determine the feasibility of carrying out flood risk reduction, ecosystem restoration, and recreation components beyond the ecosystem restoration and recreation components that were undertaken pursuant to section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) as a second phase of that project.

(2) AUTHORIZATION.—The project authorized under section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) is modified to authorize the Secretary to undertake the additional flood risk reduction and ecosystem restoration components described in paragraph (1), at a total cost of $30,000,000, if the Secretary determines that the additional flood risk reduction, ecosystem restoration, and recreation components, considered together, are feasible.

(c) ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.—Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking "(25 U.S.C. 450b))" each place it appears and inserting "(25 U.S.C. 5304)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)";

(2) in subsection (d) by striking "the Secretary of Homeland Security" and inserting "the Secretary of the department in which the Coast Guard is operating"; and

(3) by adding at the end the following:

"(e) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary—

"(1) shall consult with the Secretary of the department in which the Coast Guard is operating to identify benefits in carrying out the missions specified in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) associated with an Arctic deep draft port;

"(2) shall consult with the Secretary of Defense to identify national security benefits associated with an Arctic deep draft port; and

"(3) may consider such benefits in determining whether an Arctic deep draft port is feasible.".

(d) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by section 201(a) of the Harbor Development and Navigation Improvement Act of 1986 (Public Law 99–662; 100 Stat. 4090), to deepen the channel approaches and the associated area on the left descending

bank of the Mississippi River between mile 98.3 and mile 100.6 Above Head of Passes (AHP) to a depth equal to the Channel.

SEC. 1203. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1316) is amended—

(1) in subsection (a) by striking "conduct a study to determine the feasibility of carrying out projects" and inserting "carry out a comprehensive assessment and management plan";

(2) in subsection (b)—

(A) in the subsection heading by striking "STUDY" and inserting "ASSESSMENT AND PLAN"; and

(B) in the matter preceding paragraph (1) by striking "study" and inserting "assessment and plan"; and

(3) in subsection (c)(1) by striking "study" and inserting "assessment and plan".

SEC. 1204. SOUTH ATLANTIC COASTAL STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of current hurricane and storm damage reduction measures with an emphasis on regional sediment management practices to sustainably maintain or enhance current levels of storm protection;

(2) identify risks and coastal vulnerabilities in the areas affected by sea level rise;

(3) recommend measures to address the vulnerabilities described in paragraph (2); and

(4) develop a long-term strategy for—

(A) addressing increased hurricane and storm damages that result from rising sea levels; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report recommending specific and detailed actions to address the risks and vulnerabilities of the areas described in subsection (a) due to increased hurricane and storm damage as a result of sea level rise.

SEC. 1205. TEXAS COASTAL AREA.

In carrying out the comprehensive plan authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1187), the Secretary shall consider studies, data, and information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the plan.

SEC. 1206. UPPER MISSISSIPPI AND ILLINOIS RIVERS.

(a) IN GENERAL.—The Secretary shall conduct a study of the riverine areas located within the Upper Mississippi River and Illinois River basins to identify the risks and vulnerabilities of those areas to increased flood damages.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of flood risk management measures to maintain or enhance current levels of protection;

(2) identify risks and vulnerabilities in the areas affected by flooding;

(3) recommend specific measures and actions to address the risks and vulnerabilities described in paragraph (2);

(4) coordinate with the heads of other appropriate Federal agencies, the Governors of the States within the Upper Mississippi and Illinois River basins, the appropriate levee and drainage districts, nonprofit organizations, and other interested parties;

(5) develop basinwide hydrologic models for the Upper Mississippi River System and improve analytical methods needed to produce scientifically based recommendations for improvements to flood risk management; and

(6) develop a long-term strategy for—

(A) addressing increased flood damages; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the results of the study conducted under subsection (b).

SEC. 1207. KANAWHA RIVER BASIN.

The Secretary shall conduct studies to determine the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, and other water resource related purposes within the Kanawha River Basin, West Virginia, Virginia, and North Carolina.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

33 USC 579d.

SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) PURPOSES.—The purposes of this section are—

(1) to identify $10,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $10,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized

by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

(A) POST-AUTHORIZATION STUDY.—The term "post-authorization study" means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term "water resources development project" includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the

project or separable element shall be deemed to be the date of the most recent modification.

(g) REPEAL.—Subsection (a) and subsections (c) through (f) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) are repealed.

33 USC 579c–1.

SEC. 1302. BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless—

(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

SEC. 1303. VALDEZ, ALASKA.

(a) IN GENERAL.—Subject to subsection (b), the portion of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the property referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project referred to in subsection (a).

SEC. 1304. LOS ANGELES COUNTY DRAINAGE AREA, LOS ANGELES COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the water control manuals for control structures for the project for flood control, Los Angeles County Drainage Area, Los Angeles County, California,

authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 1305. SUTTER BASIN, CALIFORNIA.

(a) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—The deauthorization under subsection (a) does not affect—

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 10 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

SEC. 1306. ESSEX RIVER, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), and modified by the Act of March 3, 1899 (30 Stat. 1121, chapter 425), and the Act of March 2, 1907 (34 Stat. 1073, chapter 2509), that do not lie within the areas described in subsection (b) are no longer authorized beginning on the date of enactment of this Act.

(b) DESCRIPTION OF PROJECT AREAS.—The areas described in this subsection are as follows: Beginning at a point N3056139.82 E851780.21, thence southwesterly about 156.88 feet to a point N3055997.75 E851713.67; thence southwesterly about 64.59 feet to a point N3055959.37 E851661.72; thence southwesterly about 145.14 feet to a point N3055887.10 E851535.85; thence southwesterly about 204.91 feet to a point N3055855.12 E851333.45; thence northwesterly about 423.50 feet to a point N3055976.70 E850927.78; thence northwesterly about 58.77 feet to a point N3056002.99 E850875.21; thence northwesterly about 240.57 feet to a point N3056232.82 E850804.14; thence northwesterly about 203.60 feet to a point N3056435.41 E850783.93; thence northwesterly about 78.63 feet to a point N3056499.63 E850738.56; thence northwesterly

about 60.00 feet to a point N3056526.30 E850684.81; thence southwesterly about 85.56 feet to a point N3056523.33 E850599.31; thence southwesterly about 36.20 feet to a point N3056512.37 E850564.81; thence southwesterly about 80.10 feet to a point N3056467.08 E850498.74; thence southwesterly about 169.05 feet to a point N3056334.36 E850394.03; thence northwesterly about 48.52 feet to a point N3056354.38 E850349.83; thence northeasterly about 83.71 feet to a point N3056436.35 E850366.84; thence northeasterly about 212.38 feet to a point N3056548.70 E850547.07; thence northeasterly about 47.60 feet to a point N3056563.12 E850592.43; thence northeasterly about 101.16 feet to a point N3056566.62 E850693.53; thence southeasterly about 80.22 feet to a point N3056530.97 E850765.40; thence southeasterly about 99.29 feet to a point N3056449.88 E850822.69; thence southeasterly about 210.12 feet to a point N3056240.79 E850843.54; thence southeasterly about 219.46 feet to a point N3056031.13 E850908.38; thence southeasterly about 38.23 feet to a point N3056014.02 E850942.57; thence southeasterly about 410.93 feet to a point N3055896.06 E851336.21; thence northeasterly about 188.43 feet to a point N3055925.46 E851522.33; thence northeasterly about 135.47 feet to a point N3055992.91 E851639.80; thence northeasterly about 52.15 feet to a point N3056023.90 E851681.75; thence northeasterly about 91.57 feet to a point N3056106.82 E851720.59.

SEC. 1307. PORT OF CASCADE LOCKS, OREGON.

(a) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in subsection (b), beginning on the date of enactment of this Act, the flowage easements described in subsection (c) are extinguished above elevation 82.2 feet (NGVD29), the ordinary high water line.

(b) AFFECTED PROPERTIES.—The properties described in this subsection, as recorded in Hood River County, Oregon, are as follows:

(1) Lots 3, 4, 5, and 7 of the "Port of Cascade Locks Business Park" subdivision, Instrument Number 2014–00436.

(2) Parcels 1, 2, and 3 of Hood River County Partition, Plat Number 2008–25P.

(c) FLOWAGE EASEMENTS.—The flowage easements described in this subsection are identified as Tracts 302E–1 and 304E–1 on the easement deeds recorded as instruments in Hood River County, Oregon, and described as follows:

(1) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25, page 531 (Records of Hood River County, Oregon), in favor of the United States (302E–1–Perpetual Flowage Easement from 10/5/37, 10/5/36, and 10/3/36; previously acquired as Tracts OH–36 and OH–41 and a portion of Tract OH–47).

(2) A flowage easement dated October 5, 1936, recorded October 17, 1936, book 25, page 476 (Records of Hood River County, Oregon), in favor of the United States, affecting that portion below the 94-foot contour line above main sea level (304 E1–Perpetual Flowage Easement from 8/10/37 and 10/3/36; previously acquired as Tract OH–042 and a portion of Tract OH–47).

(d) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(1) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of an easement under this section.

(2) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this section establishes any cultural or environmental regulation relating to the properties described in subsection (b).

(e) EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers in the properties described in subsection (b).

SEC. 1308. CENTRAL DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA. 33 USC 5911.

(a) AREA TO BE DECLARED NONNAVIGABLE.—Subject to subsection (c), unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that there are substantive objections, those portions of the Delaware River, bounded by the former bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49, 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and Rivercenter.

(b) PUBLIC INTEREST DETERMINATION.—The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) LIMITS ON APPLICABILITY.—The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

SEC. 1309. HUNTINGDON COUNTY, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the master plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182); and

(2) ensure that alternatives for additional recreation access and development at the project are fully assessed, evaluated, and incorporated as a part of the update.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

(c) INVENTORY.—In carrying out the update under subsection (a), the Secretary shall include an inventory of those lands that

are not necessary to carry out the authorized purposes of the project.

SEC. 1310. RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.

Section 38(c) of the Water Resources Development Act of 1988 (33 U.S.C. 59j–1(c)) is amended—

(1) by striking "(except 30 years from such date of enactment, in the case of the area or any part thereof described in subsection (a)(5))"; and

(2) by adding at the end the following: "Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.".

SEC. 1311. SALT CREEK, GRAHAM, TEXAS.

(a) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) REVERSION.—If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.

SEC. 1312. TEXAS CITY SHIP CHANNEL, TEXAS CITY, TEXAS.

(a) IN GENERAL.—The portion of the Texas City Ship Channel, Texas City, Texas, described in subsection (b) shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) DESCRIPTION.—The portion of the Texas City Ship Channel described in this subsection is a tract or parcel containing 393.53 acres (17,142,111 square feet) of land situated in the City of Texas City Survey, Abstract Number 681, and State of Texas Submerged Lands Tracts 98A and 99A, Galveston County, Texas, said 393.53 acre tract being more particularly described as follows:

(1) Beginning at the intersection of an edge of fill along Galveston Bay with the most northerly east survey line of said City of Texas City Survey, Abstract No. 681, the same being a called 375.75 acre tract patented by the State of Texas to the City of Texas City and recorded in Volume 1941, Page 750 of the Galveston County Deed Records (G.C.D.R.), from which a found U.S. Army Corps of Engineers Brass Cap stamped "R 4–3" set in the top of the Texas City Dike along the east side of Bay Street bears North 56° 14' 32" West, a distance of 6,045.31 feet and from which a found U.S. Army Corps of Engineers Brass Cap stamped "R 4–2" set in the

top of the Texas City Dike along the east side of Bay Street bears North 49° 13' 20" West, a distance of 6,693.64 feet.

(2) Thence, over and across said State Tracts 98A and 99A and along the edge of fill along said Galveston Bay, the following 8 courses and distances:

(A) South 75° 49' 13" East, a distance of 298.08 feet to an angle point of the tract herein described.

(B) South 81° 16' 26" East, a distance of 170.58 feet to an angle point of the tract herein described.

(C) South 79° 20' 31" East, a distance of 802.34 feet to an angle point of the tract herein described.

(D) South 75° 57' 32" East, a distance of 869.68 feet to a point for the beginning of a non-tangent curve to the right.

(E) Easterly along said non-tangent curve to the right having a radius of 736.80 feet, a central angle of 24° 55' 59", a chord of South 68° 47' 35" East – 318.10 feet, and an arc length of 320.63 feet to a point for the beginning of a non-tangent curve to the left.

(F) Easterly along said non-tangent curve to the left having a radius of 373.30 feet, a central angle of 31° 57' 42", a chord of South 66° 10' 42" East – 205.55 feet, and an arc length of 208.24 feet to a point for the beginning of a non-tangent curve to the right.

(G) Easterly along said non-tangent curve to the right having a radius of 15,450.89 feet, a central angle of 02° 04' 10", a chord of South 81° 56' 20" East – 558.04 feet, and an arc length of 558.07 feet to a point for the beginning of a compound curve to the right and the northeasterly corner of the tract herein described.

(H) Southerly along said compound curve to the right and the easterly line of the tract herein described, having a radius of 1,425.00 feet, a central angle of 133° 08' 00", a chord of South 14° 20' 15" East – 2,614.94 feet, and an arc length of 3,311.15 feet to a point on a line lying 125.00 feet northerly of and parallel with the centerline of an existing levee for the southeasterly corner of the tract herein described.

(3) Thence, continuing over and across said State Tracts 98A and 99A and along lines lying 125.00 feet northerly of, parallel, and concentric with the centerline of said existing levee, the following 12 courses and distances:

(A) North 78° 01' 58" West, a distance of 840.90 feet to an angle point of the tract herein described.

(B) North 76° 58' 35" West, a distance of 976.66 feet to an angle point of the tract herein described.

(C) North 76° 44' 33" West, a distance of 1,757.03 feet to a point for the beginning of a tangent curve to the left.

(D) Southwesterly, along said tangent curve to the left having a radius of 185.00 feet, a central angle of 82° 27' 32", a chord of South 62° 01' 41" West – 243.86 feet, and an arc length of 266.25 feet to a point for the beginning of a compound curve to the left.

(E) Southerly, along said compound curve to the left having a radius of 4,535.58 feet, a central angle of 11° 06' 58", a chord of South 15° 14' 26" West – 878.59 feet,

and an arc length of 879.97 feet to an angle point of the tract herein described.

(F) South 64° 37' 11" West, a distance of 146.03 feet to an angle point of the tract herein described.

(G) South 67° 08' 21" West, a distance of 194.42 feet to an angle point of the tract herein described.

(H) North 34° 48' 22" West, a distance of 789.69 feet to an angle point of the tract herein described.

(I) South 42° 47' 10" West, a distance of 161.01 feet to an angle point of the tract herein described.

(J) South 42° 47' 10" West, a distance of 144.66 feet to a point for the beginning of a tangent curve to the right.

(K) Westerly, along said tangent curve to the right having a radius of 310.00 feet, a central angle of 59° 50' 28", a chord of South 72° 42' 24" West – 309.26 feet, and an arc length of 323.77 feet to an angle point of the tract herein described.

(L) North 77° 22' 21" West, a distance of 591.41 feet to the intersection of said parallel line with the edge of fill adjacent to the easterly edge of the Texas City Turning Basin for the southwesterly corner of the tract herein described, from which a found U.S. Army Corps of Engineers Brass Cap stamped "SWAN 2" set in the top of a concrete column set flush in the ground along the north bank of Swan Lake bears South 20° 51' 58" West, a distance of 4,862.67 feet.

(4) Thence, over and across said City of Texas City Survey and along the edge of fill adjacent to the easterly edge of said Texas City Turning Basin, the following 18 courses and distances:

(A) North 01° 34' 19" East, a distance of 57.40 feet to an angle point of the tract herein described.

(B) North 05° 02' 13" West, a distance of 161.85 feet to an angle point of the tract herein described.

(C) North 06° 01' 56" East, a distance of 297.75 feet to an angle point of the tract herein described.

(D) North 06° 18' 07" West, a distance of 71.33 feet to an angle point of the tract herein described.

(E) North 07° 21' 09" West, a distance of 122.45 feet to an angle point of the tract herein described.

(F) North 26° 41' 15" West, a distance of 46.02 feet to an angle point of the tract herein described.

(G) North 01° 31' 59" West, a distance of 219.78 feet to an angle point of the tract herein described.

(H) North 15° 54' 07" West, a distance of 104.89 feet to an angle point of the tract herein described.

(I) North 04° 00' 34" East, a distance of 72.94 feet to an angle point of the tract herein described.

(J) North 06° 46' 38" West, a distance of 78.89 feet to an angle point of the tract herein described.

(K) North 12° 07' 59" West, a distance of 182.79 feet to an angle point of the tract herein described.

(L) North 20° 50' 47" West, a distance of 105.74 feet to an angle point of the tract herein described.

(M) North 02° 02' 04" West, a distance of 184.50 feet to an angle point of the tract herein described.

(N) North 08° 07' 11" East, a distance of 102.23 feet to an angle point of the tract herein described.

(O) North 08° 16' 00" West, a distance of 213.45 feet to an angle point of the tract herein described.

(P) North 03° 15' 16" West, a distance of 336.45 feet to a point for the beginning of a non-tangent curve to the left.

(Q) Northerly along said non-tangent curve to the left having a radius of 896.08 feet, a central angle of 14° 00' 05", a chord of North 09° 36' 03" West – 218.43 feet, and an arc length of 218.97 feet to a point for the beginning of a non-tangent curve to the right.

(R) Northerly along said non-tangent curve to the right having a radius of 483.33 feet, a central angle of 19° 13' 34", a chord of North 13° 52' 03" East – 161.43 feet, and an arc length of 162.18 feet to a point for the northwesterly corner of the tract herein described.

(5) Thence, continuing over and across said City of Texas City Survey, and along the edge of fill along said Galveston Bay, the following 15 courses and distances:

(A) North 30° 45' 02" East, a distance of 189.03 feet to an angle point of the tract herein described.

(B) North 34° 20' 49" East, a distance of 174.16 feet to a point for the beginning of a non-tangent curve to the right.

(C) Northeasterly along said non-tangent curve to the right having a radius of 202.01 feet, a central angle of 25° 53' 37", a chord of North 33° 14' 58" East – 90.52 feet, and an arc length of 91.29 feet to a point for the beginning of a non-tangent curve to the left.

(D) Northeasterly along said non-tangent curve to the left having a radius of 463.30 feet, a central angle of 23° 23' 57", a chord of North 48° 02' 53" East – 187.90 feet, and an arc length of 189.21 feet to a point for the beginning of a non-tangent curve to the right.

(E) Northeasterly along said non-tangent curve to the right having a radius of 768.99 feet, a central angle of 16° 24' 19", a chord of North 43° 01' 40" East – 219.43 feet, and an arc length of 220.18 feet to an angle point of the tract herein described.

(F) North 38° 56' 50" East, a distance of 126.41 feet to an angle point of the tract herein described.

(G) North 42° 59' 50" East, a distance of 128.28 feet to a point for the beginning of a non-tangent curve to the right.

(H) Northerly along said non-tangent curve to the right having a radius of 151.96 feet, a central angle of 68° 36' 31", a chord of North 57° 59' 42" East – 171.29 feet, and an arc length of 181.96 feet to a point for the most northerly corner of the tract herein described.

(I) South 77° 14' 49" East, a distance of 131.60 feet to an angle point of the tract herein described.

(J) South 84° 44' 18" East, a distance of 86.58 feet to an angle point of the tract herein described.

(K) South 58° 14' 45" East, a distance of 69.62 feet to an angle point of the tract herein described.

(L) South 49° 44' 51" East, a distance of 149.00 feet to an angle point of the tract herein described.

(M) South 44° 47' 21" East, a distance of 353.77 feet to a point for the beginning of a non-tangent curve to the left.

(N) Easterly along said non-tangent curve to the left having a radius of 253.99 feet, a central angle of 98° 53' 23", a chord of South 83° 28' 51" East – 385.96 feet, and an arc length of 438.38 feet to an angle point of the tract herein described.

(O) South 75° 49' 13" East, a distance of 321.52 feet to the point of beginning and containing 393.53 acres (17,142,111 square feet) of land.

SEC. 1313. STONINGTON HARBOUR, CONNECTICUT.

The portion of the project for navigation, Stonington Harbour, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288, chapter 73), that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25, E. 1,230,856.86, is no longer authorized as a Federal project beginning on the date of enactment of this Act.

SEC. 1314. RED RIVER BELOW DENISON DAM, TEXAS, OKLAHOMA, ARKANSAS, AND LOUISIANA.

The portion of the project for flood control with respect to the Red River below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596), consisting of the portion of the West Agurs Levee that begins at lat. 32° 32' 50.86" N., by long. 93° 46' 16.82" W., and ends at lat. 32° 31' 22.79" N., by long. 93° 45' 2.47" W., is no longer authorized beginning on the date of enactment of this Act.

SEC. 1315. GREEN RIVER AND BARREN RIVER, KENTUCKY.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, commercial navigation at the locks and dams identified in the report of the Chief of Engineers entitled "Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky" and dated April 30, 2015, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be disposed of—

(1) consistent with this section; and

(2) subject to such terms and conditions as the Secretary determines to be necessary and appropriate in the public interest.

(b) DISPOSITION.—

(1) GREEN RIVER LOCK AND DAM 3.—The Secretary shall convey to the Rochester Dam Regional Water Commission all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 3, located in Ohio County and Muhlenberg County, Kentucky, together with any improvements on the land.

(2) GREEN RIVER LOCK AND DAM 4.—The Secretary shall convey to Butler County, Kentucky, all right, title, and interest of the United States in and to the land associated with Green

River Lock and Dam 4, located in Butler County, Kentucky, together with any improvements on the land.

(3) GREEN RIVER LOCK AND DAM 5.—The Secretary shall convey to the State of Kentucky, a political subdivision of the State of Kentucky, or a nonprofit, nongovernmental organization all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 5, located in Edmonson County, Kentucky, together with any improvements on the land, for the purposes of—

(A) removing Lock and Dam 5 from the river at the earliest feasible time; and

(B) making the land available for conservation and public recreation, including river access.

(4) GREEN RIVER LOCK AND DAM 6.—

(A) IN GENERAL.—The Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the left descending bank of the Green River, together with any improvements on the land, for inclusion in Mammoth Cave National Park.

(B) TRANSFER TO THE STATE OF KENTUCKY.—The Secretary shall convey to the State of Kentucky all right, title, and interest of the United States in and to the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the right descending bank of the Green River, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(i) removing Lock and Dam 6 from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(5) BARREN RIVER LOCK AND DAM 1.—The Secretary shall convey to the State of Kentucky, all right, title, and interest of the United States in and to the land associated with Barren River Lock and Dam 1, located in Warren County, Kentucky, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(A) removing Lock and Dam 1 from the river at the earliest feasible time; and

(B) making the land available for conservation and public recreation, including river access.

(c) CONDITIONS.—

(1) IN GENERAL.—The exact acreage and legal description of any land to be disposed of, transferred, or conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(2) QUITCLAIM DEED.—A conveyance under paragraph (1), (2), (4), or (5) of subsection (b) shall be accomplished by quitclaim deed and without consideration.

(3) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a transfer or conveyance under this section, including the costs of a survey carried out under paragraph (1).

(4) REVERSION.—If the Secretary determines that the land conveyed under this section is not used by a non-Federal entity for a purpose that is consistent with the purpose of the conveyance, all right, title, and interest in and to the land, including any improvements on the land, shall revert, at the discretion of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the land.

SEC. 1316. HANNIBAL SMALL BOAT HARBOR, HANNIBAL, MISSOURI.

The project for navigation at Hannibal Small Boat Harbor on the Mississippi River, Hannibal, Missouri, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166, chapter 188), is no longer authorized beginning on the date of enactment of this Act, and any maintenance requirements associated with the project are terminated.

SEC. 1317. LAND TRANSFER AND TRUST LAND FOR MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as "USACE" on the map entitled "Muscogee (Creek) Nation Proposed Land Acquisition" and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 1318. CAMERON COUNTY, TEXAS.

(a) RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the interests of the United States in certain tracts of land located in Cameron County, Texas, as described in subsection (d).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any release under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(c) COSTS OF CONVEYANCE.—The Brownsville Navigation District shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the releases.

(d) DESCRIPTION.—The Secretary shall release all or portions of the interests in the following tracts as determined by a survey to be paid for by the Brownsville Navigation District, that is satisfactory to the Secretary:

(1) Tract No. 1: Being 1,277.80 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 22, 1932, and recorded at Volume 238, pages 578 through 580, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 361.03 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, and further save and except approximately 165.56 Acres for the existing Dredged Material Placement Area No. 4A1.

(2) Tract No. 2: Being 842.28 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 486 through 488, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 178.15 Acres comprised of a strip 562 feet in width, being the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, further save and except approximately 76.95 Acres for the existing Dredged Material Placement Area No. 4A1, and further save and except approximately 74.40 Acres for the existing Dredged Material Placement Area No. 4B1.

(3) Tract No. 3: Being 362.00 Acres as conveyed by the Manufacturing and Distributing University to the United States of America by instrument dated March 3, 1936, and recorded at Volume "R", page 123, in the Miscellaneous Deed Records

of Cameron County, Texas, to be released and abandoned in its entirety.

(4) Tract No. 4: Being 9.48 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, pages 115 through 118, in the Deed Records of Cameron County, Texas (said 9.48 Acres are identified in said instrument as the "Second Tract"), to be released and abandoned in its entirety, save and except approximately 1.97 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(5) Tract No. 5: Being 10.91 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, by instrument dated March 6, 1939, and recorded at Volume 293, pages 113 through 115, in the Deed Records of Cameron County, Texas (said 10.91 Acres are identified in said instrument as "Third Tract"), to be released and abandoned in its entirety, save and except approximately 0.36 Acre, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(6) Tract No. 9: Being 552.82 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 483 through 486, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 84.59 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(7) Tract No. 10: Being 325.02 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 7, 1935, and recorded at Volume 281, pages 476 through 483, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 76.81 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(8) Tract No. 11: Being 8.85 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, Pages 115 through 118, in the Deed Records of Cameron County, Texas (said 8.85 Acres are identified in said instrument as the "First Tract"), to be released and abandoned in its entirety, save and except approximately 0.30 Acres, comprised of the area within the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(9) Tract No. A100E: Being 13.63 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 30, 1947, and recorded at Volume 427, page 1 through 4 in the Deed Records of Cameron County, to be released and abandoned in its entirety, save and except approximately 6.60 Acres, comprised of the area designated by the

U.S. Army Corps of Engineers as required for the existing project known as Brazos Island Harbor, plus 5.0 feet.

(10) Tract No. 122E: Being 31.4 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated December 11, 1963 and recorded at Volume 756, page 393 in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 4.18 Acres in Share 31 of the Espiritu Santo Grant in Cameron County, Texas, and further save and except approximately 2.04 Acres in Share 7 of the San Martin Grant in Cameron County, Texas, being portions of the area designated by the U.S. Army Corps of Engineers as required for the current project known as Brazos Island Harbor, plus 5.0 feet.

SEC. 1319. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) NEW SAVANNAH BLUFF LOCK AND DAM.—The term "New Savannah Bluff Lock and Dam" means—

(A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924), and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(2) PROJECT.—The term "Project" means the project for navigation, Savannah Harbor expansion, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364).

(b) DEAUTHORIZATION.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) the New Savannah Bluff Lock and Dam is deauthorized; and

(B) notwithstanding section 348(l)(2)(B) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2630; 114 Stat. 2763A–228) (as in effect on the day before the date of enactment of this Act) or any other provision of law, the New Savannah Bluff Lock and Dam shall not be conveyed to the city of North Augusta and Aiken County, South Carolina, or any other non-Federal entity.

(2) REPEAL.—Section 348 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2630; 114 Stat. 2763A–228) is amended—

(A) by striking subsection (l); and

(B) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(c) PROJECT MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Project is modified to include, as the Secretary determines to be necessary—

(A)(i) repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure such that the structure is able—

(I) to maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of this Act; and

(II) to allow safe passage over the structure to historic spawning grounds of shortnose sturgeon, Atlantic sturgeon, and other migratory fish; or

(ii)(I) construction at an appropriate location across the Savannah River of a structure that is able to maintain the pool for water supply and recreational activities, as in existence on the date of enactment of this Act; and

(II) removal of the New Savannah Bluff Lock and Dam on completion of construction of the structure; and

(B) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.

(2) NON-FEDERAL COST SHARE.—The Federal share of the cost of any Project feature constructed pursuant to paragraph (1) shall be not greater than the share as provided by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364) for the most cost-effective fish passage structure.

(3) OPERATION AND MAINTENANCE COSTS.—The Federal share of the costs of operation and maintenance of any Project feature constructed pursuant to paragraph (1) shall be consistent with the cost sharing of the Project as provided by law.

SEC. 1320. HAMILTON CITY, CALIFORNIA.

Section 1001(8) of the Water Resources Development Act of 2007 (121 Stat. 1050) is modified to authorize the Secretary to construct the project at a total cost of $91,000,000, with an estimated Federal cost of $59,735,061 and an estimated non-Federal cost of $31,264,939.

SEC. 1321. CONVEYANCES.

(a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

(1) IN GENERAL.—The project for navigation, Pearl River, Mississippi and Louisiana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and section 101 of the River and Harbor Act of 1966 (Public Law 89–789; 80 Stat. 1405), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) TRANSFER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary is authorized to convey to a State or local interest, without consideration, all right, title, and interest of the United States in and to—

(i) any land in which the Federal Government has a property interest for the project described in paragraph (1); and

(ii) improvements to the land described in clause (i).

(B) RESPONSIBILITY FOR COSTS.—The transferee shall be responsible for the payment of all costs and administrative expenses associated with any transfer carried out pursuant to subparagraph (A), including costs associated with any land survey required to determine the exact acreage and legal description of the land and improvements to be transferred.

(C) OTHER TERMS AND CONDITIONS.—A transfer under subparagraph (A) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the land and improvements conveyed under paragraph (2) cease to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

(b) SARDIS LAKE, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary is authorized to convey to the lessee, at full fair market value, all right, title, and interest of the United Sates in and to the property identified in the leases numbered DACW38–1–15–7, DACW38–1–15–33, DACW38–1–15–34, and DACW38–1–15–38, subject to such terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(2) EASEMENT AND RESTRICTIVE COVENANT.—The conveyance under paragraph (1) shall include—

(A) a restrictive covenant to require the approval of the Secretary for any substantial change in the use of the property; and

(B) a flowage easement.

(c) PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.—

(1) IN GENERAL.—Notwithstanding the Act of June 28, 1938 (52 Stat. 1215, chapter 795), as amended by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377), and notwithstanding section 3 of the Act of July 31, 1946 (60 Stat. 744, chapter 710), the Secretary shall convey, by quitclaim deed and without consideration, to the Grand River Dam Authority, an agency of the State of Oklahoma, for flood control purposes, all right, title, and interest of the United States in and to real property under the administrative jurisdiction of the Secretary acquired in connection with the Pensacola Dam project, together with any improvements on the property.

(2) FLOOD CONTROL PURPOSES.—If any interest in the real property described in paragraph (1) ceases to be managed for flood control or other public purposes and is conveyed to a nonpublic entity, the transferee, as part of the conveyance, shall pay to the United States the fair market value for the interest.

(3) NO EFFECT.—Nothing in this subsection—

(A) amends, modifies, or repeals any existing authority vested in the Federal Energy Regulatory Commission; or

(B) amends, modifies, or repeals any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(d) JOE POOL LAKE, TEXAS.—The Secretary shall accept from the Trinity River Authority of Texas, if received on or before December 31, 2016, $31,344,841 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a (relating to project investment costs) of contract number DACW63–76–C–0106 as of the date of enactment of this Act.

SEC. 1322. EXPEDITED CONSIDERATION.

(a) IN GENERAL.—Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C) by inserting "restore or" before "prevent the loss"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "the date of enactment of this Act" and inserting "the date of enactment of the Water Resources Development Act of 2016"; and

(ii) in subparagraph (A)(ii) by striking "that—" and all that follows through "limited reevaluation report"; and

(2) in subsection (b)—

(A) in paragraph (1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated) by striking "For" and inserting the following: "(1) IN GENERAL.—For"; and

(D) by adding at the end the following:

"(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

"(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

"(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and

"(ii) that meet the criteria described in paragraph (1); and

"(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.".

(b) EXPEDITED CONSIDERATION.—

(1) EXPEDITED COMPLETION OF FLOOD DAMAGE REDUCTION AND FLOOD RISK MANAGEMENT PROJECTS.—For authorized projects with a primary purpose of flood damage reduction and flood risk management, the Secretary shall provide priority funding for and expedite the completion of the following projects:

(A) Chicagoland Underflow Plan, Illinois, including stage 2 of the McCook Reservoir, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3715) and section 501(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 334).

(B) Cedar River, Cedar Rapids, Iowa, as authorized by section 7002(2)(3) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366).

(C) Comite River, Louisiana, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3709) and section 371 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 321).

(D) Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, as authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 277) and modified by section 116 of title I of division D of Public Law 108–7 (117 Stat. 140) and section 3074 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1124).

(E) The projects described in paragraphs (29) through (33) of section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)).

(2) EXPEDITED COMPLETION OF FEASIBILITY STUDIES.—The Secretary shall give priority funding and expedite completion of the reports for the following projects, and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(A) The project for navigation, St. George Harbor, Alaska.

(B) The project for flood risk management, Rahway River Basin, New Jersey.

(C) The Hudson-Raritan Estuary Comprehensive Restoration Project.

(D) The project for navigation, Mobile Harbor, Alabama.

(E) The project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona.

(F) The project for flood risk management, Lower San Joaquin River, California. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(G) The project for flood risk management and ecosystem restoration, Sacramento River Flood Control System, California.

(H) The project for hurricane and storm damage risk reduction, Ft. Pierce, Florida.

(I) The project for flood risk management, Des Moines and Raccoon Rivers, Iowa.

(J) The project for navigation, Mississippi River Ship Channel, Louisiana.

(K) The project for flood risk management, North Branch Ecorse Creek, Wayne County, Michigan.

(3) EXPEDITED COMPLETION OF POST-AUTHORIZATION CHANGE REPORT.—The Secretary shall provide priority funding for, and expedite completion of, a post-authorization change report for the project for hurricane and storm damage risk reduction, New Hanover County, North Carolina.

(4) COMPLETION OF PROJECTS UNDER CONSTRUCTION BY NON-FEDERAL INTERESTS.—The Secretary shall expedite review and decision on recommendations for the following projects for flood damage reduction and flood risk management:

(A) Pearl River Basin, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4132), as modified by section 3104 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1134), submitted to the Secretary under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)).

(B) Brays Bayou, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), as modified by section 211(f)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(f)(6)) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)).

Subtitle D—Water Resources Infrastructure

SEC. 1401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: $121,023,000 Non-Federal: $89,453,000 Total: $210,476,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: $17,432,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: $16,015,000 Non-Federal: $5,338,000 Total: $21,353,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: $229,770,000 Non-Federal: $107,233,000 Total: $337,003,000
5. AK	Little Diomede Harbor	Aug. 10, 2015	Federal: $26,394,000 Non-Federal: $2,933,000 Total: $29,327,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: $231,239,000 Non-Federal: $271,454,000 Total: $502,693,000
7. AK	Craig Harbor	Mar. 16, 2016	Federal: $29,456,000 Non-Federal: $3,299,000 Total: $32,755,000
8. PA	Upper Ohio	Sep. 12, 2016	Total: $2,691,600,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund).

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: $22,145,000 Non-Federal: $11,925,000 Total: $34,070,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Citys	Jan. 27, 2015	Federal: $213,271,500 Non-Federal: $114,838,500 Total: $328,110,000
3. KS	City of Manhattan	Apr. 30, 2015	Federal: $16,151,000 Non-Federal: $8,697,000 Total: $24,848,000
4. TN	Mill Creek	Oct. 16, 2015	Federal: $17,950,000 Non-Federal: $10,860,000 Total: $28,810,000
5. KS	Upper Turkey Creek Basin	Dec. 22, 2015	Federal: $25,610,000 Non-Federal: $13,790,000 Total: $39,400,000
6. NC	Princeville	Feb. 23, 2016	Federal: $14,080,000 Non-Federal: $7,582,000 Total: $21,662,000
7. CA	American River Common Features	Apr. 26, 2016	Federal: $890,046,900 Non-Federal: $705,714,100 Total: $1,595,761,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
8. CA	West Sacramento	Apr. 26, 2016	Federal: $788,861,000 Non-Federal: $424,772,000 Total: $1,213,633,000.

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Colleton County	Sep. 5, 2014	Initial Federal: $14,448,000 Initial Non-Federal: $7,780,000 Initial Total: $22,228,000 Renourishment Federal: $17,491,000 Renourishment Non-Federal: $17,491,000 Renourishment Total: $34,982,000
2. FL	Flagler County	Dec. 23, 2014	Initial Federal: $9,561,000 Initial Non-Federal: $5,149,000 Initial Total: $14,710,000 Renourishment Federal: $15,814,000 Renourishment Non-Federal: $15,815,000 Renourishment Total: $31,629,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
3. NC	Carteret County	Dec. 23, 2014	Initial Federal: $25,468,000 Initial Non-Federal: $13,714,000 Initial Total: $39,182,000 Renourishment Federal: $120,428,000 Renourishment Non-Federal: $120,429,000 Renourishment Total: $240,857,000
4. NJ	Hereford Inlet to Cape May Inlet, Cape May County	Jan. 23, 2015	Initial Federal: $14,823,000 Initial Non-Federal: $7,981,000 Initial Total: $22,804,000 Renourishment Federal: $43,501,000 Renourishment Non-Federal: $43,501,000 Renourishment Total: $87,002,000
5. LA	West Shore Lake Pontchartrain	Jun. 12, 2015	Federal: $483,496,650 Non-Federal: $260,344,350 Total: $743,841,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
6. CA	San Diego County	Apr. 26, 2016	Initial Federal: $20,953,000 Initial Non-Federal: $11,282,000 Initial Total: $32,235,000 Renourishment Federal: $70,785,000 Renourishment Non-Federal: $70,785,000 Renourishment Total: $141,570,000.

(4) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: $993,131,000 Non-Federal: $991,544,000 Total: $1,984,675,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: $13,168,000 Non-Federal: $7,091,000 Total: $20,259,000
3. WA	Puget Sound	Sep. 16, 2016	Federal: $300,009,000 Non-Federal: $161,543,000 Total: $461,552,000.

(5) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	Jun. 8, 2015	Federal: $204,860,000 Non-Federal: $110,642,000 Total: $315,502,000.

(6) FLOOD RISK MANAGEMENT, ECOSYSTEM RESTORATION, AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: $70,511,000 Non-Federal: $106,689,000 Total: $177,200,000.

(7) ECOSYSTEM RESTORATION AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River	Dec. 14, 2015	Federal: $19,531,000 Non-Federal: $10,845,000 Total: $30,376,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: $373,413,500 Non-Federal: $1,046,893,500 Total: $1,420,307,000.

(8) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. LA	Southwest Coastal Louisiana	Jul. 29, 2016	Federal: $2,054,386,100 Non-Federal: $1,106,207,900 Total: $3,160,594,000.

(9) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: $526,500,000 Non-Federal: $283,500,000 Total: $810,000,000
2. KS, MO	Turkey Creek Basin	May 13, 2016	Federal: $101,491,650 Non-Federal: $54,649,350 Total: $156,141,000
3. KY	Ohio River Shoreline	May 13, 2016	Federal: $20,309,900 Non-Federal: $10,936,100 Total: $31,246,000
4. MO	Blue River Basin	May 13, 2016	Federal: $36,326,250 Non-Federal: $12,108,750 Total: $48,435,000
5. FL	Picayune Strand	Jul. 15, 2016	Federal: $313,166,000 Non-Federal: $313,166,000 Total: $626,332,000

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
6. MO	Swope Park Industrial Area, Blue River	Jul. 15, 2016	Federal: $21,033,350 Non-Federal: $11,325,650 Total: $32,359,000
7. AZ	Rio de Flag, Flagstaff	Sep. 21, 2016	Federal: $66,844,900 Non-Federal: $36,039,100 Total: $102,884,000
8. TX	Houston Ship Channel	Nov. 4, 2016	Federal: $381,773,000 Non-Federal: $127,425,000 Total: $509,198,000.

SEC. 1402. SPECIAL RULES.

(a) MILL CREEK.—The portion of the project for flood risk management, Mill Creek, Tennessee, authorized by section 1401(2) of this Act that consists of measures within the Mill Creek basin shall be carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) LOS ANGELES RIVER.—The Secretary shall carry out the project for ecosystem restoration and recreation, Los Angeles River, California, authorized by section 1401(7) of this Act substantially in accordance with terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2015, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1074), the recommended cost share.

(c) UPPER TRINITY RIVER.—Not more than $5,500,000 may be expended to carry out recreation features of the Upper Trinity River project, Texas, authorized by section 1401(9) of this Act.

Water and Waste Act of 2016.

TITLE II—WATER AND WASTE ACT OF 2016

42 USC 201 note.

SEC. 2001. SHORT TITLE.

This title may be cited as the "Water and Waste Act of 2016".

42 USC 300j–3d note.

SEC. 2002. DEFINITION OF ADMINISTRATOR.

In this title, the term "Administrator" means the Administrator of the Environmental Protection Agency.

Subtitle A—Safe Drinking Water

SEC. 2101. SENSE OF CONGRESS ON APPROPRIATIONS LEVELS.

It is the sense of Congress that Congress should provide robust funding of capitalization grants to States to fund those States' drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

SEC. 2102. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended—

(1) in the fifth sentence, by striking "Of the amount" and inserting the following:

"(F) LOAN ASSISTANCE.—Of the amount";

(2) in the fourth sentence, by striking "The funds" and inserting the following:

"(E) ACQUISITION OF REAL PROPERTY.—The funds under this section";

(3) in the third sentence, by striking "The funds" and inserting the following:

"(D) WATER TREATMENT LOANS.—The funds under this section";

(4) in the second sentence, by striking "Financial assistance" and inserting the following:

"(B) LIMITATION.—Financial assistance";

(5) in the first sentence, by striking "Except" and inserting the following:

"(A) IN GENERAL.—Except";

(6) in subparagraph (B) (as designated by paragraph (4)), by striking "(not" and inserting "(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not"; and

(7) by inserting after subparagraph (B) (as designated by paragraph (4)) the following:

"(C) SALE OF BONDS.—Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.".

SEC. 2103. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(2) by striking the fifth sentence and inserting the following:

"(D) ENFORCEMENT ACTIONS.—Funds used under subparagraph (B)(ii) shall not be used for enforcement actions.";

(3) in the fourth sentence, by striking "An additional" and inserting the following:

"(C) TECHNICAL ASSISTANCE.—An additional";

(4) by striking the third sentence;

(5) in the second sentence, by striking "For fiscal year" and inserting the following:

"(B) ADDITIONAL USE OF FUNDS.—For fiscal year";

(6) by striking the first sentence and inserting the following:

"(A) AUTHORIZATION.—

"(i) IN GENERAL.—For each fiscal year, a State may use the amount described in clause (ii)—

"(I) to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund that are incurred after the date of enactment of this section; and

"(II) to provide technical assistance to public water systems within the State.

"(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the sum of—

"(I) the amount of any fees collected by the State for use in accordance with clause (i)(I), regardless of the source; and

"(II) the greatest of—

"(aa) $400,000;

"(bb) ⅕ percent of the current valuation of the fund; and

"(cc) an amount equal to 4 percent of all grant awards to the fund under this section for the fiscal year."; and

(7) in subparagraph (B) (as redesignated by paragraph (5))—

(A) in clause (iv) (as redesignated by paragraph (1)), by striking "1419," and inserting "1419."; and

(B) in the undesignated matter following clause (iv) (as redesignated by paragraph (1)), by striking "if the State" and all that follows through "State funds.".

SEC. 2104. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

42 USC 300j–19a.

"SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

"(a) DEFINITION OF UNDERSERVED COMMUNITY.—In this section:

"(1) IN GENERAL.—The term 'underserved community' means a political subdivision of a State that, as determined by the Administrator, has an inadequate system for obtaining drinking water.

"(2) INCLUSIONS.—The term 'underserved community' includes a political subdivision of a State that either, as determined by the Administrator—

"(A) does not have household drinking water or wastewater services; or

"(B) is served by a public water system that violates, or exceeds, as applicable, a requirement of a national primary drinking water regulation issued under section 1412, including—

"(i) a maximum contaminant level;

"(ii) a treatment technique; and

"(iii) an action level.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this title.

"(2) INCLUSIONS.—Projects and activities under paragraph (1) include—

"(A) investments necessary for the public water system to comply with the requirements of this title;

"(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis; and

"(C) programs to provide household water quality testing, including testing for unregulated contaminants.

"(c) ELIGIBLE ENTITIES.—An eligible entity under this section—

"(1) is—

"(A) a public water system;

"(B) a water system that is located in an area governed by an Indian Tribe; or

"(C) a State, on behalf of an underserved community; and

"(2) serves a community—

"(A) that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State—

"(i) to be a disadvantaged community; or

"(ii) to be a community that may become a disadvantaged community as a result of carrying out a project or activity under subsection (b); or

"(B) with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under subsection (b).

"(d) PRIORITY.—In prioritizing projects and activities for implementation under this section, the Administrator shall give priority to projects and activities that benefit underserved communities.

"(e) LOCAL PARTICIPATION.—In prioritizing projects and activities for implementation under this section, the Administrator shall consult with and consider the priorities of States, Indian Tribes, and local governments in which communities described in subsection (c)(2) are located.

"(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CAPABILITY.—The Administrator may provide assistance to increase the technical, managerial, and financial capability of an eligible entity receiving a grant under this section if the Administrator determines that

the eligible entity lacks appropriate technical, managerial, or financial capability and is not receiving such assistance under another Federal program.

"(g) COST SHARING.—Before providing a grant to an eligible entity under this section, the Administrator shall enter into a binding agreement with the eligible entity to require the eligible entity—

"(1) to pay not less than 45 percent of the total costs of the project or activity, which may include services, materials, supplies, or other in-kind contributions;

"(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project or activity; and

"(3) to pay 100 percent of any operation and maintenance costs associated with the project or activity.

"(h) WAIVER.—The Administrator may waive, in whole or in part, the requirement under subsection (g)(1) if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

"(i) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for each of fiscal years 2017 through 2021.".

SEC. 2105. REDUCING LEAD IN DRINKING WATER.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is further amended by adding at the end the following:

42 USC 300j–19b.

"SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a community water system;

"(B) a water system located in an area governed by an Indian Tribe;

"(C) a nontransient noncommunity water system;

"(D) a qualified nonprofit organization, as determined by the Administrator, servicing a public water system; and

"(E) a municipality or State, interstate, or intermunicipal agency.

"(2) LEAD REDUCTION PROJECT.—

"(A) IN GENERAL.—The term 'lead reduction project' means a project or activity the primary purpose of which is to reduce the concentration of lead in water for human consumption by—

"(i) replacement of publicly owned lead service lines;

"(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased concentration of lead in water for human consumption; and

"(iii) providing assistance to low-income homeowners to replace lead service lines.

"(B) LIMITATION.—The term 'lead reduction project' does not include a partial lead service line replacement

if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.

"(3) LOW-INCOME.—The term 'low-income', with respect to an individual provided assistance under this section, has such meaning as may be given the term by the Governor of the State in which the eligible entity is located, based upon the affordability criteria established by the State under section 1452(d)(3).

"(4) LEAD SERVICE LINE.—The term 'lead service line' means a pipe and its fittings, which are not lead free (as defined in section 1417(d)), that connect the drinking water main to the building inlet.

"(5) NONTRANSIENT NONCOMMUNITY WATER SYSTEM.—The term 'nontransient noncommunity water system' means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

"(b) GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.

"(2) PRECONDITION.—As a condition of receipt of assistance under this section, an eligible entity shall take steps to identify—

"(A) the source of lead in the public water system that is subject to human consumption; and

"(B) the means by which the proposed lead reduction project would meaningfully reduce the concentration of lead in water provided for human consumption by the applicable public water system.

"(3) PRIORITY APPLICATION.—In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—

"(A) the Administrator determines, based on affordability criteria established by the State under section 1452(d)(3), to be a disadvantaged community; and

"(B) proposes to—

"(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator under section 1412 at any time during the 3-year period preceding the date of submission of the application of the eligible entity; or

"(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or other vulnerable human subpopulation described in section 1458(a)(1).

"(4) COST SHARING.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.

"(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for

reasons of affordability, as the Administrator determines to be appropriate.

"(5) LOW-INCOME ASSISTANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to provide assistance to low-income homeowners to replace the lead service lines of such homeowners.

"(B) LIMITATION.—The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the standard cost of replacement of the privately owned portion of the lead service line.

"(6) SPECIAL CONSIDERATION FOR LEAD SERVICE LINE REPLACEMENT.—In carrying out lead service line replacement using a grant under this subsection, an eligible entity—

"(A) shall notify customers of the replacement of any publicly owned portion of the lead service line;

"(B) may, in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement for that homeowner's property;

"(C) may, in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line at a cost that is equal to the difference between—

"(i) the cost of replacement; and

"(ii) the amount of assistance available to the low-income homeowner under paragraph (5);

"(D) shall notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

"(E) shall demonstrate that the eligible entity has considered other options for reducing the concentration of lead in its drinking water, including an evaluation of options for corrosion control.

"(c) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2017 through 2021.

"(e) SAVINGS CLAUSE.—Nothing in this section affects whether a public water system is responsible for the replacement of a lead service line that is—

"(1) subject to the control of the public water system; and

"(2) located on private property.".

SEC. 2106. NOTICE TO PERSONS SERVED.

(a) ENFORCEMENT OF DRINKING WATER REGULATIONS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in the subsection heading, by striking "NOTICE TO" and inserting "NOTICE TO STATES, THE ADMINISTRATOR, AND";

(2) in paragraph (1)—

(A) in subparagraph (C), by striking "paragraph (2)(E)" and inserting "paragraph (2)(F)"; and

(B) by adding at the end the following:

"(D) Notice that the public water system exceeded the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412).";

(3) in paragraph (2)—

(A) in subparagraph (B)(i)(II), by striking "subparagraph (D)" and inserting "subparagraph (E)";

(B) in subparagraph (C)—

(i) in the subparagraph heading, by striking "VIOLATIONS" and inserting "NOTICE OF VIOLATIONS OR EXCEEDANCES";

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

(I) in the first sentence, by striking "violation" and inserting "violation, and each exceedance described in paragraph (1)(D),"; and

(II) in the second sentence, by striking "violation" and inserting "violation or exceedance";

(iii) by striking clause (i) and inserting the following:

"(i) be distributed as soon as practicable, but not later than 24 hours, after the public water system learns of the violation or exceedance;";

(iv) in clause (ii), by inserting "or exceedance" after "violation" each place it appears;

(v) by striking clause (iii) and inserting the following:

"(iii) be provided to the Administrator and the head of the State agency that has primary enforcement responsibility under section 1413, as applicable, as soon as practicable, but not later than 24 hours after the public water system learns of the violation or exceedance; and"; and

(vi) in clause (iv)—

(I) in subclause (I), by striking "broadcast media" and inserting "media, including broadcast media"; and

(II) in subclause (III), by striking "in lieu of notification by means of broadcast media or newspaper";

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

"(D) NOTICE BY THE ADMINISTRATOR.—If the State with primary enforcement responsibility or the owner or operator of a public water system has not issued a notice under subparagraph (C) for an exceedance of the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412) that has the potential to have serious adverse effects on human health as a result of short-term exposure, not

later than 24 hours after the Administrator is notified of the exceedance, the Administrator shall issue the required notice under that subparagraph.";

(4) in paragraph (3)(B), in the first sentence—

(A) by striking "subparagraph (A) and" and inserting "subparagraph (A),"; and

(B) by striking "subparagraph (C) or (D) of paragraph (2)" and inserting "subparagraph (C) or (E) of paragraph (2), and notices issued by the Administrator with respect to public water systems serving Indian Tribes under subparagraph (D) of that paragraph";

(5) in paragraph (4)(B)—

(A) in clause (ii), by striking "the terms" and inserting "the terms 'action level',";

(B) by striking clause (iii) and inserting the following:

"(iii) If any regulated contaminant is detected in the water purveyed by the public water system, a statement describing, as applicable—

"(I) the maximum contaminant level goal;

"(II) the maximum contaminant level;

"(III) the level of the contaminant in the water system;

"(IV) the action level for the contaminant; and

"(V) for any contaminant for which there has been a violation of the maximum contaminant level during the year concerned, a brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant, as provided by the Administrator in regulations under subparagraph (A).";

(C) in the undesignated matter following clause (vi), in the second sentence, by striking "subclause (IV) of clause (iii)" and inserting "clause (iii)(V)"; and

(6) by adding at the end the following:

"(5) EXCEEDANCE OF LEAD LEVEL AT HOUSEHOLDS.—

"(A) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, in collaboration with owners and operators of public water systems and States, establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and owners and operators of public water systems shall provide targeted outreach, education, technical assistance, and risk communication to populations affected by the concentration of lead in a public water system, including dissemination of information described in subparagraph (C).

"(B) EPA INITIATION OF NOTICE.—

"(i) FORWARDING OF DATA BY EMPLOYEE OF THE AGENCY.—If the Agency develops, or receives from a source other than a State or a public water system, data that meets the requirements of section 1412(b)(3)(A)(ii) that indicates that the drinking water of a household served by a public water system contains a level of lead that exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or

notification in a successor regulation promulgated pursuant to section 1412) (referred to in this paragraph as an 'affected household'), the Administrator shall require an appropriate employee of the Agency to forward the data, and information on the sampling techniques used to obtain the data, to the owner or operator of the public water system and the State in which the affected household is located within a time period determined by the Administrator.

"(ii) DISSEMINATION OF INFORMATION BY OWNER OR OPERATOR.—The owner or operator of a public water system shall disseminate to affected households the information described in subparagraph (C) within a time period established by the Administrator, if the owner or operator—

"(I) receives data and information under clause (i); and

"(II) has not, since the date of the test that developed the data, notified the affected households—

"(aa) with respect to the concentration of lead in the drinking water of the affected households; and

"(bb) that the concentration of lead in the drinking water of the affected households exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412).

"(iii) CONSULTATION.—

"(I) DEADLINE.—If the owner or operator of the public water system does not disseminate to the affected households the information described in subparagraph (C) as required under clause (ii) within the time period established by the Administrator, not later than 24 hours after the Administrator becomes aware of the failure by the owner or operator of the public water system to disseminate the information, the Administrator shall consult, within a period not to exceed 24 hours, with the applicable Governor to develop a plan, in accordance with the strategic plan, to disseminate the information to the affected households not later than 24 hours after the end of the consultation period.

"(II) DELEGATION.—The Administrator may only delegate the duty to consult under subclause (I) to an employee of the Agency who, as of the date of the delegation, works in the Office of Water at the headquarters of the Agency.

"(iv) DISSEMINATION BY ADMINISTRATOR.—The Administrator shall, as soon as practicable, disseminate to affected households the information described in subparagraph (C) if—

"(I) the owner or operator of the public water system does not disseminate the information to the affected households within the time period determined by the Administrator, as required by clause (ii); and

"(II)(aa) the Administrator and the applicable Governor do not agree on a plan described in clause (iii)(I) during the consultation period under that clause; or

"(bb) the applicable Governor does not disseminate the information within 24 hours after the end of the consultation period.

"(C) INFORMATION REQUIRED.—The information described in this subparagraph includes—

"(i) a clear explanation of the potential adverse effects on human health of drinking water that contains a concentration of lead that exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412);

"(ii) the steps that the owner or operator of the public water system is taking to mitigate the concentration of lead; and

"(iii) the necessity of seeking alternative water supplies until the date on which the concentration of lead is mitigated.

"(6) PRIVACY.—Any notice to the public or an affected household under this subsection shall protect the privacy of individual customer information.".

(b) PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX.—Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6) is amended by adding at the end the following:

"(f) PUBLIC EDUCATION.—

"(1) IN GENERAL.—The Administrator shall make information available to the public regarding lead in drinking water, including information regarding—

"(A) risks associated with lead in drinking water;

"(B) the conditions that contribute to drinking water containing lead in a residence;

"(C) steps that States, public water systems, and consumers can take to reduce the risks of lead in drinking water; and

"(D) the availability of additional resources that consumers can use to minimize lead exposure, including information on sampling for lead in drinking water.

"(2) VULNERABLE POPULATIONS.—In making information available to the public under this subsection, the Administrator shall, subject to the availability of appropriations, carry out targeted outreach strategies that focus on educating groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to lead in drinking water.".

SEC. 2107. LEAD TESTING IN SCHOOL AND CHILD CARE PROGRAM DRINKING WATER.

(a) IN GENERAL.—Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended by striking subsection (d) and inserting the following:

"(d) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) CHILD CARE PROGRAM.—The term 'child care program' has the meaning given the term 'early childhood education program' in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).

"(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

"(i) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

"(ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and

"(iii) a person that owns or operates a child care program facility.

"(2) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water and Waste Act of 2016, the Administrator shall establish a voluntary school and child care program lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.

"(B) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The Administrator may make a grant for the voluntary testing described in subparagraph (A) directly available to—

"(i) any local educational agency described in clause (i) or (iii) of paragraph (1)(B) located in a State that does not participate in the voluntary grant program established under subparagraph (A); or

"(ii) any local educational agency described in clause (ii) of paragraph (1)(B).

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(4) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of grant funds accepted by a State or local educational agency for a fiscal year under this subsection shall be used to pay the administrative costs of carrying out this subsection.

"(5) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, the recipient State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—

"(A) expend grant funds in accordance with—

"(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking

Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

"(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent than the guidance referred to in clause (i); and

"(B)(i) make available, if applicable, in the administrative offices and, to the extent practicable, on the Internet website of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water carried out using grant funds under this subsection; and

"(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

"(6) MAINTENANCE OF EFFORT.—If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2021.".

(b) REPEAL.—Section 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

42 USC 300j–3d.

SEC. 2108. WATER SUPPLY COST SAVINGS.

(a) DRINKING WATER TECHNOLOGY CLEARINGHOUSE.—The Administrator, in consultation with the Secretary of Agriculture, shall—

(1) develop a technology clearinghouse for information on the cost-effectiveness of innovative and alternative drinking water delivery systems, including wells and well systems; and

(2) disseminate such information to the public and to communities and not-for-profit organizations seeking Federal funding for drinking water delivery systems serving 500 or fewer persons.

(b) WATER SYSTEM ASSESSMENT.—In any application for a grant or loan for the purpose of construction, replacement, or rehabilitation of a drinking water delivery system serving 500 or fewer persons, the funding for which would come from the Federal Government (either directly or through a State), a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned—

(1) individual wells;

(2) shared wells; and

(3) community wells.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes—

(1) the use of innovative and alternative drinking water delivery systems described in this section;

(2) the range of cost savings for communities using innovative and alternative drinking water delivery systems described in this section; and

(3) the use of drinking water technical assistance programs operated by the Administrator and the Secretary of Agriculture.

SEC. 2109. INNOVATION IN THE PROVISION OF SAFE DRINKING WATER.

(a) INNOVATIVE WATER TECHNOLOGIES.—Section 1442(a)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–1(a)(1)) is amended—

(1) in subparagraph (D), by striking "; and" and inserting a semicolon;

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

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

"(F) innovative water technologies (including technologies to improve water treatment to ensure compliance with this title and technologies to identify and mitigate sources of drinking water contamination, including lead contamination).".

(b) TECHNICAL ASSISTANCE.—Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1) is amended—

(1) in the heading for subsection (e), by inserting "TO SMALL PUBLIC WATER SYSTEMS" after "ASSISTANCE"; and

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

"(f) TECHNICAL ASSISTANCE FOR INNOVATIVE WATER TECHNOLOGIES.—

"(1) The Administrator may provide technical assistance to public water systems to facilitate use of innovative water technologies.

"(2) There are authorized to be appropriated to the Administrator for use in providing technical assistance under paragraph (1) $10,000,000 for each of fiscal years 2017 through 2021.".

(c) REPORT.—Not later than 1 year after the date of enactment of the Water and Waste Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall report to Congress on— 42 USC 300j–1 note.

(1) the amount of funding used to provide technical assistance under section 1442(f) of the Safe Drinking Water Act to deploy innovative water technologies;

(2) the barriers impacting greater use of innovative water technologies; and

(3) the cost-saving potential to cities and future infrastructure investments from innovative water technologies.

SEC. 2110. SMALL SYSTEM TECHNICAL ASSISTANCE.

Section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j–12(q)) is amended by striking "appropriated" and all that follows through "2003" and inserting "made available to carry out this section for each of fiscal years 2016 through 2021".

SEC. 2111. DEFINITION OF INDIAN TRIBE.

Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300(f)(14)) is amended by striking "section 1452" and inserting "sections 1452, 1459A, and 1459B".

SEC. 2112. TECHNICAL ASSISTANCE FOR TRIBAL WATER SYSTEMS.

(a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is amended by striking

"Tribes" and inserting "Tribes, including grants to provide training and operator certification services under section 1452(i)(5)".

(b) INDIAN TRIBES.—Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "Tribes and Alaska Native villages" and inserting "Tribes, Alaska Native villages, and, for the purpose of carrying out paragraph (5), intertribal consortia or tribal organizations,"; and

(B) in the second sentence, by striking "The grants" and inserting "Except as otherwise provided, the grants"; and

(2) by adding at the end the following:

"(5) TRAINING AND OPERATOR CERTIFICATION.—

"(A) IN GENERAL.—The Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to enable public water systems that serve Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations.

"(B) ELIGIBLE TRIBAL ORGANIZATIONS.—Intertribal consortia or tribal organizations eligible for a grant under subparagraph (A) are intertribal consortia or tribal organizations that—

"(i) as determined by the Administrator, are the most qualified and experienced to provide training and technical assistance to Indian Tribes; and

"(ii) the Indian Tribes find to be the most beneficial and effective.".

SEC. 2113. MATERIALS REQUIREMENT FOR CERTAIN FEDERALLY FUNDED PROJECTS.

Section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is amended by adding at the end the following:

"(4) AMERICAN IRON AND STEEL PRODUCTS.—

"(A) IN GENERAL.—During fiscal year 2017, funds made available from a State loan fund established pursuant to this section may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States.

"(B) DEFINITION OF IRON AND STEEL PRODUCTS.—In this paragraph, the term 'iron and steel products' means the following products made primarily of iron or steel:

"(i) Lined or unlined pipes and fittings.

"(ii) Manhole covers and other municipal castings.

"(iii) Hydrants.

"(iv) Tanks.

"(v) Flanges.

"(vi) Pipe clamps and restraints.

"(vii) Valves.

"(viii) Structural steel.

"(ix) Reinforced precast concrete.

"(x) Construction materials.

"(C) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Administrator finds that—

"(i) applying subparagraph (A) would be inconsistent with the public interest;

"(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

"(D) WAIVER.—If the Administrator receives a request for a waiver under this paragraph, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet site of the Agency.

"(E) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

"(F) MANAGEMENT AND OVERSIGHT.—The Administrator may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this paragraph.

"(G) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.".

Subtitle B—Drinking Water Disaster Relief and Infrastructure Investments

SEC. 2201. DRINKING WATER INFRASTRUCTURE.

42 USC 300j–12 note.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in drinking water provided by a public water system.

(2) ELIGIBLE SYSTEM.—The term "eligible system" means a public water system that has been the subject of an emergency declaration referred to in paragraph (1).

(3) LEAD SERVICE LINE.—The term "lead service line" means a pipe and its fittings, which are not lead free (as defined under section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6)), that connect the drinking water main to the building inlet.

(4) PUBLIC WATER SYSTEM.—The term "public water system" has the meaning given such term in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)), including forgiveness of principal under that section.

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided pursuant to subsection (d), an eligible State may provide assistance to an eligible system within the eligible State for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of lead service lines and public water system infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under section 1452(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(1)), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) INAPPLICABILITY OF LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided pursuant to subsection (d) of this section;

(B) any other assistance provided to an eligible system; or

(C) any funds required to match the funds provided under subsection (d).

(c) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(d) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator a total of $100,000,000 to provide additional capitalization grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in paragraph (3).

(2) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under paragraph (1), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan for the purposes described in subsection (b)(2) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(A) a description of the project;

(B) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(C) the estimated cost of the project; and

(D) the projected start date for construction of the project.

(3) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under paragraph (1) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(4) APPLICABILITY.—

(A) Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under paragraph (2).

(B) Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) shall apply to funding provided under this subsection.

(e) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(f) NO EFFECT ON OTHER PROJECTS.—This section shall not affect the application of any provision of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) to any project that does not receive assistance pursuant to this subtitle.

SEC. 2202. SENSE OF CONGRESS.

It is the sense of Congress that secured loans under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall be—

(1) initially appropriated at $20,000,000; and

(2) used for eligible projects, including those to address lead and other contaminants in drinking water systems.

42 USC 300j–21.

SEC. 2203. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term "Committee" means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish, within the Agency for Toxic Substances and Disease Registry an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to health care, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the period of fiscal years 2017 through 2021—

(1) $17,500,000 to carry out subsection (b); and

(2) $2,500,000 to carry out subsection (c).

SEC. 2204. OTHER LEAD PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—In addition to amounts made available through the Prevention and Public Health Fund established under section 4002 of Public Law 111–148 (42 U.S.C. 300u-11) to carry out section 317A of the Public Health Service Act (42 U.S.C. 247b-1), there are authorized to be appropriated for the period of fiscal years 2017 and 2018, $15,000,000 for carrying out such section 317A.

(b) HEALTHY START PROGRAM.—There are authorized to be appropriated for the period of fiscal years 2017 and 2018 $15,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

Subtitle C—Control of Coal Combustion Residuals

SEC. 2301. APPROVAL OF STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.

Section 4005 of the Solid Waste Disposal Act (42 U.S.C. 6945) is amended by adding at the end the following:

"(d) STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.—

"(1) APPROVAL BY ADMINISTRATOR.—

"(A) IN GENERAL.—Each State may submit to the Administrator, in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State that, after approval by the Administrator, will operate in lieu of regulation of coal combustion residuals units in the State by—

"(i) application of part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

"(ii) implementation by the Administrator of a permit program under paragraph (2)(B).

"(B) REQUIREMENT.—Not later than 180 days after the date on which a State submits the evidence described in subparagraph (A), the Administrator, after public notice and an opportunity for public comment, shall approve, in whole or in part, a permit program or other system of prior approval and conditions submitted under subparagraph (A) if the Administrator determines that the program or other system requires each coal combustion residuals unit located in the State to achieve compliance with—

"(i) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

"(ii) such other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the criteria described in clause (i).

"(C) PERMIT REQUIREMENTS.—The Administrator shall approve under subparagraph (B)(ii) a State permit program or other system of prior approval and conditions that allows a State to include technical standards for individual permits or conditions of approval that differ from the criteria under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)) if, based on site-specific conditions, the Administrator determines that the technical standards established pursuant to a State permit program or other system are at least as protective as the criteria under that part.

"(D) PROGRAM REVIEW AND NOTIFICATION.—

"(i) PROGRAM REVIEW.—The Administrator shall review a State permit program or other system of prior approval and conditions that is approved under subparagraph (B)—

"(I) from time to time, as the Administrator determines necessary, but not less frequently than once every 12 years;

"(II) not later than 3 years after the date on which the Administrator revises the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a));

"(III) not later than 1 year after the date of a significant release (as defined by the Administrator), that was not authorized at the time the release occurred, from a coal combustion residuals unit located in the State; and

"(IV) on request of any other State that asserts that the soil, groundwater, or surface water of the State is or is likely to be adversely affected by a release or potential release from a coal combustion residuals unit located in the State for which the program or other system was approved.

"(ii) NOTIFICATION AND OPPORTUNITY FOR A PUBLIC HEARING.—The Administrator shall provide to a State notice of deficiencies with respect to the permit program or other system of prior approval and conditions of the State that is approved under subparagraph (B), and an opportunity for a public hearing, if the Administrator determines that—

"(I) a revision or correction to the permit program or other system of prior approval and conditions of the State is necessary to ensure that the permit program or other system of prior approval and conditions continues to ensure that each coal combustion residuals unit located in the State achieves compliance with the criteria described in clauses (i) and (ii) of subparagraph (B);

"(II) the State has not implemented an adequate permit program or other system of prior approval and conditions that requires each coal combustion residuals unit located in the State to achieve compliance with the criteria described in subparagraph (B); or

"(III) the State has, at any time, approved or failed to revoke a permit for a coal combustion residuals unit, a release from which adversely affects or is likely to adversely affect the soil, groundwater, or surface water of another State.

"(E) WITHDRAWAL.—

"(i) IN GENERAL.—The Administrator shall withdraw approval of a State permit program or other system of prior approval and conditions if, after the Administrator provides notice and an opportunity for a public hearing to the relevant State under subparagraph (D)(ii), the Administrator determines that the

State has not corrected the deficiencies identified by the Administrator under subparagraph (D)(ii).

"(ii) REINSTATEMENT OF STATE APPROVAL.—Any withdrawal of approval under clause (i) shall cease to be effective on the date on which the Administrator makes a determination that the State has corrected the deficiencies identified by the Administrator under subparagraph (D)(ii).

"(2) NONPARTICIPATING STATES.—

"(A) DEFINITION OF NONPARTICIPATING STATE.—In this paragraph, the term 'nonparticipating State' means a State—

"(i) for which the Administrator has not approved a State permit program or other system of prior approval and conditions under paragraph (1)(B);

"(ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program or other system of prior approval and conditions under paragraph (1)(A);

"(iii) the Governor of which provides notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides the notice to the Administrator, the State will relinquish an approval under paragraph (1)(B) to operate a permit program or other system of prior approval and conditions; or

"(iv) for which the Administrator has withdrawn approval for a permit program or other system of prior approval and conditions under paragraph (1)(E).

"(B) IMPLEMENTATION OF PERMIT PROGRAM.—In the case of a nonparticipating State and subject to the availability of appropriations specifically provided in an appropriations Act to carry out a program in a nonparticipating State, the Administrator shall implement a permit program to require each coal combustion residuals unit located in the nonparticipating State to achieve compliance with applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

"(3) APPLICABILITY OF CRITERIA.—The applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)), shall apply to each coal combustion residuals unit in a State unless—

"(A) a permit under a State permit program or other system of prior approval and conditions approved by the Administrator under paragraph (1)(B) is in effect for the coal combustion residuals unit; or

"(B) a permit issued by the Administrator in a State in which the Administrator is implementing a permit program under paragraph (2)(B) is in effect for the coal combustion residuals unit.

"(4) PROHIBITION ON OPEN DUMPING.—

"(A) IN GENERAL.—The Administrator may use the authority provided by sections 3007 and 3008 to enforce

the prohibition on open dumping under subsection (a) with respect to a coal combustion residuals unit—

"(i) in a nonparticipating State (as defined in paragraph (2)); and

"(ii) located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), in accordance with subparagraph (B) of this paragraph.

"(B) FEDERAL ENFORCEMENT IN AN APPROVED STATE.—

"(i) IN GENERAL.—In the case of a coal combustion residuals unit located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), the Administrator may commence an administrative or judicial enforcement action under section 3008 if—

"(I) the State requests that the Administrator provide assistance in the performance of an enforcement action; or

"(II) after consideration of any other administrative or judicial enforcement action involving the coal combustion residuals unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the coal combustion residuals unit is operating in accordance with the criteria established under the permit program or other system of prior approval and conditions.

"(ii) NOTIFICATION.—In the case of an enforcement action by the Administrator under clause (i)(II), before issuing an order or commencing a civil action, the Administrator shall notify the State in which the coal combustion residuals unit is located.

"(iii) ANNUAL REPORT TO CONGRESS.—

"(I) IN GENERAL.—Subject to subclause (II), not later than December 31, 2017, and December 31 of each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any enforcement action commenced under clause (i), including a description of the basis for the enforcement action.

"(II) APPLICABILITY.—Subclause (I) shall not apply for any calendar year during which the Administrator does not commence an enforcement action under clause (i).

"(5) INDIAN COUNTRY.—The Administrator shall establish and carry out a permit program, in accordance with this subsection, for coal combustion residuals units in Indian country (as defined in section 1151 of title 18, United States Code) to require each coal combustion residuals unit located in Indian country to achieve compliance with the applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

"(6) TREATMENT OF COAL COMBUSTION RESIDUALS UNITS.—A coal combustion residuals unit shall be considered to be

a sanitary landfill for purposes of this Act, including subsection (a), only if the coal combustion residuals unit is operating in accordance with—

"(A) the requirements of a permit issued by—

"(i) the State in accordance with a program or system approved under paragraph (1)(B); or

"(ii) the Administrator pursuant to paragraph (2)(B) or paragraph (5); or

"(B) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

"(7) EFFECT OF SUBSECTION.—Nothing in this subsection affects any authority, regulatory determination, other law, or legal obligation in effect on the day before the date of enactment of the Water and Waste Act of 2016.".

TITLE III—NATURAL RESOURCES

Subtitle A—Indian Dam Safety

25 USC 3805.

SEC. 3101. INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.—

(A) IN GENERAL.—The term "dam" has the meaning given the term in section 2 of the National Dam Safety Program Act (33 U.S.C. 467).

(B) INCLUSIONS.—The term "dam" includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) FUND.—The term "Fund" means, as applicable—

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) HIGH HAZARD POTENTIAL DAM.—The term "high hazard potential dam" means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled "Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams" (FEMA Publication Number 333).

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) LOW HAZARD POTENTIAL DAM.—The term "low hazard potential dam" means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled "Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams" (FEMA Publication Number 333).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) INDIAN DAM SAFETY DEFERRED MAINTENANCE FUNDS.—

(1) HIGH-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "High-Hazard Indian Dam Safety Deferred Maintenance Fund", consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2023—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) LOW-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as

the "Low-Hazard Indian Dam Safety Deferred Maintenance Fund", consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2023—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(c) REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN DAMS.—

(1) PROGRAM ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs of Indian dams that—

(i) create flood risks or other risks to public or employee safety or natural or cultural resources; and

(ii) unduly impede the management and efficiency of Indian dams.

(B) FUNDING.—

(i) HIGH-HAZARD FUND.—Consistent with subsection (b)(1)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) LOW-HAZARD FUND.—Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) COMPLIANCE WITH DAM SAFETY POLICIES.—Maintenance, repair, and replacement activities for Indian dams under this section shall be carried out in accordance with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(2) ELIGIBLE DAMS.—

(A) HIGH HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(i) are Indian high hazard potential dams in the United States that—

(i) are included in the safety of dams program established pursuant to the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(iii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(B) LOW HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(ii) are Indian low hazard potential dams in the United States that, on the date of enactment of this Act—

(i) are covered under the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) REQUIREMENTS AND CONDITIONS.—Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress—

(A) programmatic goals to carry out this subsection that—

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

(iii) ensure that the results of government-to-government consultation required under paragraph (4) be addressed; and

(B) funding prioritization criteria to serve as a methodology for distributing funds under this subsection that take into account—

(i) the extent to which deferred maintenance of Indian dams poses a threat to—

(I) public or employee safety or health;

(II) natural or cultural resources; or

(III) the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam;

(ii) the extent to which repairing, replacing, improving, or performing maintenance on an Indian dam will—

(I) improve public or employee safety, health, or accessibility;

(II) assist in compliance with codes, standards, laws, or other requirements;

(III) address unmet needs; or

(IV) assist in protecting natural or cultural resources;

(iii) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(iv) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(v) the ability of an Indian dam to address tribal, regional, and watershed level flood prevention needs;

(vi) the need to comply with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(vii) the ability of the water storage capacity of an Indian dam to be increased to prevent flooding in downstream tribal and nontribal communities; and

(viii) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under paragraph (4).

(4) TRIBAL CONSULTATION AND USER INPUT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), before expending funds on an Indian dam pursuant to paragraph (1) and not later than 60 days after the date of enactment of this Act, the Secretary shall—

(i) consult with the Director of the Bureau of Indian Affairs on the expenditure of funds;

(ii) ensure that the Director of the Bureau of Indian Affairs advises the Indian tribe that has jurisdiction over the land on which a dam eligible to receive funding under paragraph (2) is located on the expenditure of funds; and

(iii) solicit and consider the input, comments, and recommendations of the landowners served by the Indian dam.

(B) EMERGENCIES.—If the Secretary determines that an emergency circumstance exists with respect to an Indian dam, subparagraph (A) shall not apply with respect to that Indian dam.

(5) ALLOCATION AMONG DAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2023, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

(B) PRIORITY.—In allocating amounts under paragraph (1)(B), in addition to considering the funding priorities described in paragraph (3), the Secretary shall give priority to Indian dams eligible for funding under paragraph (2) that serve—

(i) more than 1 Indian tribe within an Indian reservation; or

(ii) highly populated Indian communities, as determined by the Secretary.

(C) CAP ON FUNDING.—

(i) IN GENERAL.—Subject to clause (ii), in allocating amounts under paragraph (1)(B), the Secretary shall allocate not more than $10,000,000 to any individual dam described in paragraph (2) during any consecutive 3-year period.

(ii) EXCEPTION.—Notwithstanding the cap described in clause (i), if the full amount under paragraph (1)(B) cannot be fully allocated to eligible Indian

dams because the costs of the remaining activities authorized in paragraph (1)(B) of an Indian dam would exceed the cap described in clause (i), the Secretary may allocate the remaining funds to eligible Indian dams in accordance with this subsection.

(D) BASIS OF FUNDING.—Any amounts made available under this paragraph shall be nonreimbursable.

(E) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this paragraph.

(d) TRIBAL SAFETY OF DAMS COMMITTEE.—

(1) ESTABLISHMENT OF COMMITTEE.—

(A) ESTABLISHMENT.—The Secretary of the Interior shall establish within the Bureau of Indian Affairs the Tribal Safety of Dams Committee (referred to in this paragraph as the "Committee").

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall be composed of 15 members, of whom—

(I) 11 shall be appointed by the Secretary of the Interior from among individuals who, to the maximum extent practicable, have knowledge and expertise in dam safety issues and flood prevention and mitigation, of whom not less than 1 shall be a member of an Indian tribe in each of the Bureau of Indian Affairs regions of—

(aa) the Northwest Region;
(bb) the Pacific Region;
(cc) the Western Region;
(dd) the Navajo Region;
(ee) the Southwest Region;
(ff) the Rocky Mountain Region;
(gg) the Great Plans Region; and
(hh) the Midwest Region;

(II) 2 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Indian Affairs who have knowledge and expertise in dam safety issues and flood prevention and mitigation;

(III) 1 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Reclamation who have knowledge and expertise in dam safety issues and flood prevention and mitigation; and

(IV) 1 shall be appointed by the Secretary of the Army from among employees of the Corps of Engineers who have knowledge and expertise in dam safety issues and flood prevention and mitigation.

(ii) NONVOTING MEMBERS.—The members of the Committee appointed under subclauses (II) and (III) of clause (i) shall be nonvoting members.

(iii) DATE.—The appointments of the members of the Committee shall be made as soon as practicable after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(D) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee, but shall be filled in the same manner as the original appointment.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the first meeting.

(F) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(G) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(H) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among the members.

(2) DUTIES OF THE COMMITTEE.—

(A) STUDY.—The Committee shall conduct a thorough study of all matters relating to the modernization of the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(B) RECOMMENDATIONS.—The Committee shall develop recommendations for legislation to improve the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(C) REPORT.—Not later than 1 year after the date on which the Committee holds the first meeting, the Committee shall submit a report containing a detailed statement of the findings and conclusions of the Committee, together with recommendations for legislation that the Committee considers appropriate, to—

(i) the Committee on Indian Affairs of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(3) POWERS OF THE COMMITTEE.—

(A) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out this paragraph.

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this paragraph.

(ii) REQUEST.—On request of the Chairperson of the Committee, the head of any Federal department or agency shall furnish information described in clause (i) to the Committee.

(C) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(4) COMMITTEE PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the

Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(ii) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for services as an officer or employee of the Federal Government.

(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform the duties of the Committee.

(II) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the Committee.

(ii) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) TERMINATION OF THE COMMITTEE.—The Committee shall terminate 90 days after the date on which the Committee submits the report under paragraph (2)(C).

(6) FUNDING.—Of the amounts authorized to be expended from either Fund, $1,000,000 shall be made available from either Fund during fiscal year 2017 to carry out this subsection, to remain available until expended.

(e) INDIAN DAM SURVEYS.—

(1) TRIBAL REPORTS.—The Secretary shall request that, not less frequently than once every 180 days, each Indian tribe submit to the Secretary a report providing an inventory of the dams located on the land of the Indian tribe.

(2) BIA REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report describing the condition of each dam under the partial or total jurisdiction of the Secretary.

(f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the Bureau of Indian Affairs, a flood plain management pilot program (referred to in this subsection as the "program") to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods, including consultation with the Indian tribe on—

(A) flood plain mapping; or

(B) new construction planning.

(2) TERMINATION.—The program shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) FUNDING.—Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during each of fiscal years 2017, 2018, and 2019 to carry out this subsection, to remain available until expended.

Subtitle B—Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) DEFERRED MAINTENANCE.—The term "deferred maintenance" means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) FUND.—The term "Fund" means the Indian Irrigation Fund established by section 3211.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

PART I—INDIAN IRRIGATION FUND

SEC. 3211. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the "Indian Irrigation Fund", consisting of—

(1) such amounts as are deposited in the Fund under section 3212; and

(2) any interest earned on investment of amounts in the Fund under section 3214.

SEC. 3212. DEPOSITS TO FUND.

(a) IN GENERAL.—For each of fiscal years 2017 through 2021, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

(b) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 3213. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through 2021, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

(1) $35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 3214. INVESTMENTS OF AMOUNTS.

(a) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

SEC. 3215. TRANSFERS OF AMOUNTS.

(a) IN GENERAL.—The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

SEC. 3216. TERMINATION.

On September 30, 2021—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

SEC. 3221. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that—

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) FUNDING.—Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2021 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 3222. ELIGIBLE PROJECTS.

The projects eligible for funding under section 3221(b) are the Indian irrigation projects in the western United States that, on the date of enactment of this Act—

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

SEC. 3223. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—

(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing, or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 3225 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs

to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225.

SEC. 3224. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.—Before beginning to conduct the study required under subsection (b), the Secretary shall—

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) REPORT.—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of fiscal year 2021), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 3222, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 3223 have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225, determines to be appropriate.

SEC. 3225. TRIBAL CONSULTATION AND USER INPUT.

Before expending funds on an Indian irrigation project pursuant to section 3221 and not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

SEC. 3226. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2021, each Indian irrigation project eligible for funding under section 3222 that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 3221(b), in addition to considering the funding priorities described in section 3223, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that

expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) CAP ON FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), in allocating amounts under section 3221(b), the Secretary shall allocate not more than $15,000,000 to any individual Indian irrigation project described in section 3222 during any consecutive 3-year period.

(2) EXCEPTION.—Notwithstanding the cap described in paragraph (1), if the full amount under section 3221(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 3221(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) BASIS OF FUNDING.—Any amounts made available under this section shall be nonreimbursable.

(e) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

Subtitle C—Weber Basin Prepayments

SEC. 3301. PREPAYMENT OF CERTAIN REPAYMENT OBLIGATIONS UNDER CONTRACTS BETWEEN THE UNITED STATES AND THE WEBER BASIN WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of repayment obligations under Repayment Contract No. 14–06–400–33 between the United States and the Weber Basin Water Conservancy District, dated December 12, 1952, and supplemented and amended on June 30, 1961, on April 15, 1966, on September 20, 1968, and on May 9, 1985, including future amendments and all related applicable contracts thereto, providing for repayment of Weber Basin Project construction costs allocated to irrigation and municipal and industrial purposes for which repayment is provided pursuant to such contracts under terms and conditions similar to those used in implementing the prepayment provisions in section 210 of the Central Utah Project Completion Act (Public Law 102–575), as amended, for prepayment of Central Utah Project, Bonneville Unit repayment obligations. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments;

(3) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(4) shall be made such that total repayment is made not later than September 30, 2026.

Subtitle D—Pechanga Water Rights Settlement

Pechanga Band of Luiseño Mission Indians Water Rights Settlement Act.

SEC. 3401. SHORT TITLE.

This subtitle may be cited as the "Pechanga Band of Luiseño Mission Indians Water Rights Settlement Act".

SEC. 3402. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights and certain claims for injuries to water rights in the Santa Margarita River Watershed for—

(A) the Band; and

(B) the United States, acting in its capacity as trustee for the Band and Allottees;

(2) to achieve a fair, equitable, and final settlement of certain claims by the Band and Allottees against the United States;

(3) to authorize, ratify, and confirm the Pechanga Settlement Agreement to be entered into by the Band, RCWD, and the United States;

(4) to authorize and direct the Secretary—

(A) to execute the Pechanga Settlement Agreement; and

(B) to take any other action necessary to carry out the Pechanga Settlement Agreement in accordance with this subtitle; and

(5) to authorize the appropriation of amounts necessary for the implementation of the Pechanga Settlement Agreement and this subtitle.

SEC. 3403. DEFINITIONS.

In this subtitle:

(1) ADJUDICATION COURT.—The term "Adjudication Court" means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.

(2) ADJUDICATION PROCEEDING.—The term "Adjudication Proceeding" means litigation initiated by the United States regarding relative water rights in the Santa Margarita River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51–cv–01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.

(3) ALLOTTEE.—The term "Allottee" means an individual who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(4) BAND.—The term "Band" means Pechanga Band of Luiseño Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.

(5) CLAIMS.—The term "claims" means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) EMWD.—The term "EMWD" means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.

(7) EMWD CONNECTION FEE.—The term "EMWD Connection Fee" has the meaning set forth in the Extension of Service Area Agreement.

(8) ENFORCEABILITY DATE.—The term "enforceability date" means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 3407(e).

(9) ESAA CAPACITY AGREEMENT.—The term "ESAA Capacity Agreement" means the "ESAA Capacity Agreement", among the Band, RCWD, and the United States.

(10) ESAA WATER.—The term "ESAA Water" means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.

(11) ESAA WATER DELIVERY AGREEMENT.—The term "ESAA Water Delivery Agreement" means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.

(12) EXTENSION OF SERVICE AREA AGREEMENT.—The term "Extension of Service Area Agreement" means the "Extension of Service Area Agreement", among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.

(13) FALLBROOK DECREE.—

(A) IN GENERAL.—The term "Fallbrook Decree" means the "Modified Final Judgment And Decree", entered in the Adjudication Proceeding on April 6, 1966.

(B) INCLUSIONS.—The term "Fallbrook Decree" includes all court orders, interlocutory judgments, and decisions supplemental to the "Modified Final Judgment And Decree", including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) FUND.—The term "Fund" means the Pechanga Settlement Fund established by section 3409.

(15) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) INJURY TO WATER RIGHTS.—The term "injury to water rights" means an interference with, diminution of, or deprivation of water rights under Federal or State law.

(17) INTERIM CAPACITY.—The term "Interim Capacity" has the meaning set forth in the ESAA Capacity Agreement.

(18) INTERIM CAPACITY NOTICE.—The term "Interim Capacity Notice" has the meaning set forth in the ESAA Capacity Agreement.

(19) INTERLOCUTORY JUDGMENT NO. 41.—The term "Interlocutory Judgment No. 41" means Interlocutory Judgment No.

41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments, and decisions supplemental to that interlocutory judgment.

(20) MWD.—The term "MWD" means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).

(21) MWD CONNECTION FEE.—The term "MWD Connection Fee" has the meaning set forth in the Extension of Service Area Agreement.

(22) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The term "Pechanga ESAA Delivery Capacity account" means the account established by section 3409(c)(2).

(23) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The term "Pechanga Recycled Water Infrastructure account" means the account established by section 3409(c)(1).

(24) PECHANGA SETTLEMENT AGREEMENT.—The term "Pechanga Settlement Agreement" means the Pechanga Settlement Agreement, dated April 8, 2016, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including—

(A) the Extension of Service Area Agreement;

(B) the ESAA Capacity Agreement; and

(C) the ESAA Water Delivery Agreement.

(25) PECHANGA WATER CODE.—The term "Pechanga Water Code" means a water code to be adopted by the Band in accordance with section 3405(f).

(26) PECHANGA WATER FUND ACCOUNT.—The term "Pechanga Water Fund account" means the account established by section 3409(c)(3).

(27) PECHANGA WATER QUALITY ACCOUNT.—The term "Pechanga Water Quality account" means the account established by section 3409(c)(4).

(28) PERMANENT CAPACITY.—The term "Permanent Capacity" has the meaning set forth in the ESAA Capacity Agreement.

(29) PERMANENT CAPACITY NOTICE.—The term "Permanent Capacity Notice" has the meaning set forth in the ESAA Capacity Agreement.

(30) RCWD.—

(A) IN GENERAL.—The term "RCWD" means the Rancho California Water District organized pursuant to section 34000 et seq. of the California Water Code.

(B) INCLUSIONS.—The term "RCWD" includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) RECYCLED WATER INFRASTRUCTURE AGREEMENT.—The term "Recycled Water Infrastructure Agreement" means the "Recycled Water Infrastructure Agreement" among the Band, RCWD, and the United States.

(32) RECYCLED WATER TRANSFER AGREEMENT.—The term "Recycled Water Transfer Agreement" means the "Recycled Water Transfer Agreement" between the Band and RCWD.

(33) RESERVATION.—

(A) IN GENERAL.—The term "Reservation" means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.

(B) APPLICABILITY OF TERM.—The term "Reservation" shall be used solely for the purposes of the Pechanga Settlement Agreement, this subtitle, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) SANTA MARGARITA RIVER WATERSHED.—The term "Santa Margarita River Watershed" means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.

(35) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(36) STATE.—The term "State" means the State of California.

(37) STORAGE POND.—The term "Storage Pond" has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) TRIBAL WATER RIGHT.—The term "Tribal Water Right" means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in section 3405.

SEC. 3404. APPROVAL OF THE PECHANGA SETTLEMENT AGREEMENT.

(a) RATIFICATION OF PECHANGA SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Except as modified by this subtitle, and to the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Pechanga Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Pechanga Settlement Agreement is authorized, ratified, and confirmed, to the extent that the amendment is executed to make the Pechanga Settlement Agreement consistent with this subtitle.

(b) EXECUTION OF PECHANGA SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—To the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Secretary is directed to and promptly shall execute—

(A) the Pechanga Settlement Agreement (including any exhibit to the Pechanga Settlement Agreement requiring the signature of the Secretary); and

(B) any amendment to the Pechanga Settlement Agreement necessary to make the Pechanga Settlement Agreement consistent with this subtitle.

(2) MODIFICATIONS.—Nothing in this subtitle precludes the Secretary from approving modifications to exhibits to the Pechanga Settlement Agreement not inconsistent with this subtitle, to the extent those modifications do not otherwise require congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Pechanga Settlement Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF THE PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—Execution of the Pechanga Settlement Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary is directed to carry out all Federal compliance necessary to implement the Pechanga Settlement Agreement.

(3) LEAD AGENCY.—The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance.

SEC. 3405. TRIBAL WATER RIGHT.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to each Allottee benefits that are equal to or exceed the benefits Allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Pechanga Settlement Agreement and this subtitle;

(2) the availability of funding under this subtitle;

(3) the availability of water from the Tribal Water Right and other water sources as set forth in the Pechanga Settlement Agreement; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of Allottees.

(b) CONFIRMATION OF TRIBAL WATER RIGHT.—

(1) IN GENERAL.—A Tribal Water Right of up to 4,994 acre-feet of water per year that, under natural conditions, is physically available on the Reservation is confirmed in accordance with the Findings of Fact and Conclusions of Law set forth in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree.

(2) USE.—Subject to the terms of the Pechanga Settlement Agreement, this subtitle, the Fallbrook Decree, and applicable Federal law, the Band may use the Tribal Water Right for any purpose on the Reservation.

(c) HOLDING IN TRUST.—The Tribal Water Right, as set forth in subsection (b), shall—

(1) be held in trust by the United States on behalf of the Band and the Allottees in accordance with this section;

(2) include the priority dates described in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree; and

(3) not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an Allottee under Federal law shall be satisfied from the Tribal Water Right.

(3) ALLOCATIONS.—Allotted land located within the exterior boundaries of the Reservation shall be entitled to a just and equitable allocation of water for irrigation and domestic purposes from the Tribal Water Right.

(4) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an Allottee shall exhaust remedies available under the Pechanga Water Code or other applicable tribal law.

(5) CLAIMS.—Following exhaustion of remedies available under the Pechanga Water Code or other applicable tribal law, an Allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) AUTHORITY.—The Secretary shall have the authority to protect the rights of Allottees as specified in this section.

(e) AUTHORITY OF BAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Band shall have authority to use, allocate, distribute, and lease the Tribal Water Right on the Reservation in accordance with—

(A) the Pechanga Settlement Agreement; and

(B) applicable Federal law.

(2) LEASES BY ALLOTTEES.—

(A) IN GENERAL.—An Allottee may lease any interest in land held by the Allottee, together with any water right determined to be appurtenant to that interest in land.

(B) WATER RIGHT APPURTENANT.—Any water right determined to be appurtenant to an interest in land leased by an Allottee shall be used on such land on the Reservation.

(f) PECHANGA WATER CODE.—

(1) IN GENERAL.—Not later than 18 months after the enforceability date, the Band shall enact a Pechanga Water Code, that provides for—

(A) the management, regulation, and governance of all uses of the Tribal Water Right in accordance with the Pechanga Settlement Agreement; and

(B) establishment by the Band of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the Tribal Water Right in accordance with the Pechanga Settlement Agreement.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the Pechanga Water Code shall provide—

(A) that allocations of water to Allottees shall be satisfied with water from the Tribal Water Right;

(B) that charges for delivery of water for irrigation purposes for Allottees shall be assessed on a just and equitable basis;

(C) a process by which an Allottee may request that the Band provide water for irrigation or domestic purposes in accordance with this subtitle;

(D) a due process system for the consideration and determination by the Band of any request by an Allottee (or any successor in interest to an Allottee) for an allocation

of such water for irrigation or domestic purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) a requirement that any Allottee with a claim relating to the enforcement of rights of the Allottee under the Pechanga Water Code or relating to the amount of water allocated to land of the Allottee must first exhaust remedies available to the Allottee under tribal law and the Pechanga Water Code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall administer the Tribal Water Right until the Pechanga Water Code is enacted and approved under this section.

(B) APPROVAL.—Any provision of the Pechanga Water Code and any amendment to the Pechanga Water Code that affects the rights of Allottees—

(i) shall be subject to the approval of the Secretary; and

(ii) shall not be valid until approved by the Secretary.

(C) APPROVAL PERIOD.—The Secretary shall approve or disapprove the Pechanga Water Code within a reasonable period of time after the date on which the Band submits the Pechanga Water Code to the Secretary for approval.

(g) EFFECT.—Except as otherwise specifically provided in this section, nothing in this subtitle—

(1) authorizes any action by an Allottee against any individual or entity, or against the Band, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 3406. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits provided to the Band under the Pechanga Settlement Agreement and this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Band against the United States that are waived and released pursuant to section 3407.

(b) ALLOTTEE CLAIMS.—The benefits realized by the Allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims that are waived and released pursuant to section 3407; and

(2) any claims of the Allottees against the United States that the Allottees have or could have asserted that are similar in nature to any claim described in section 3407.

(c) NO RECOGNITION OF WATER RIGHTS.—Except as provided in section 3405(d), nothing in this subtitle recognizes or establishes any right of a member of the Band or an Allottee to water within the Reservation.

(d) CLAIMS RELATING TO DEVELOPMENT OF WATER FOR RESERVATION.—

(1) IN GENERAL.—The amounts authorized to be appropriated pursuant to section 3411 shall be used to satisfy any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation.

(2) SATISFACTION OF CLAIMS.—Upon the complete appropriation of amounts authorized pursuant to section 3411, any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation shall be deemed to have been satisfied.

SEC. 3407. WAIVER OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER OF CLAIMS BY THE BAND AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE BAND.—

(A) IN GENERAL.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the Band, and the United States, acting as trustee for the Band, are authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the Band, or the United States acting as trustee for the Band, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent that such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(B) CLAIMS AGAINST RCWD.—Subject to the retention of rights set forth in subsection (c) and notwithstanding any provisions to the contrary in the Pechanga Settlement Agreement, the Band and the United States, on behalf of the Band and Allottees, fully release, acquit, and discharge RCWD from—

(i) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(ii) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time after June 30, 2009, resulting from the diversion or use of water in a manner not in violation of the Pechanga Settlement Agreement or this subtitle;

(iii) claims for subsidence damage to land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(iv) claims for subsidence damage arising or occurring after June 30, 2009, to land located within the Reservation resulting from the diversion of underground water in a manner consistent with the Pechanga Settlement Agreement or this subtitle; and

(v) claims arising out of, or relating in any manner to, the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(2) CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of claims set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the United States, acting as trustee for Allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the United States, acting as trustee for the Allottees, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(3) CLAIMS BY THE BAND AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Band, is authorized to execute a waiver and release of—

(A) all claims against the United States (including the agencies and employees of the United States) relating to claims for water rights in, or water of, the Santa Margarita River Watershed that the United States, acting in its capacity as trustee for the Band, asserted, or could have asserted, in any proceeding, including the Adjudication Proceeding, except to the extent that those rights are recognized in the Pechanga Settlement Agreement and this subtitle;

(B) all claims against the United States (including the agencies and employees of the United States) relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) in the Santa Margarita River Watershed that first accrued at any time up to and including the enforceability date;

(C) all claims against the United States (including the agencies and employees of the United States) relating to the pending litigation of claims relating to the water rights of the Band in the Adjudication Proceeding; and

(D) all claims against the United States (including the agencies and employees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(b) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under subsection (a) shall take effect on the enforceability date.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain—

(1) all claims for enforcement of the Pechanga Settlement Agreement and this subtitle;

(2) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(3) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(4) all rights to use and protect water rights acquired on or after the enforceability date; and

(5) all remedies, privileges, immunities, powers, and claims, including claims for water rights, not specifically waived and released pursuant to this subtitle and the Pechanga Settlement Agreement.

(d) EFFECT OF PECHANGA SETTLEMENT AGREEMENT AND ACT.—Nothing in the Pechanga Settlement Agreement or this subtitle—

(1) affects the ability of the United States, acting as a sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or an Allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Band in an individual capacity that does not derive from a right of the Band;

(5) limits any funding that RCWD would otherwise be authorized to receive under any Federal law, including, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) as that Act applies to permanent facilities for water recycling, demineralization, and desalination, and distribution of nonpotable water supplies in Southern Riverside County, California;

(6) characterizes any amounts received by RCWD under the Pechanga Settlement Agreement or this subtitle as Federal for purposes of section 1649 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–32); or

(7) affects the requirement of any party to the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the California Environmental Quality Act (Cal. Pub. Res. Code 21000 et seq.) prior to performing the respective obligations

of that party under the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement.

(e) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) the Adjudication Court has approved and entered a judgment and decree approving the Pechanga Settlement Agreement in substantially the same form as Appendix 2 to the Pechanga Settlement Agreement;

(2) all amounts authorized by this subtitle have been deposited in the Fund;

(3) the waivers and releases authorized in subsection (a) have been executed by the Band and the Secretary;

(4) the Extension of Service Area Agreement—

(A) has been approved and executed by all the parties to the Extension of Service Area Agreement; and

(B) is effective and enforceable in accordance with the terms of the Extension of Service Area Agreement; and

(5) the ESAA Water Delivery Agreement—

(A) has been approved and executed by all the parties to the ESAA Water Delivery Agreement; and

(B) is effective and enforceable in accordance with the terms of the ESAA Water Delivery Agreement.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) April 30, 2030, or such alternate date after April 30, 2030, as is agreed to by the Band and the Secretary; or

(B) the enforceability date.

(2) EFFECTS OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(g) TERMINATION.—

(1) IN GENERAL.—If all of the amounts authorized to be appropriated to the Secretary pursuant to this subtitle have not been made available to the Secretary by April 30, 2030—

(A) the waivers authorized by this section shall expire and have no force or effect; and

(B) all statutes of limitations applicable to any claim otherwise waived under this section shall be tolled until April 30, 2030.

(2) VOIDING OF WAIVERS.—If a waiver authorized by this section is void under paragraph (1)—

(A) the approval of the United States of the Pechanga Settlement Agreement under section 3404 shall be void and have no further force or effect;

(B) any unexpended Federal amounts appropriated or made available to carry out this subtitle, together with any interest earned on those amounts, and any water rights or contracts to use water and title to other property

acquired or constructed with Federal amounts appropriated or made available to carry out this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Band and the United States and approved by Congress; and

(C) except for Federal amounts used to acquire or develop property that is returned to the Federal Government under subparagraph (B), the United States shall be entitled to set off any Federal amounts appropriated or made available to carry out this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights asserted by the Band or Allottees in any future settlement of the water rights of the Band or Allottees.

SEC. 3408. WATER FACILITIES.

(a) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the designated accounts of the Fund, provide the amounts necessary to fulfill the obligations of the Band under the Recycled Water Infrastructure Agreement and the ESAA Capacity Agreement, in an amount not to exceed the amounts deposited in the designated accounts for such purposes plus any interest accrued on such amounts from the date of deposit in the Fund to the date of disbursement from the Fund, in accordance with this subtitle and the terms and conditions of those agreements.

(b) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(c) RECYCLED WATER INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary shall, using amounts from the Pechanga Recycled Water Infrastructure account, provide amounts for the Storage Pond in accordance with this section.

(2) STORAGE POND.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the Pechanga Recycled Water Infrastructure account provide the amounts necessary for a Storage Pond in accordance with the Recycled Water Infrastructure Agreement, in an amount not to exceed $2,656,374.

(B) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the Recycled Water Infrastructure Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Storage Pond.

(d) ESAA DELIVERY CAPACITY.—

(1) IN GENERAL.—The Secretary shall, using amounts from the Pechanga ESAA Delivery Capacity account, provide amounts for Interim Capacity and Permanent Capacity in accordance with this section.

(2) INTERIM CAPACITY.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary for the provision of Interim Capacity in accordance with the ESAA Capacity Agreement in an amount not to exceed $1,000,000.

(B) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Interim Capacity to be provided by RCWD or by the Band.

(D) TRANSFER TO BAND.—If RCWD does not provide the Interim Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 60 days after the date required under the ESAA Capacity Agreement, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Interim Capacity and Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative interim capacity in a manner that is similar to the Interim Capacity and Permanent Capacity that the Band would have received had RCWD provided such Interim Capacity and Permanent Capacity.

(3) PERMANENT CAPACITY.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary for the provision of Permanent Capacity in accordance with the ESAA Capacity Agreement.

(B) PROCEDURE.—The procedure for the Secretary to provide funds pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Permanent Capacity to be provided by RCWD or by the Band.

(D) TRANSFER TO BAND.—If RCWD does not provide the Permanent Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 5 years after the enforceability date, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative Permanent Capacity in a manner that is similar to the Permanent Capacity that the Band would have received had RCWD provided such Permanent Capacity.

SEC. 3409. PECHANGA SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Pechanga Settlement Fund", to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this subtitle.

(b) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are deposited in the Fund under section 3411(a) of this subtitle, together with any interest earned on those amounts, which shall be available in accordance with subsection (e).

(c) ACCOUNTS OF PECHANGA SETTLEMENT FUND.—The Secretary shall establish in the Fund the following accounts:

(1) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to section 3411(a)(1).

(2) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to section 3411(a)(2).

(3) Pechanga Water Fund account, consisting of amounts authorized pursuant to section 3411(a)(3).

(4) Pechanga Water Quality account, consisting of amounts authorized pursuant to section 3411(a)(4).

(d) MANAGEMENT OF FUND.—The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under—

(1) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(2) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(3) this section.

(e) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(f) WITHDRAWALS BY BAND PURSUANT TO THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT.—

(1) IN GENERAL.—The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this subtitle.

(B) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this subsection are used in accordance with this subtitle.

(g) WITHDRAWALS BY BAND PURSUANT TO AN EXPENDITURE PLAN.—

(1) IN GENERAL.—The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(2) REQUIREMENTS.—The expenditure plan under paragraph (1) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with subsection (h).

(3) APPROVAL.—If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this subtitle, the Secretary shall approve the plan.

(4) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines

necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) USES.—Amounts from the Fund shall be used by the Band for the following purposes:

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with section 3408(c).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with section 3408(d).

(3) PECHANGA WATER FUND ACCOUNT.—The Pechanga Water Fund account shall be used for—

(A) payment of the EMWD Connection Fee;

(B) payment of the MWD Connection Fee; and

(C) any expenses, charges, or fees incurred by the Band in connection with the delivery or use of water pursuant to the Pechanga Settlement Agreement.

(4) PECHANGA WATER QUALITY ACCOUNT.—The Pechanga Water Quality account shall be used by the Band to fund groundwater desalination activities within the Wolf Valley Basin.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any amounts withdrawn from, the Fund by the Band under subsection (f) or (g).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

SEC. 3410. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Band.

(c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land within the Reservation—

(1) the United States shall not submit against any Indian-owned land located within the Reservation any claim for reimbursement of the cost to the United States of carrying out this subtitle and the Pechanga Settlement Agreement; and

(2) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(d) EFFECT ON CURRENT LAW.—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

SEC. 3411. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—There is authorized to be appropriated $2,656,374, for deposit in the Pechanga Recycled Water Infrastructure account, to carry out the activities described in section 3408(c).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—There is authorized to be appropriated $17,900,000, for deposit in the Pechanga ESAA Delivery Capacity account, which amount shall be adjusted for changes in construction costs since June 30, 2009, as is indicated by ENR Construction Cost Index, 20-City Average, as applicable to the types of construction required for the Band to provide the infrastructure necessary for the Band to provide the Interim Capacity and Permanent Capacity in the event that RCWD elects not to provide the Interim Capacity or Permanent Capacity as set forth in the ESAA Capacity Agreement and contemplated in sections 3408(d)(2)(D) and 3408(d)(3)(D) of this subtitle, with such adjustment ending on the date on which funds authorized to be appropriated under this section have been deposited in the Fund.

(3) PECHANGA WATER FUND ACCOUNT.—There is authorized to be appropriated $5,483,653, for deposit in the Pechanga Water Fund account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(3).

(4) PECHANGA WATER QUALITY ACCOUNT.—There is authorized to be appropriated $2,460,000, for deposit in the Pechanga Water Quality account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(4).

SEC. 3412. EXPIRATION ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 3407(e) by April 30, 2021, or such alternative later date as is agreed to by the Band and the Secretary, as applicable—

(1) this subtitle expires on the later of May 1, 2021, or the day after the alternative date agreed to by the Band and the Secretary;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this subtitle shall be void;

(3) any amounts appropriated under section 3411, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury; and

(4) any amounts made available under section 3411 that remain unexpended shall immediately revert to the general fund of the Treasury.

SEC. 3413. ANTIDEFICIENCY.

(a) IN GENERAL.—Notwithstanding any authorization of appropriations to carry out this subtitle, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this subtitle shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(b) LIABILITY.—The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this subtitle if adequate appropriations are not provided to carry out this subtitle.

Subtitle E—Delaware River Basin Conservation

SEC. 3501. FINDINGS.

Congress finds that—

(1) the Delaware River Basin is a national treasure of great cultural, environmental, ecological, and economic importance;

(2) the Basin contains over 12,500 square miles of land in the States of Delaware, New Jersey, New York, and Pennsylvania, including nearly 800 square miles of bay and more than 2,000 tributary rivers and streams;

(3) the Basin is home to more than 8,000,000 people who depend on the Delaware River and the Delaware Bay as an economic engine, a place of recreation, and a vital habitat for fish and wildlife;

(4) the Basin provides clean drinking water to more than 15,000,000 people, including New York City, which relies on the Basin for approximately half of the drinking water supply of the city, and Philadelphia, whose most significant threat to the drinking water supply of the city is loss of forests and other natural cover in the Upper Basin, according to a study conducted by the Philadelphia Water Department;

(5) the Basin contributes $25,000,000,000 annually in economic activity, provides $21,000,000,000 in ecosystem goods and services per year, and is directly or indirectly responsible for 600,000 jobs with $10,000,000,000 in annual wages;

(6) almost 180 species of fish and wildlife are considered special status species in the Basin due to habitat loss and degradation, particularly sturgeon, eastern oyster, horseshoe crabs, and red knots, which have been identified as unique species in need of habitat improvement;

(7) the Basin provides habitat for over 200 resident and migrant fish species, includes significant recreational fisheries, and is an important source of eastern oyster, blue crab, and the largest population of the American horseshoe crab;

(8) the annual dockside value of commercial eastern oyster fishery landings for the Delaware Estuary is nearly $4,000,000, making it the fourth most lucrative fishery in the Delaware River Basin watershed, and proven management strategies are available to increase oyster habitat, abundance, and harvest;

(9) the Delaware Bay has the second largest concentration of shorebirds in North America and is designated as one of the 4 most important shorebird migration sites in the world;

(10) the Basin, 50 percent of which is forested, also has over 700,000 acres of wetland, more than 126,000 acres of which are recognized as internationally important, resulting in a landscape that provides essential ecosystem services, including recreation, commercial, and water quality benefits;

(11) much of the remaining exemplary natural landscape in the Basin is vulnerable to further degradation, as the Basin

gains approximately 10 square miles of developed land annually, and with new development, urban watersheds are increasingly covered by impervious surfaces, amplifying the quantity of polluted runoff into rivers and streams;

(12) the Delaware River is the longest undammed river east of the Mississippi; a critical component of the National Wild and Scenic Rivers System in the Northeast, with more than 400 miles designated; home to one of the most heavily visited National Park units in the United States, the Delaware Water Gap National Recreation Area; and the location of 6 National Wildlife Refuges;

(13) the Delaware River supports an internationally renowned cold water fishery in more than 80 miles of its northern headwaters that attracts tens of thousands of visitors each year and generates over $21,000,000 in annual revenue through tourism and recreational activities;

(14) management of water volume in the Basin is critical to flood mitigation and habitat for fish and wildlife, and following 3 major floods along the Delaware River since 2004, the Governors of the States of Delaware, New Jersey, New York, and Pennsylvania have called for natural flood damage reduction measures to combat the problem, including restoring the function of riparian corridors;

(15) the Delaware River Port Complex (including docking facilities in the States of Delaware, New Jersey, and Pennsylvania) is one of the largest freshwater ports in the world, the Port of Philadelphia handles the largest volume of international tonnage and 70 percent of the oil shipped to the East Coast, and the Port of Wilmington, a full-service deepwater port and marine terminal supporting more than 12,000 jobs, is the busiest terminal on the Delaware River, handling more than 400 vessels per year with an annual import/export cargo tonnage of more than 4,000,000 tons;

(16) the Delaware Estuary, where freshwater from the Delaware River mixes with saltwater from the Atlantic Ocean, is one of the largest and most complex of the 28 estuaries in the National Estuary Program, and the Partnership for the Delaware Estuary works to improve the environmental health of the Delaware Estuary;

(17) the Delaware River Basin Commission is a Federal-interstate compact government agency charged with overseeing a unified approach to managing the river system and implementing important water resources management projects and activities throughout the Basin that are in the national interest;

(18) restoration activities in the Basin are supported through several Federal and State agency programs, and funding for those important programs should continue and complement the establishment of the Delaware River Basin Restoration Program, which is intended to build on and help coordinate restoration and protection funding mechanisms at the Federal, State, regional, and local levels; and

(19) the existing and ongoing voluntary conservation efforts in the Delaware River Basin necessitate improved efficiency and cost effectiveness, as well as increased private-sector investments and coordination of Federal and non-Federal resources.

SEC. 3502. DEFINITIONS.

In this subtitle:

(1) BASIN.—The term "Basin" means the 4-State Delaware Basin region, including all of Delaware Bay and portions of the States of Delaware, New Jersey, New York, and Pennsylvania located in the Delaware River watershed.

(2) BASIN STATE.—The term "Basin State" means each of the States of Delaware, New Jersey, New York, and Pennsylvania.

(3) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(4) GRANT PROGRAM.—The term "grant program" means the voluntary Delaware River Basin Restoration Grant Program established under section 3504.

(5) PROGRAM.—The term "program" means the nonregulatory Delaware River Basin restoration program established under section 3503.

(6) RESTORATION AND PROTECTION.—The term "restoration and protection" means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend, and for use and enjoyment by the public.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director.

(8) SERVICE.—The term "Service" means the United States Fish and Wildlife Service.

SEC. 3503. PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program to be known as the "Delaware River Basin restoration program".

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) draw on existing plans for the Basin, or portions of the Basin, and work in consultation with applicable management entities, including representatives of the Partnership for the Delaware Estuary, the Delaware River Basin Commission, the Federal Government, and other State and local governments, and regional organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Basin;

(2) adopt a Basinwide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

(B) targets cost-effective projects with measurable results; and

(C) maximizes conservation outcomes with no net gain of Federal full-time equivalent employees; and

(3) establish the voluntary grant and technical assistance programs in accordance with section 3504.

(c) COORDINATION.—In establishing the program, the Secretary shall consult, as appropriate, with—

(1) the heads of Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Chief of the Natural Resources Conservation Service;

(D) the Chief of Engineers; and

(E) the head of any other applicable agency;

(2) the Governors of the Basin States;

(3) the Partnership for the Delaware Estuary;

(4) the Delaware River Basin Commission;

(5) fish and wildlife joint venture partnerships; and

(6) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Basin.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Basin; and

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Basin and Basin States—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish and wildlife, as well as the habitats of fish and wildlife, and drinking water for people;

(C) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(D) to improve opportunities for public access and recreation in the Basin consistent with the ecological needs of fish and wildlife habitat;

(E) to facilitate strategic planning to maximize the resilience of natural systems and habitats under changing watershed conditions;

(F) to engage the public through outreach, education, and citizen involvement, to increase capacity and support for coordinated restoration and protection activities in the Basin;

(G) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities; and

(H) to provide technical assistance to carry out restoration and protection activities in the Basin.

SEC. 3504. GRANTS AND ASSISTANCE.

(a) DELAWARE RIVER BASIN RESTORATION GRANT PROGRAM.—To the extent that funds are available to carry out this section, the Secretary shall establish a voluntary grant and technical assistance program to be known as the "Delaware River Basin Restoration Grant Program" to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 3503(d).

(b) CRITERIA.—The Secretary, in consultation with the organizations described in section 3503(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section

3503(d)(2) and advance the implementation of priority actions or needs identified in the Basinwide strategy adopted under section 3503(b)(2).

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

SEC. 3505. ANNUAL LETTER.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a detailed letter on the implementation of this subtitle, including a description of each project that has received funding under this subtitle.

SEC. 3506. PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.

No funds may be appropriated or used under this subtitle for acquisition by the Federal Government of any interest in land.

SEC. 3507. SUNSET.

This subtitle shall have no force or effect after September 30, 2023.

Subtitle F—Miscellaneous Provisions

SEC. 3601. BUREAU OF RECLAMATION DAKOTAS AREA OFFICE PERMIT FEES FOR CABINS AND TRAILERS.

During the period ending 5 years after the date of enactment of this Act, the Secretary of the Interior shall not increase the permit fee for a cabin or trailer on land in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation by more than 33 percent of the permit fee that was in effect on January 1, 2016.

SEC. 3602. USE OF TRAILER HOMES AT HEART BUTTE DAM AND RESERVOIR (LAKE TSCHIDA).

(a) DEFINITIONS.—In this section:

(1) ADDITION.—The term "addition" means any enclosed structure added onto the structure of a trailer home that increases the living area of the trailer home.

(2) CAMPER OR RECREATIONAL VEHICLE.—The term "camper or recreational vehicle" includes—

(A) a camper, motorhome, trailer camper, bumper hitch camper, fifth wheel camper, or equivalent mobile shelter; and

(B) a recreational vehicle.

(3) IMMEDIATE FAMILY.—The term "immediate family" means a spouse, grandparent, parent, sibling, child, or grandchild.

(4) PERMIT.—The term "permit" means a permit issued by the Secretary authorizing the use of a lot in a trailer area.

(5) PERMIT YEAR.—The term "permit year" means the period beginning on April 1 of a calendar year and ending on March 31 of the following calendar year.

(6) PERMITTEE.—The term "permittee" means a person holding a permit.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) TRAILER AREA.—The term "trailer area" means any of the following areas at Heart Butte Dam and Reservoir (Lake Tschida) (as described in the document of the Bureau of Reclamation entitled "Heart Butte Reservoir Resource Management Plan" (March 2008)):

(A) Trailer Area 1 and 2, also known as Management Unit 034.

(B) Southside Trailer Area, also known as Management Unit 014.

(9) TRAILER HOME.—The term "trailer home" means a dwelling placed on a supporting frame that—

(A) has or had a tow-hitch; and

(B) is made mobile, or is capable of being made mobile, by an axle and wheels.

(b) PERMIT RENEWAL AND PERMITTED USE.—

(1) IN GENERAL.—The Secretary shall use the same permit renewal process for trailer area permits as the Secretary uses for other permit renewals in other reservoirs in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation.

(2) TRAILER HOMES.—With respect to a trailer home, a permit for each permit year shall authorize the permittee—

(A) to park the trailer home on the lot;

(B) to use the trailer home on the lot;

(C) to physically move the trailer home on and off the lot; and

(D) to leave on the lot any addition, deck, porch, entryway, step to the trailer home, propane tank, or storage shed.

(3) CAMPERS OR RECREATIONAL VEHICLES.—With respect to a camper or recreational vehicle, a permit shall, for each permit year—

(A) from April 1 to October 31, authorize the permittee—

(i) to park the camper or recreational vehicle on the lot;

(ii) to use the camper or recreational vehicle on the lot; and

(iii) to move the camper or recreational vehicle on and off the lot; and

(B) from November 1 to March 31, require a permittee to remove the camper or recreational vehicle from the lot.

(c) REMOVAL.—

(1) IN GENERAL.—The Secretary may require removal of a trailer home from a lot in a trailer area if the trailer home is flooded after the date of enactment of this Act.

(2) REMOVAL AND NEW USE.—If the Secretary requires removal of a trailer home under paragraph (1), on request by the permittee, the Secretary shall authorize the permittee—

(A) to replace the trailer home on the lot with a camper or recreational vehicle in accordance with this section; or

(B) to place a trailer home on the lot from April 1 to October 31.

(d) TRANSFER OF PERMITS.—

(1) TRANSFER OF TRAILER HOME TITLE.—If a permittee transfers title to a trailer home permitted on a lot in a trailer area, the Secretary shall issue a permit to the transferee, under the same terms as the permit applicable on the date of transfer, subject to the conditions described in paragraph (3).

(2) TRANSFER OF CAMPER OR RECREATIONAL VEHICLE TITLE.—If a permittee who has a permit to use a camper or recreational vehicle on a lot in a trailer area transfers title to the interests of the permittee on or to the lot, the Secretary shall issue a permit to the transferee, subject to the conditions described in paragraph (3).

(3) CONDITIONS.—A permit issued by the Secretary under paragraph (1) or (2) shall be subject to the following conditions:

(A) A permit may not be held in the name of a corporation.

(B) A permittee may not have an interest in, or control of, more than 1 seasonal trailer home site in the Great Plains Region of the Bureau of Reclamation, inclusive of sites located on tracts permitted to organized groups on Reclamation reservoirs.

(C) Not more than 2 persons may be permittees under 1 permit, unless—

(i) approved by the Secretary; or

(ii) the additional persons are immediate family members of the permittees.

(e) ANCHORING REQUIREMENTS FOR TRAILER HOMES.—The Secretary shall require compliance with appropriate anchoring requirements for each trailer home (including additions to the trailer home) and other objects on a lot in a trailer area, as determined by the Secretary, after consulting with permittees.

(f) REPLACEMENT, REMOVAL, AND RETURN.—

(1) REPLACEMENT.—Permittees may replace their trailer home with another trailer home.

(2) REMOVAL AND RETURN.—Permittees may—

(A) remove their trailer home; and

(B) if the permittee removes their trailer home under subparagraph (A), return the trailer home to the lot of the permittee.

(g) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to the personal property of a permittee or for damages arising out of any act, omission, or occurrence relating to a lot to which a permit applies, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the personal property of a permittee shall not be a taking by the United States.

SEC. 3603. LAKE TAHOE RESTORATION.

(a) FINDINGS AND PURPOSES.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) Lake Tahoe—

"(A) is one of the largest, deepest, and clearest lakes in the world;

"(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

"(C) is recognized nationally and worldwide as a natural resource of special significance;

"(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—

"(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

"(B) contributes significantly to the economies of California, Nevada, and the United States;

"(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

"(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

"(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

"(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in—

"(A) high tree density and mortality;

"(B) the loss of biological diversity; and

"(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

"(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

"(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

"(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

"(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including—

"(A) congressional consent to the establishment of the Planning Agency with—

"(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

"(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

"(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

"(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

"(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

"(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

"(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

"(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

"(A) stream and wetland restoration; and

"(B) programmatic technical assistance;

"(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

"(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

"(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

"(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

"(A) renewed their commitment to Lake Tahoe; and

"(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

"(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,955,500,000 to the Lake Tahoe Basin, including—

"(A) $635,400,000 from the Federal Government;

"(B) $758,600,000 from the State of California;

"(C) $123,700,000 from the State of Nevada;

"(D) $98,900,000 from units of local government; and

"(E) $338,900,000 from private interests;

"(16) significant additional investment from Federal, State, local, and private sources is necessary—

"(A) to restore and sustain the ecological health of the Lake Tahoe Basin;

"(B) to adapt to the impacts of fluctuating water temperature and precipitation; and

"(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

"(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

"(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

"(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

"(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

"(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

"(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.".

(b) DEFINITIONS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

"(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

"(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

"(5) DIRECTORS.—The term 'Directors' means—

"(A) the Director of the United States Fish and Wildlife Service; and

"(B) the Director of the United States Geological Survey.

"(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

"(A) the Environmental Improvement Program adopted by the Planning Agency; and

"(B) any amendments to the Program.

"(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.

"(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).

"(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

"(A) prescribed burning for ecosystem health and hazardous fuels reduction;

"(B) mechanical and minimum tool treatment;

"(C) stream environment zone restoration and other watershed and wildlife habitat enhancements;

"(D) nonnative invasive species management; and

"(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

"(10) MAPS.—The term 'Maps' means the maps—

"(A) entitled—

"(i) 'LTRA USFS–CA Land Exchange/North Shore';

"(ii) 'LTRA USFS–CA Land Exchange/West Shore'; and

"(iii) 'LTRA USFS–CA Land Exchange/South Shore'; and

"(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of—

"(i) the Forest Service;

"(ii) the California Tahoe Conservancy; and

"(iii) the California Department of Parks and Recreation.

"(11) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

"(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

"(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

"(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

"(12) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

"(13) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 5(b).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

"(16) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

"(17) WATERCRAFT.—The term 'watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.".

(c) IMPROVED ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.—Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking "basin" and inserting "Basin"; and

(2) by adding at the end the following:

"(c) FOREST MANAGEMENT ACTIVITIES.—

"(1) COORDINATION.—

"(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

"(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

"(2) MULTIPLE BENEFITS.—

"(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

"(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

"(I) reducing forest fuels;

"(II) maintaining biological diversity;

"(III) improving wetland and water quality, including in Stream Environment Zones; and

"(IV) increasing resilience to changing water temperature and precipitation; and

"(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

"(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

"(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

"(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

"(B) provide for monitoring to ascertain the attainment of the post-program conditions.

"(4) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity—

"(A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including not more than 3,000 acres of mechanical thinning;

"(B) is developed—

"(i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and

"(ii) in consultation with other interested parties; and

"(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.

"(d) WITHDRAWAL OF FEDERAL LAND.—

"(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

"(A) all forms of entry, appropriation, or disposal under the public land laws;

"(B) location, entry, and patent under the mining laws; and

"(C) disposition under all laws relating to mineral and geothermal leasing.

"(2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—

"(A) this Act; or

"(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

"(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

"(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.".

(d) AUTHORIZED PROGRAMS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

"SEC. 5. AUTHORIZED PROGRAMS.

"(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning

Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—

"(1) is described in subsection (d);

"(2) is included in the Priority List under subsection (b); and

"(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

"(b) PRIORITY LIST.—

"(1) DEADLINE.—Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

"(2) CRITERIA.—The ranking of the Priority List shall be based on the best available science and the following criteria:

"(A) The 4-year threshold carrying capacity evaluation.

"(B) The ability to measure progress or success of the program.

"(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

"(D) The ability of a program to provide multiple benefits.

"(E) The ability of a program to leverage non-Federal contributions.

"(F) Stakeholder support for the program.

"(G) The justification of Federal interest.

"(H) Agency priority.

"(I) Agency capacity.

"(J) Cost-effectiveness.

"(K) Federal funding history.

"(3) REVISIONS.—The Priority List submitted under paragraph (1) shall be revised every 2 years.

"(4) FUNDING.—Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

"(c) RESTRICTION.—The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

"(d) DESCRIPTION OF ACTIVITIES.—

"(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

"(A) IN GENERAL.—Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

"(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

"(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

"(iii) Biomass programs, including feasibility assessments.

"(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

"(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

"(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

"(vii) Development of updated community wildfire protection plans by local fire districts.

"(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

"(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

"(B) MINIMUM ALLOCATION.—Of the amounts made available to the Secretary to carry out subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

"(C) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

"(D) COST-SHARING REQUIREMENTS.—

"(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

"(ii) FORM OF NON-FEDERAL SHARE.—

"(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

"(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

"(III) DOCUMENTATION.—Communities and local fire districts shall—

"(aa) maintain a record of in-kind contributions that describes—

"(AA) the monetary value of the in-kind contributions; and

"(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

"(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

"(2) INVASIVE SPECIES MANAGEMENT.—

"(A) IN GENERAL.—Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

"(B) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

"(C) CRITERIA.—The strategies referred to in subparagraph (B) shall provide that—

"(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

"(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

"(D) CERTIFICATION.—The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

"(E) APPLICABILITY.—The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

"(F) FEES.—The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

"(G) CIVIL PENALTIES.—

"(i) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

"(ii) OTHER AUTHORITIES.—Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

"(H) LIMITATION.—The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction

of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.

"(I) SUPPLEMENTAL AUTHORITY.—The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

"(J) SAVINGS CLAUSE.—Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

"(3) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL WATERSHED RESTORATION.—Of the amounts made available under section 10(a), $113,000,000 shall be made available—

"(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

"(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

"(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b); and

"(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

"(4) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.".

(e) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

"SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

"(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

"(1) IN GENERAL.—Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.

"(2) PLANNING AGENCY.—Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

"(b) CONSULTATION.—In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

"(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

"(1) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake

Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

"(2) LOCAL COOPERATION AGREEMENTS.—

"(A) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

"(B) COMPONENTS.—The agreement entered into under subparagraph (A) shall—

"(i) describe the nature of the technical assistance;

"(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

"(iii) include cost-sharing provisions in accordance with subparagraph (C).

"(C) FEDERAL SHARE.—

"(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.

"(ii) FORM.—The Federal share may be in the form of reimbursements of program costs.

"(iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

"(d) EFFECTIVENESS EVALUATION AND MONITORING.—In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—

"(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

"(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

"(3) use the integrated multiagency performance measures established under this section.

"(e) REPORTING REQUIREMENTS.—Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—

"(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

"(A) the program scope;

"(B) the budget for the program; and

"(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

"(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

"(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

"(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

"(f) ANNUAL BUDGET PLAN.—As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—

"(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

"(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

"(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.".

(f) CONFORMING AMENDMENTS; UPDATES TO RELATED LAWS.—

(1) LAKE TAHOE RESTORATION ACT.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(A) by striking sections 8 and 9;

(B) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(C) in section 9 (as redesignated by subparagraph (B)) by inserting ", Director, or Administrator" after "Secretary".

(2) TAHOE REGIONAL PLANNING COMPACT.—Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3240) is amended in the third sentence by inserting "and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce" after "maintain the regional plan".

(3) TREATMENT UNDER TITLE 49, UNITED STATES CODE.—Section 5303(r)(2)(C) of title 49, United States Code, is amended—

(A) by inserting "and 25 square miles of land area" after "145,000"; and

(B) by inserting "and 12 square miles of land area" after "65,000".

(g) AUTHORIZATION OF APPROPRIATIONS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by subsection (f)(1)(B)) and inserting the following:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

"(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

"(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

"(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

"(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

"(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with—

"(1) environmental restoration programs under sections 5 and 6; and

"(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

"(e) SIGNAGE.—To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—

"(1) provides information to the public on—

"(A) the amount of Federal funds being provided to the program; and

"(B) this Act; and

"(2) displays the visual identity mark of the Environmental Improvement Program.".

(1) LAND TRANSFERS TO IMPROVE MANAGEMENT EFFICIENCIES OF FEDERAL AND STATE LAND.—Section 3(b) of Public Law 96–586 (94 Stat. 3384) (commonly known as the "Santini-Burton Act") is amended—

(A) by striking "(b) Lands" and inserting the following: "(b) ADMINISTRATION OF ACQUIRED LAND.—

"(1) IN GENERAL.—Land"; and

(B) by adding at the end the following:

"(2) CALIFORNIA CONVEYANCES.—

"(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States the non-Federal land described in subparagraph (B)(i), the Secretary—

"(i) may accept the offer; and

"(ii) convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land.

"(B) DESCRIPTION OF LAND.—

"(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) includes—

"(I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Tahoe Conservancy to the USFS'; and

"(II) the approximately 183 acres of land administered by California State Parks and identified on the Maps as 'Total USFS to California'.

"(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.

"(C) CONDITIONS.—Any land conveyed under this paragraph shall—

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

"(I) to ensure compliance with this Act; and

"(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

"(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

"(3) NEVADA CONVEYANCES.—

"(A) IN GENERAL.—In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

"(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) includes—

"(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

"(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

"(C) CONDITIONS.—Any land conveyed under this paragraph shall—

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

"(I) to ensure compliance with this Act; and

"(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

"(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

"(4) AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE URBAN LOTS.—

"(A) CONVEYANCE AUTHORITY.—Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

"(B) CONSIDERATION.—A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

"(C) AVAILABILITY AND USE.—The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for—

"(i) purchasing inholdings throughout the Lake Tahoe Basin; or

"(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

"(D) OBLIGATION LIMIT.—The obligation and expenditure of proceeds retained under this paragraph shall be subject to such fiscal year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

"(5) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

"(6) FUNDING.—

"(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

"(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to

facilitate the conveyance of land described in paragraphs (2) and (3).".

SEC. 3604. TUOLUMNE BAND OF ME-WUK INDIANS.

(a) FEDERAL LAND.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal land described in subsection (b) shall be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.

(b) LAND DESCRIPTION.—The land taken into trust under subsection (a) is the approximately 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service, located in Tuolumne County, California, and described as follows:

(1) Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.

(2) Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East of the Mount Diablo Meridian.

(c) GAMING.—Class II and class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall not be permitted at any time on the land taken into trust under subsection (a).

SEC. 3605. SAN LUIS REY SETTLEMENT AGREEMENT IMPLEMENTATION.

(a) SAN LUIS REY SETTLEMENT AGREEMENT IMPLEMENTATION.—The San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675) is amended by inserting after section 111 the following:

"SEC. 112. IMPLEMENTATION OF SETTLEMENT.

"(a) FINDINGS.—Congress finds and recognizes as follows:

"(1) The City of Escondido, California, the Vista Irrigation District, the San Luis Rey River Indian Water Authority, and the Bands have approved an agreement, dated December 5, 2014, resolving their disputes over the use of certain land and water rights in or near the San Luis Rey River watershed, the terms of which are consistent with this Act.

"(2) The Bands, the San Luis Rey River Indian Water Authority, the City of Escondido, California, the Vista Irrigation District, and the United States have approved a Settlement Agreement dated January 30, 2015 (hereafter in this section referred to as the 'Settlement Agreement') that conforms to the requirements of this Act.

"(b) APPROVAL AND RATIFICATION.—All provisions of the Settlement Agreement, including the waivers and releases of the liability of the United States, the provisions regarding allottees, and the provision entitled 'Effect of Settlement Agreement and Act,' are hereby approved and ratified.

"(c) AUTHORIZATIONS.—The Secretary and the Attorney General are authorized to execute, on behalf of the United States, the Settlement Agreement and any amendments approved by the parties as necessary to make the Settlement Agreement consistent with this Act. Such execution shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary is further authorized and directed to take all steps that the Secretary may deem necessary or appropriate to implement the Settlement Agreement and this Act.

"(d) CONTINUED FEDERALLY RESERVED AND OTHER WATER RIGHTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, including any provisions in this Act, the Bands had, have, and continue to possess federally reserved rights and other water rights held in trust by the United States.

"(2) FUTURE PROCEEDINGS.—In any proceeding involving the assertion, enforcement, or defense of the rights described in this subsection, the United States, in its capacity as trustee for any Band, shall not be a required party and any decision by the United States regarding participation in any such proceeding shall not be subject to judicial review or give rise to any claim for relief against the United States.

"(e) ALLOTTEES.—Congress finds and confirms that the benefits to allottees in the Settlement Agreement, including the remedies and provisions requiring that any rights of allottees shall be satisfied from supplemental water and other water available to the Bands or the Indian Water Authority, are equitable and fully satisfy the water rights of the allottees.

"(f) NO PRECEDENT.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation or settlement of Indian reserved water rights.".

(b) DISBURSEMENT OF FUNDS.—The second sentence of section 105(b)(1) of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675) is amended by striking the period at the end, and inserting the following: ", provided that—

"(i) no more than $3,700,000 per year (in principal, interest or both) may be so allocated; and

"(ii) none of the funds made available by this section shall be available unless the Director of the Office of Management and Budget first certifies in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that the federal budget will record budgetary outlays from the San Luis Rey Tribal Development Fund of only the monies, not to exceed $3,700,000 annually, that the Secretary of the Treasury, pursuant to this section, allocates and makes available to the Indian Water Authority from the trust fund.".

SEC. 3606. TULE RIVER INDIAN TRIBE.

(a) IN GENERAL.—Subject to subsection (b), valid, existing rights, and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the approximately 34 acres of Federal lands generally depicted on the map titled "Proposed Lands to be Held in Trust for the Tule River Tribe" and dated May 14, 2015, are hereby held in trust by the United States for the benefit of the Tule River Indian Tribe.

(b) EASEMENTS AND RIGHTS-OF-WAY.—For the purposes of subsection (a), valid, existing rights include any easement or right-of-way for which an application is pending with the Bureau of Land Management on the date of the enactment of this Act. If such application is denied upon final action, the valid, existing right related to the application shall cease to exist.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) CONVERSION OF VALID, EXISTING RIGHTS.—

(1) CONTINUITY OF USE.—Any person claiming in good faith to have valid, existing rights to lands taken into trust by this section may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary makes a determination on an application submitted under paragraph (2)(B) or the application is deemed to be granted under paragraph (3).

(2) NOTICE AND APPLICATION.—Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall notify any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands taken into trust under subsection (a) that—

(A) such lands have been taken into trust; and

(B) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(3) DETERMINATION.—The Secretary of the Interior shall grant or deny an application submitted under paragraph (2)(B) not later than 180 days after the application is submitted. Such a determination shall be considered a final action. If the Secretary does not make a determination within 180 days after the application is submitted, the application shall be deemed to be granted.

(e) RESTRICTION ON GAMING.—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

SEC. 3607. MORONGO BAND OF MISSION INDIANS.

(a) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) BANNING.—The term "Banning" means the City of Banning, which is located in Riverside County, California adjacent to the Morongo Indian Reservation.

(2) FIELDS.—The term "Fields" means Lloyd L. Fields, the owner of record of Parcel A.

(3) MAP.—The term "map" means the map entitled 'Morongo Indian Reservation, County of Riverside, State of California Land Exchange Map', and dated May 22, 2014, which is on file in the Bureau of Land Management State Office in Sacramento, California.

(4) PARCEL A.—The term "Parcel A" means the approximately 41.15 acres designated on the map as "Fields lands".

(5) PARCEL B.—The term "Parcel B" means the approximately 41.15 acres designated on the map as "Morongo lands".

(6) PARCEL C.—The term "Parcel C" means the approximately 1.21 acres designated on the map as "Banning land".

(7) PARCEL D.—The term "Parcel D" means the approximately 1.76 acres designated on the map as "Easement to Banning".

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) TRIBE.—The term "Tribe" means the Morongo Band of Mission Indians, a federally recognized Indian tribe.

(b) TRANSFER OF LANDS; TRUST LANDS, EASEMENT.—

(1) TRANSFER OF PARCEL A AND PARCEL B AND EASEMENT OVER PARCEL D.—Subject to any valid existing rights of any third parties and to legal review and approval of the form and content of any and all instruments of conveyance and policies of title insurance, upon receipt by the Secretary of confirmation that Fields has duly executed and deposited with a mutually acceptable and jointly instructed escrow holder in California a deed conveying clear and unencumbered title to Parcel A to the United States in trust for the exclusive use and benefit of the Tribe, and upon receipt by Fields of confirmation that the Secretary has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder a patent conveying clear and unencumbered title in fee simple to Parcel B to Fields and has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder an easement to the City for a public right-of-way over Parcel D, the Secretary shall instruct the escrow holder to simultaneously cause—

(A) the patent to Parcel B to be recorded and issued to Fields;

(B) the easement over Parcel D to be recorded and issued to the City; and

(C) the deed to Parcel A to be delivered to the Secretary, who shall immediately cause said deed to be recorded and held in trust for the Tribe.

(2) TRANSFER OF PARCEL C.—After the simultaneous transfer of parcels A, B, and D under paragraph (1), upon receipt by the Secretary of confirmation that the City has vacated its interest in Parcel C pursuant to all applicable State and local laws, the Secretary shall immediately cause Parcel C to be held in trust for the Tribe subject to—

(A) any valid existing rights of any third parties; and

(B) legal review and approval of the form and content of any and all instruments of conveyance.

SEC. 3608. CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION WATER SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to permanently resolve and settle those claims to Settlement Area Waters of the Choctaw Nation of Oklahoma and the Chickasaw Nation as set forth in the Settlement Agreement and this section, including all claims or defenses in and to Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any future stream adjudication;

(2) to approve, ratify, and confirm the Settlement Agreement;

(3) to authorize and direct the Secretary of the Interior to execute the Settlement Agreement and to perform all obligations of the Secretary of the Interior under the Settlement Agreement and this section;

(4) to approve, ratify, and confirm the amended storage contract among the State, the City and the Trust;

(5) to authorize and direct the Secretary to approve the amended storage contract for the Corps of Engineers to perform all obligations under the 1974 storage contract, the amended storage contract, and this section; and

(6) to authorize all actions necessary for the United States to meet its obligations under the Settlement Agreement, the amended storage contract, and this section.

(b) DEFINITIONS.—In this section:

(1) 1974 STORAGE CONTRACT.—The term "1974 storage contract" means the contract approved by the Secretary on April 9, 1974, between the Secretary and the Water Conservation Storage Commission of the State of Oklahoma pursuant to section 301 of the Water Supply Act of 1958, and other applicable Federal law.

(2) 2010 AGREEMENT.—The term "2010 agreement" means the agreement entered into among the OWRB and the Trust, dated June 15, 2010, relating to the assignment by the State of the 1974 storage contract and transfer of rights, title, interests, and obligations under that contract to the Trust, including the interests of the State in the conservation storage capacity and associated repayment obligations to the United States.

(3) ADMINISTRATIVE SET-ASIDE SUBCONTRACTS.—The term "administrative set-aside subcontracts" means the subcontracts the City shall issue for the use of Conservation Storage Capacity in Sardis Lake as provided by section 4 of the amended storage contract.

(4) ALLOTMENT.—The term "allotment" means the land within the Settlement Area held by an allottee subject to a statutory restriction on alienation or held by the United States in trust for the benefit of an allottee.

(5) ALLOTTEE.—The term "allottee" means an enrolled member of the Choctaw Nation or citizen of the Chickasaw Nation who, or whose estate, holds an interest in an allotment.

(6) AMENDED PERMIT APPLICATION.—The term "amended permit application" means the permit application of the City to the OWRB, No. 2007–17, as amended as provided by the Settlement Agreement.

(7) AMENDED STORAGE CONTRACT TRANSFER AGREEMENT; AMENDED STORAGE CONTRACT.—The terms "amended storage contract transfer agreement" and "amended storage contract" mean the 2010 Agreement between the City, the Trust, and the OWRB, as amended, as provided by the Settlement Agreement and this section.

(8) ATOKA AND SARDIS CONSERVATION PROJECTS FUND.—The term "Atoka and Sardis Conservation Projects Fund" means the Atoka and Sardis Conservation Projects Fund established, funded, and managed in accordance with the Settlement Agreement.

(9) CITY.—The term "City" means the City of Oklahoma City, or the City and the Trust acting jointly, as applicable.

(10) CITY PERMIT.—The term "City permit" means any permit issued to the City by the OWRB pursuant to the amended permit application and consistent with the Settlement Agreement.

(11) CONSERVATION STORAGE CAPACITY.—The term "conservation storage capacity" means the total storage space as stated in the 1974 storage contract in Sardis Lake between elevations 599.0 feet above mean sea level and 542.0 feet above mean sea level, which is estimated to contain 297,200 acre-feet of water after adjustment for sediment deposits, and which may be used for municipal and industrial water supply, fish and wildlife, and recreation.

(12) ENFORCEABILITY DATE.—The term "enforceability date" means the date on which the Secretary of the Interior publishes in the Federal Register a notice certifying that the conditions of subsection (i) have been satisfied.

(13) FUTURE USE STORAGE.—The term "future use storage" means that portion of the conservation storage capacity that was designated by the 1974 Contract to be utilized for future water use storage and was estimated to contain 155,500 acre feet of water after adjustment for sediment deposits, or 52.322 percent of the conservation storage capacity.

(14) NATIONS.—The term "Nations" means, collectively, the Choctaw Nation of Oklahoma ("Choctaw Nation") and the Chickasaw Nation.

(15) OWRB.—The term "OWRB" means the Oklahoma Water Resources Board.

(16) SARDIS LAKE.—The term "Sardis Lake" means the reservoir, formerly known as Clayton Lake, whose dam is located in Section 19, Township 2 North, Range 19 East of the Indian Meridian, Pushmataha County, Oklahoma, the construction, operation, and maintenance of which was authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187).

(17) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the settlement agreement as approved by the Nations, the State, the City, and the Trust effective August 22, 2016, as revised to conform with this section, as applicable.

(18) SETTLEMENT AREA.—The term "settlement area" means—

(A) the area lying between—

(i) the South Canadian River and Arkansas River to the north;

(ii) the Oklahoma–Texas State line to the south;

(iii) the Oklahoma–Arkansas State line to the east; and

(iv) the 98th Meridian to the west; and

(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:

(i) Atoka.

(ii) Bryan.

(iii) Carter.

(iv) Choctaw.

(v) Coal.

(vi) Garvin.

(vii) Grady.

(viii) McClain.
(ix) Murray.
(x) Haskell.
(xi) Hughes.
(xii) Jefferson.
(xiii) Johnston.
(xiv) Latimer.
(xv) LeFlore.
(xvi) Love.
(xvii) Marshall.
(xviii) McCurtain.
(xix) Pittsburgh.
(xx) Pontotoc.
(xxi) Pushmataha.
(xxii) Stephens.

(19) SETTLEMENT AREA WATERS.—The term "settlement area waters" means the waters located—

(A) within the settlement area; and

(B) within a basin depicted in Exhibit 10 to the Settlement Agreement, including any of the following basins as denominated in the 2012 Update of the Oklahoma Comprehensive Water Plan:

(i) Beaver Creek (24, 25, and 26).
(ii) Blue (11 and 12).
(iii) Clear Boggy (9).
(iv) Kiamichi (5 and 6).
(v) Lower Arkansas (46 and 47).
(vi) Lower Canadian (48, 56, 57, and 58).
(vii) Lower Little (2).
(viii) Lower Washita (14).
(ix) Mountain Fork (4).
(x) Middle Washita (15 and 16).
(xi) Mud Creek (23).
(xii) Muddy Boggy (7 and 8).
(xiii) Poteau (44 and 45).
(xiv) Red River Mainstem (1, 10, 13, and 21).
(xv) Upper Little (3).
(xvi) Walnut Bayou (22).

(20) STATE.—The term "State" means the State of Oklahoma.

(21) TRUST.—

(A) IN GENERAL.—The term "Trust" means the Oklahoma City Water Utilities Trust, formerly known as the Oklahoma City Municipal Improvement Authority, a public trust established pursuant to State law with the City as the beneficiary.

(B) REFERENCES.—A reference in this section to "Trust" refers to the Oklahoma City Water Utilities Trust, acting severally.

(22) UNITED STATES.—The term "United States" means the United States of America acting in its capacity as trustee for the Nations, their respective members, citizens, and allottees, or as specifically stated or limited in any given reference herein, in which case it means the United States of America acting in the capacity as set forth in said reference.

(c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except as modified by this section, and to the extent the Settlement Agreement does not conflict with this section, the Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—If an amendment is executed to make the Settlement Agreement consistent with this section, the amendment is also authorized, ratified and confirmed to the extent the amendment is consistent with this section.

(2) EXECUTION OF SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent the Settlement Agreement does not conflict with this section, the Secretary of the Interior shall promptly execute the Settlement Agreement, including all exhibits to or parts of the Settlement Agreement requiring the signature of the Secretary of the Interior and any amendments necessary to make the Settlement Agreement consistent with this section.

(B) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Agreement by the Secretary of the Interior under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) APPROVAL OF THE AMENDED STORAGE CONTRACT AND 1974 STORAGE CONTRACT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except to the extent any provision of the amended storage contract conflicts with any provision of this section, the amended storage contract is authorized, ratified, and confirmed.

(B) 1974 STORAGE CONTRACT.—To the extent the amended storage contract, as authorized, ratified, and confirmed, modifies or amends the 1974 storage contract, the modification or amendment to the 1974 storage contract is authorized, ratified, and confirmed.

(C) AMENDMENTS.—To the extent an amendment is executed to make the amended storage contract consistent with this section, the amendment is authorized, ratified, and confirmed.

(2) APPROVAL BY THE SECRETARY.—After the State and the City execute the amended storage contract, the Secretary shall approve the amended storage contract.

(3) MODIFICATION OF SEPTEMBER 11, 2009, ORDER IN UNITED STATES V. OKLAHOMA WATER RESOURCES BOARD, CIV 98–00521 (N.D. OK).—The Secretary, through counsel, shall cooperate and work with the State to file any motion and proposed order to modify or amend the order of the United States District Court for the Northern District of Oklahoma dated September 11, 2009, necessary to conform the order to the amended storage contract transfer agreement, the Settlement Agreement, and this section.

(4) CONSERVATION STORAGE CAPACITY.—The allocation of the use of the conservation storage capacity in Sardis Lake for administrative set-aside subcontracts, City water supply, and fish and wildlife and recreation as provided by the amended storage contract is authorized, ratified and approved.

(5) ACTIVATION; WAIVER.—

(A) FINDINGS.—Congress finds that—

(i) the earliest possible activation of any increment of future use storage in Sardis Lake will not occur until after 2050; and

(ii) the obligation to make annual payments for the Sardis future use storage operation, maintenance and replacement costs, capital costs, or interest attributable to Sardis future use storage only arises if, and only to the extent, that an increment of Sardis future use storage is activated by withdrawal or release of water from the future use storage that is authorized by the user for a consumptive use of water.

(B) WAIVER OF OBLIGATIONS FOR STORAGE THAT IS NOT ACTIVATED.—Notwithstanding section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187), the 1974 storage contract, or any other provision of law, effective as of January 1, 2050—

(i) the entirety of any repayment obligations (including interest), relating to that portion of conservation storage capacity allocated by the 1974 storage contract to future use storage in Sardis Lake is waived and shall be considered nonreimbursable; and

(ii) any obligation of the State and, on execution and approval of the amended storage contract, of the City and the Trust, under the 1974 storage contract regarding capital costs and any operation, maintenance, and replacement costs and interest otherwise attributable to future use storage in Sardis Lake is waived and shall be nonreimbursable, if by January 1, 2050, the right to future use storage is not activated by the withdrawal or release of water from future use storage for an authorized consumptive use of water.

(6) CONSISTENT WITH AUTHORIZED PURPOSES; NO MAJOR OPERATIONAL CHANGE.—

(A) CONSISTENT WITH AUTHORIZED PURPOSE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5)—

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) NO MAJOR OPERATIONAL CHANGE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) NO FURTHER AUTHORIZATION REQUIRED.—This section shall be considered sufficient and complete authorization, without further study or analysis, for—

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage in Sardis Lake pursuant to and in accordance with the 1974 storage contract, the amended storage contract, and the Settlement Agreement.

(e) SETTLEMENT AREA WATERS.—

(1) FINDINGS.—Congress finds that—

(A) pursuant to the Atoka Agreement as ratified by section 29 of the Act of June 28, 1898 (30 Stat. 505, chapter 517) (as modified by the Act of July 1, 1902 (32 Stat. 641, chapter 1362)), the Nations issued patents to their respective tribal members and citizens and thereby conveyed to individual Choctaws and Chickasaws, all right, title, and interest in and to land that was possessed by the Nations, other than certain mineral rights; and

(B) when title passed from the Nations to their respective tribal members and citizens, the Nations did not convey and those individuals did not receive any right of regulatory or sovereign authority, including with respect to water.

(2) PERMITTING, ALLOCATION, AND ADMINISTRATION OF SETTLEMENT AREA WATERS PURSUANT TO THE SETTLEMENT AGREEMENT.—Beginning on the enforceability date, settlement area waters shall be permitted, allocated, and administered by the OWRB in accordance with the Settlement Agreement and this section.

(3) CHOCTAW NATION AND CHICKASAW NATION.—Beginning on the enforceability date, the Nations shall have the right to use and to develop the right to use settlement area waters only in accordance with the Settlement Agreement and this section.

(4) WAIVER AND DELEGATION BY NATIONS.—In addition to the waivers under subsection (h), the Nations, on their own behalf, shall permanently delegate to the State any regulatory authority each Nation may possess over water rights on allotments, which the State shall exercise in accordance with the Settlement Agreement and this subsection.

(5) RIGHT TO USE WATER.—

(A) IN GENERAL.—An allottee may use water on an allotment in accordance with the Settlement Agreement and this subsection.

(B) SURFACE WATER USE.—

(i) IN GENERAL.—An allottee may divert and use, on the allotment of the allottee, 6 acre-feet per year of surface water per 160 acres, to be used solely for domestic uses on an allotment that constitutes riparian land under applicable State law as of the date of enactment of this Act.

(ii) EFFECT OF STATE LAW.—The use of surface water described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may divert water under this subsection without a permit or any other authorization from the OWRB.

(C) GROUNDWATER USE.—

(i) IN GENERAL.—An allottee may drill wells on the allotment of the allottee to take and use for domestic uses the greater of—

(I) 5 acre-feet per year; or

(II) any greater quantity allowed under State law.

(ii) EFFECT OF STATE LAW.—The groundwater use described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may drill wells and use water under this subsection without a permit or any other authorization from the OWRB.

(D) FUTURE CHANGES IN STATE LAW.—

(i) IN GENERAL.—If State law changes to limit use of water to a quantity that is less than the applicable quantity specified in subparagraph (B) or (C), as applicable, an allottee shall retain the right to use water in accord with those subparagraphs, subject to paragraphs (6)(B)(iv) and (7).

(ii) OPPORTUNITY TO BE HEARD.—Prior to taking any action to limit the use of water by an individual, the OWRB shall provide to the individual an opportunity to demonstrate that the individual is—

(I) an allottee; and

(II) using water on the allotment pursuant to and in accordance with the Settlement Agreement and this section.

(6) ALLOTTEE OPTIONS FOR ADDITIONAL WATER.—

(A) IN GENERAL.—To use a quantity of water in excess of the quantities provided under paragraph (5), an allottee shall—

(i) file an action under subparagraph (B); or

(ii) apply to the OWRB for a permit pursuant to, and in accordance with, State law.

(B) DETERMINATION IN FEDERAL DISTRICT COURT.—

(i) IN GENERAL.—In lieu of applying to the OWRB for a permit to use more water than is allowed under paragraph (5), an allottee may file an action in the United States District Court for the Western District of Oklahoma for determination of the right to water of the allottee. At least 90 days prior to filing such an action, the allottee shall provide written notice of the suit to the United States and the OWRB. For the United States, notice shall be provided to the Solicitor's Office, Department of the Interior, Washington D.C., and to the Office of the Regional Director of the Muskogee Region, Bureau of Indian Affairs, Department of the Interior.

(ii) JURISDICTION.—For purposes of this subsection—

(I) the United States District Court for the Western District of Oklahoma shall have jurisdiction; and

(II) as part of the complaint, the allottee shall include certification of the pre-filing notice to the

United States and OWRB required by subparagraph (B)(i). If such certification is not included with the complaint, the complaint will be deemed filed 90 days after such certification is complete and filed with the court. Within 60 days after the complaint is filed or deemed filed or within such extended time as the District Court in its discretion may permit, the United States may appear or intervene. After such appearance, intervention or the expiration of the said 60 days or any extension thereof, the proceedings and judgment in such action shall bind the United States and the parties thereto without regard to whether the United States elects to appear or intervene in such action.

(iii) REQUIREMENTS.—An allottee filing an action pursuant to this subparagraph shall—

(I) join the OWRB as a party; and

(II) publish notice in a newspaper of general circulation within the Settlement Area Hydrologic Basin for 2 consecutive weeks, with the first publication appearing not later than 30 days after the date on which the action is filed.

(iv) DETERMINATION FINAL.—

(I) IN GENERAL.—Subject to subclause (II), if an allottee elects to have the rights of the allottee determined pursuant to this subparagraph, the determination shall be final as to any rights under Federal law and in lieu of any rights to use water on an allotment as provided in paragraph (5).

(II) RESERVATION OF RIGHTS.—Subclause (I) shall not preclude an allottee from—

(aa) applying to the OWRB for water rights pursuant to State law; or

(bb) using any rights allowed by State law that do not require a permit from the OWRB.

(7) OWRB ADMINISTRATION AND ENFORCEMENT.—

(A) IN GENERAL.—If an allottee exercises any right under paragraph (5) or has rights determined under paragraph (6)(B), the OWRB shall have jurisdiction to administer those rights.

(B) CHALLENGES.—An allottee may challenge OWRB administration of rights determined under this paragraph, in the United States District Court for the Western District of Oklahoma.

(8) PRIOR EXISTING STATE LAW RIGHTS.—Water rights held by an allottee as of the enforceability date pursuant to a permit issued by the OWRB shall be governed by the terms of that permit and applicable State law (including regulations).

(f) CITY PERMIT FOR APPROPRIATION OF STREAM WATER FROM THE KIAMICHI RIVER.—The City permit shall be processed, evaluated, issued, and administered consistent with and in accordance with the Settlement Agreement and this section.

(g) SETTLEMENT COMMISSION.—

(1) ESTABLISHMENT.—There is established a Settlement Commission.

(2) MEMBERS.—

(A) IN GENERAL.—The Settlement Commission shall be comprised of 5 members, appointed as follows:

(i) 1 by the Governor of the State.

(ii) 1 by the Attorney General of the State.

(iii) 1 by the Chief of the Choctaw Nation.

(iv) 1 by the Governor of the Chickasaw Nation.

(v) 1 by agreement of the members described in clauses (i) through (iv).

(B) JOINTLY APPOINTED MEMBER.—If the members described in clauses (i) through (iv) of subparagraph (A) do not agree on a member appointed pursuant to subparagraph (A)(v)—

(i) the members shall submit to the Chief Judge for the United States District Court for the Eastern District of Oklahoma, a list of not less than 3 persons; and

(ii) from the list under clause (i), the Chief Judge shall make the appointment.

(C) INITIAL APPOINTMENTS.—The initial appointments to the Settlement Commission shall be made not later than 90 days after the enforceability date.

(3) MEMBER TERMS.—

(A) IN GENERAL.—Each Settlement Commission member shall serve at the pleasure of appointing authority.

(B) COMPENSATION.—A member of the Settlement Commission shall serve without compensation, but an appointing authority may reimburse the member appointed by the entity for costs associated with service on the Settlement Commission.

(C) VACANCIES.—If a member of the Settlement Commission is removed or resigns, the appointing authority shall appoint the replacement member.

(D) JOINTLY APPOINTED MEMBER.—The member of the Settlement Commission described in paragraph (2)(A)(v) may be removed or replaced by a majority vote of the Settlement Commission based on a failure of the member to carry out the duties of the member.

(4) DUTIES.—The duties and authority of the Settlement Commission shall be set forth in the Settlement Agreement, and the Settlement Commission shall not possess or exercise any duty or authority not stated in the Settlement Agreement.

(h) WAIVERS AND RELEASES OF CLAIMS.—

(1) CLAIMS BY THE NATIONS AND THE UNITED STATES AS TRUSTEE FOR THE NATIONS.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations, each in its own right and on behalf of itself and its respective citizens and members (but not individuals in their capacities as allottees), and the United States, acting as a trustee for the Nations (but not individuals in their capacities as allottees), shall execute a waiver and release of—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation

v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 of the City for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract; and

(H) all claims for damages, losses, or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of rights pursuant to the amended storage contract.

(2) WAIVERS AND RELEASES OF CLAIMS BY THE NATIONS AGAINST THE UNITED STATES.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations are authorized to execute a waiver and release of all claims against the United States (including any agency or employee of the United States) relating to—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed by the United States as a trustee during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.) or OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using

water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract;

(H) all claims relating to litigation brought by the United States prior to the enforceability date of the water rights of the Nations in the State; and

(I) all claims relating to the negotiation, execution, or adoption of the Settlement Agreement (including exhibits) or this section.

(3) RETENTION AND RESERVATION OF CLAIMS BY NATIONS AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and releases of claims authorized under paragraphs (1) and (2), the Nations and the United States, acting as trustee, shall retain—

(i) all claims for enforcement of the Settlement Agreement and this section;

(ii) all rights to use and protect any water right of the Nations recognized by or established pursuant to the Settlement Agreement, including the right to assert claims for injuries relating to the rights and the right to participate in any general stream adjudication, including any inter se proceeding;

(iii) all claims under—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (I) through (III);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and

(v) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this section or the Settlement Agreement.

(B) AGREEMENT.—

(i) IN GENERAL.—As provided in the Settlement Agreement, the Chickasaw Nation shall convey an easement to the City, which easement shall be as

described and depicted in Exhibit 15 to the Settlement Agreement.

(ii) APPLICATION.—The Chickasaw Nation and the City shall cooperate and coordinate on the submission of an application for approval by the Secretary of the Interior of the conveyance under clause (i), in accordance with applicable Federal law.

(iii) RECORDING.—On approval by the Secretary of the Interior of the conveyance of the easement under this clause, the City shall record the easement.

(iv) CONSIDERATION.—In exchange for conveyance of the easement under clause (i), the City shall pay to the Chickasaw Nation the value of past unauthorized use and consideration for future use of the land burdened by the easement, based on an appraisal secured by the City and Nations and approved by the Secretary of the Interior.

(4) EFFECTIVE DATE OF WAIVER AND RELEASES.—The waivers and releases under this subsection take effect on the enforceability date.

(5) TOLLING OF CLAIMS.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled during the period beginning on the date of enactment of this Act and ending on the earlier of the enforceability date or the expiration date under subsection (i)(2).

(i) ENFORCEABILITY DATE.—

(1) IN GENERAL.—The Settlement Agreement shall take effect and be enforceable on the date on which the Secretary of the Interior publishes in the Federal Register a certification that—

(A) to the extent the Settlement Agreement conflicts with this section, the Settlement Agreement has been amended to conform with this section;

(B) the Settlement Agreement, as amended, has been executed by the Secretary of the Interior, the Nations, the Governor of the State, the OWRB, the City, and the Trust;

(C) to the extent the amended storage contract conflicts with this section, the amended storage contract has been amended to conform with this section;

(D) the amended storage contract, as amended to conform with this section, has been—

(i) executed by the State, the City, and the Trust; and

(ii) approved by the Secretary;

(E) an order has been entered in United States v. Oklahoma Water Resources Board, Civ. 98–C–521–E with any modifications to the order dated September 11, 2009, as provided in the Settlement Agreement;

(F) orders of dismissal have been entered in Chickasaw Nation, Choctaw Nation v. Fallin et al., Civ 11–297 (W.D. Ok.) and OWRB v. United States, et al. Civ 12–275 (W.D. Ok.) as provided in the Settlement Agreement;

(G) the OWRB has issued the City Permit;

(H) the final documentation of the Kiamichi Basin hydrologic model is on file at the Oklahoma City offices of the OWRB; and

(I) the Atoka and Sardis Conservation Projects Fund has been funded as provided in the Settlement Agreement.

(2) EXPIRATION DATE.—If the Secretary of the Interior fails to publish a statement of findings under paragraph (1) by not later than September 30, 2020, or such alternative later date as is agreed to by the Secretary of the Interior, the Nations, the State, the City, and the Trust under paragraph (4), the following shall apply:

(A) This section, except for this subsection and any provisions of this section that are necessary to carry out this subsection (but only for purposes of carrying out this subsection) are not effective beginning on September 30, 2020, or the alternative date.

(B) The waivers and release of claims, and the limited waivers of sovereign immunity, shall not become effective.

(C) The Settlement Agreement shall be null and void, except for this paragraph and any provisions of the Settlement Agreement that are necessary to carry out this paragraph.

(D) Except with respect to this paragraph, the State, the Nations, the City, the Trust, and the United States shall not be bound by any obligations or benefit from any rights recognized under the Settlement Agreement.

(E) If the City permit has been issued, the permit shall be null and void, except that the City may resubmit to the OWRB, and the OWRB shall be considered to have accepted, OWRB permit application No. 2007–017 without having waived the original application priority date and appropriative quantities.

(F) If the amended storage contract has been executed or approved, the contract shall be null and void, and the 2010 agreement shall be considered to be in force and effect as between the State and the Trust.

(G) If the Atoka and Sardis Conservation Projects Fund has been established and funded, the funds shall be returned to the respective funding parties with any accrued interest.

(3) NO PREJUDICE.—The occurrence of the expiration date under paragraph (2) shall not in any way prejudice—

(A) any argument or suit that the Nations may bring to contest—

(i) the pursuit by the City of OWRB permit application No. 2007–017, or a modified version; or

(ii) the 2010 agreement;

(B) any argument, defense, or suit the State may bring or assert with regard to the claims of the Nations to water or over water in the settlement area; or

(C) any argument, defense or suit the City may bring or assert—

(i) with regard to the claims of the Nations to water or over water in the settlement area relating to OWRB permit application No. 2007–017, or a modified version; or

(ii) to contest the 2010 agreement.

(4) EXTENSION.—The expiration date under paragraph (2) may be extended in writing if the Nations, the State, the OWRB, the United States, and the City agree that an extension is warranted.

(j) JURISDICTION, WAIVERS OF IMMUNITY FOR INTERPRETATION AND ENFORCEMENT.—

(1) JURISDICTION.—

(A) IN GENERAL.—

(i) EXCLUSIVE JURISDICTION.—The United States District Court for the Western District of Oklahoma shall have exclusive jurisdiction for all purposes and for all causes of action relating to the interpretation and enforcement of the Settlement Agreement, the amended storage contract, or interpretation or enforcement of this section, including all actions filed by an allottee pursuant to subsection (e)(6)(B).

(ii) RIGHT TO BRING ACTION.—The Choctaw Nation, the Chickasaw Nation, the State, the City, the Trust, and the United States shall each have the right to bring an action pursuant to this section.

(iii) NO ACTION IN OTHER COURTS.—No action may be brought in any other Federal, Tribal, or State court or administrative forum for any purpose relating to the Settlement Agreement, amended storage contract, or this section.

(iv) NO MONETARY JUDGMENT.—Nothing in this section authorizes any money judgment or otherwise allows the payment of funds by the United States, the Nations, the State (including the OWRB), the City, or the Trust.

(B) NOTICE AND CONFERENCE.—An entity seeking to interpret or enforce the Settlement Agreement shall comply with the following:

(i) Any party asserting noncompliance or seeking interpretation of the Settlement Agreement or this section shall first serve written notice on the party alleged to be in breach of the Settlement Agreement or violation of this section.

(ii) The notice under clause (i) shall identify the specific provision of the Settlement Agreement or this section alleged to have been violated or in dispute and shall specify in detail the contention of the party asserting the claim and any factual basis for the claim.

(iii) Representatives of the party alleging a breach or violation and the party alleged to be in breach or violation shall meet not later than 30 days after receipt of notice under clause (i) in an effort to resolve the dispute.

(iv) If the matter is not resolved to the satisfaction of the party alleging breach not later than 90 days after the original notice under clause (i), the party may take any appropriate enforcement action consistent with the Settlement Agreement and this subsection.

(2) LIMITED WAIVERS OF SOVEREIGN IMMUNITY.—

(A) IN GENERAL.—The United States and the Nations may be joined in an action filed in the United States District Court for the Western District of Oklahoma.

(B) UNITED STATES IMMUNITY.—Any claim by the United States to sovereign immunity from suit is irrevocably waived for any action brought by the State, the Chickasaw Nation, the Choctaw Nation, the City, or the Trust in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) CHICKASAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) CHOCTAW NATION IMMUNITY.—For the exclusive benefit of the State (including of the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent to a suit and waive sovereign immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) DISCLAIMER.—

(1) IN GENERAL.—The Settlement Agreement applies only to the claims and rights of the Nations.

(2) NO PRECEDENT.—Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

(3) LIMITATION.—Nothing in the Settlement Agreement—

(A) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws related to health, safety, or the environment, including—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in this section;

(B) affects the ability of the United States to raise defenses based on 43 U.S.C. 666(a); and

(C) affects any rights, claims, or defenses the United States may have with respect to the use of water on Federal lands in the Settlement Area that are not trust lands or Allotments.

Blackfeet Water Rights Settlement Act.

Subtitle G—Blackfeet Water Rights Settlement

SEC. 3701. SHORT TITLE.

This subtitle may be cited as the "Blackfeet Water Rights Settlement Act".

SEC. 3702. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Blackfeet Tribe of the Blackfeet Indian Reservation; and

(B) the United States, for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Tribe and the State, to the extent that the Compact is consistent with this subtitle;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this subtitle; and

(4) to authorize funds necessary for the implementation of the Compact and this subtitle.

SEC. 3703. DEFINITIONS.

In this subtitle:

(1) ALLOTTEE.—The term "allottee" means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BIRCH CREEK AGREEMENT.—The term "Birch Creek Agreement" means—

(A) the agreement between the Tribe and the State regarding Birch Creek water use dated January 31, 2008 (as amended on February 13, 2009); and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that is executed in accordance with this subtitle.

(3) BLACKFEET IRRIGATION PROJECT.—The term "Blackfeet Irrigation Project" means the irrigation project authorized by the matter under the heading "Montana" of title II of the Act of March 1, 1907 (34 Stat. 1035, chapter 2285), and administered by the Bureau of Indian Affairs.

(4) COMPACT.—The term "Compact" means—

(A) the Blackfeet-Montana water rights compact dated April 15, 2009, as contained in section 85–20–1501 of the Montana Code Annotated (2015); and

(B) any amendment or exhibit (including exhibit amendments) to the Compact that is executed to make the Compact consistent with this subtitle.

(5) ENFORCEABILITY DATE.—The term "enforceability date" means the date described in section 3720(f).

(6) LAKE ELWELL.—The term "Lake Elwell" means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(7) MILK RIVER BASIN.—The term "Milk River Basin" means the North Fork, Middle Fork, South Fork, and main stem of the Milk River and tributaries, from the headwaters to the confluence with the Missouri River.

(8) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term "Milk River Project" means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term "Milk River Project" includes—

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(9) MILK RIVER PROJECT WATER RIGHTS.—The term "Milk River Project water rights" means the water rights held by the Bureau of Reclamation on behalf of the Milk River Project, as finally adjudicated by the Montana Water Court.

(10) MILK RIVER WATER RIGHT.—The term "Milk River water right" means the portion of the Tribal water rights described in article III.F of the Compact and this subtitle.

(11) MISSOURI RIVER BASIN.—The term "Missouri River Basin" means the hydrologic basin of the Missouri River (including tributaries).

(12) MR&I SYSTEM.—The term "MR&I System" means the intake, treatment, pumping, storage, pipelines, appurtenant items, and any other feature of the system, as generally described in the document entitled "Blackfeet Regional Water System", prepared by DOWL HKM, and dated June 2010, and modified by DOWL HKM, as set out in the addendum to the report dated March 2013.

(13) OM&R.—The term "OM&R" means—

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to replacing a feature of a project.

(14) RESERVATION.—The term "Reservation" means the Blackfeet Indian Reservation of Montana, as—

(A) established by the Treaty of October 17, 1855 (11 Stat. 657); and

(B) modified by—

(i) the Executive order of July 5, 1873 (relating to the Blackfeet Reserve);

(ii) the Act of April 15, 1874 (18 Stat. 28, chapter 96);

(iii) the Executive order of August 19, 1874 (relating to the Blackfeet Reserve);

(iv) the Executive order of April 13, 1875 (relating to the Blackfeet Reserve);

(v) the Executive order of July 13, 1880 (relating to the Blackfeet Reserve);

(vi) the Agreement with the Blackfeet, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 213); and

(vii) the Agreement with the Blackfeet, ratified by the Act of June 10, 1896 (29 Stat. 353, chapter 398).

(15) ST. MARY RIVER WATER RIGHT.—The term "St. Mary River water right" means that portion of the Tribal water rights described in article III.G.1.a.i. of the Compact and this subtitle.

(16) ST. MARY UNIT.—

(A) IN GENERAL.—The term "St. Mary Unit" means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) INCLUSIONS.—The term "St. Mary Unit" includes—

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(17) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(18) STATE.—The term "State" means the State of Montana.

(19) SWIFTCURRENT CREEK BANK STABILIZATION PROJECT.—The term "Swiftcurrent Creek Bank Stabilization Project" means the project to mitigate the physical and environmental problems associated with the St. Mary Unit from Sherburne Dam to the St. Mary River, as described in the report entitled "Boulder/Swiftcurrent Creek Stabilization Project, Phase II Investigations Report", prepared by DOWL HKM, and dated March 2012.

(20) TRIBAL WATER RIGHTS.—The term "Tribal water rights" means the water rights of the Tribe described in article III of the Compact and this subtitle, including—

(A) the Lake Elwell allocation provided to the Tribe under section 3709; and

(B) the instream flow water rights described in section 3719.

(21) TRIBE.—The term "Tribe" means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

SEC. 3704. RATIFICATION OF COMPACT.

(a) RATIFICATION.—

(1) IN GENERAL.—As modified by this subtitle, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Compact consistent with this subtitle.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this subtitle, the Secretary shall execute the Compact, including all exhibits to, or parts of, the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this subtitle precludes the Secretary from approving any modification to an appendix or exhibit to the Compact that is consistent with this subtitle, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this subtitle, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) all other applicable environmental laws and regulations.

(2) EFFECT OF EXECUTION.—

(A) IN GENERAL.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact and this subtitle.

SEC. 3705. MILK RIVER WATER RIGHT.

(a) IN GENERAL.—With respect to the Milk River water right, the Tribe—

(1) may continue the historical uses and the uses in existence on the date of enactment of this Act; and

(2) except as provided in article III.F.1.d of the Compact, shall not develop new uses until the date on which—

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(b) WATER RIGHTS ARISING UNDER STATE LAW.—With respect to any water rights arising under State law in the Milk River Basin owned or acquired by the Tribe, the Tribe—

(1) may continue any use in existence on the date of enactment of this Act; and

(2) shall not change any use until the date on which—

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(c) TRIBAL AGREEMENT.—

(1) IN GENERAL.—In consultation with the Commissioner of Reclamation and the Director of the Bureau of Indian Affairs, the Tribe and the Fort Belknap Indian Community shall enter into an agreement to provide for the exercise of their respective water rights on the respective reservations of the Tribe and the Fort Belknap Indian Community in the Milk River.

(2) CONSIDERATIONS.—The agreement entered into under paragraph (1) shall take into consideration—

(A) the equal priority dates of the 2 Indian tribes;

(B) the water supplies of the Milk River; and

(C) historical, current, and future uses identified by each Indian tribe.

(d) SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—Not later than 120 days after the date on which the agreement described in subsection (c) is submitted to the Secretary, the Secretary shall review and approve or disapprove the agreement.

(2) APPROVAL.—The Secretary shall approve the agreement if the Secretary finds that the agreement—

(A) equitably accommodates the interests of each Indian tribe in the Milk River;

(B) adequately considers the factors described in subsection (c)(2); and

(C) is otherwise in accordance with applicable law.

(3) DEADLINE EXTENSION.—The deadline to review the agreement described in paragraph (1) may be extended by the Secretary after consultation with the Tribe and the Fort Belknap Indian Community.

(e) SECRETARIAL DECISION.—

(1) IN GENERAL.—If the Tribe and the Fort Belknap Indian Community do not, by 3 years after the Secretary certifies under section 3720(f)(5) that the Tribal membership has approved the Compact and this subtitle, enter into an agreement approved under subsection d(2), the Secretary, in the Secretary's sole discretion, shall establish, after consultation with the Tribe and the Fort Belknap Indian Community, terms and conditions that reflect the considerations described in subsection (c)(2) by which the respective water rights of the Tribe and the Fort Belknap Indian Community in the Milk River may be exercised.

(2) CONSIDERATION AS FINAL AGENCY ACTION.—The establishment by the Secretary of terms and conditions under paragraph (1) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(3) JUDICIAL REVIEW.—An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the establishment of the terms and conditions under this subsection.

(4) INCORPORATION INTO DECREES.—The agreement under subsection (c), or the decision of the Secretary under this subsection, shall be filed with the Montana Water Court, or the district court with jurisdiction, for incorporation into the final decrees of the Tribe and the Fort Belknap Indian Community.

(5) EFFECTIVE DATE.—The agreement under subsection (c) and a decision of the Secretary under this subsection—

(A) shall be effective immediately; and

(B) may not be modified absent—

(i) the approval of the Secretary; and

(ii) the consent of the Tribe and the Fort Belknap Indian Community.

(f) USE OF FUNDS.—The Secretary shall distribute equally the funds made available under section 3718(a)(2)(C)(ii) to the Tribe and the Fort Belknap Indian Community to use to reach an agreement under this section, including for technical analyses and legal and other related efforts.

SEC. 3706. WATER DELIVERY THROUGH MILK RIVER PROJECT.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out the activities authorized under this section with respect to the St. Mary River water right.

(b) TREATMENT.—Notwithstanding article IV.D.4 of the Compact, any responsibility of the United States with respect to the St. Mary River water right shall be limited to, and fulfilled pursuant to—

(1) subsection (c) of this section; and

(2) subsection (b)(3) of section 3716 and subsection (a)(1)(C) of section 3718.

(c) WATER DELIVERY CONTRACT.—

(1) IN GENERAL.—Not later than 180 days after the enforceability date, the Secretary shall enter into a water delivery contract with the Tribe for the delivery of not greater than 5,000 acre-feet per year of the St. Mary River water right through Milk River Project facilities to the Tribe or another entity specified by the Tribe.

(2) TERMS AND CONDITIONS.—The contract under paragraph (1) shall establish the terms and conditions for the water deliveries described in paragraph (1) in accordance with the Compact and this subtitle.

(3) REQUIREMENTS.—The water delivery contract under paragraph (1) shall include provisions requiring that—

(A) the contract shall be without limit as to term;

(B) the Tribe, and not the United States, shall collect, and shall be entitled to, all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f); or

(ii) the expenditure of such funds;

(D) if water deliveries under the contract are interrupted for an extended period of time because of damage to, or a reduction in the capacity of, St. Mary Unit facilities, the rights of the Tribe shall be treated in the same manner as the rights of other contractors receiving water deliveries through the Milk River Project with respect to the water delivered under this section;

(E) deliveries of water under this section shall be—

(i) limited to not greater than 5,000 acre-feet of water in any 1 year;

(ii) consistent with operations of the Milk River Project and without additional costs to the Bureau of Reclamation, including OM&R costs; and

(iii) without additional cost to the Milk River Project water users; and

(F) the Tribe shall be required to pay OM&R for water delivered under this section.

(d) SHORTAGE SHARING OR REDUCTION.—

(1) IN GENERAL.—The 5,000 acre-feet per year of water delivered under paragraph (3)(E)(i) of subsection (c) shall not be subject to shortage sharing or reduction, except as provided in paragraph (3)(D) of that subsection.

(2) NO INJURY TO MILK RIVER PROJECT WATER USERS.—Notwithstanding article IV.D.4 of the Compact, any reduction in the Milk River Project water supply caused by the delivery of water under subsection (c) shall not constitute injury to Milk River Project water users.

(e) SUBSEQUENT CONTRACTS.—

(1) IN GENERAL.—As part of the studies authorized by section 3707(c)(1), the Secretary, acting through the Commissioner of Reclamation, and in cooperation with the Tribe, shall identify alternatives to provide to the Tribe water from the St. Mary River water right in quantities greater than the 5,000 acre-feet per year of water described in subsection (c)(3)(E)(i).

(2) CONTRACT FOR WATER DELIVERY.—If the Secretary determines under paragraph (1) that more than 5,000 acre-feet per year of the St. Mary River water right can be delivered to the Tribe, the Secretary shall offer to enter into 1 or more contracts with the Tribe for the delivery of that water, subject to the requirements of subsection (c)(3) (except subsection (c)(3)(E)(i)) and this subsection.

(3) TREATMENT.—Any delivery of water under this subsection shall be subject to reduction in the same manner as for Milk River Project contract holders.

(f) SUBCONTRACTS.—

(1) IN GENERAL.—The Tribe may enter into any subcontract for the delivery of water under this section to a third party, in accordance with section 3715(e).

(2) COMPLIANCE WITH OTHER LAW.—All subcontracts described in paragraph (1) shall comply with—

(A) this subtitle;

(B) the Compact;

(C) the tribal water code; and

(D) other applicable law.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Tribe, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(g) EFFECT OF PROVISIONS.—Nothing in this section—

(1) precludes the Tribe from taking the water described in subsection (c)(3)(E)(i), or any additional water provided under subsection (e), from the direct flow of the St. Mary River; or

(2) modifies the quantity of the Tribal water rights described in article III.G.1. of the Compact.

(h) OTHER RIGHTS.—Notwithstanding the requirements of article III.G.1.d of the Compact, after satisfaction of all water rights under State law for use of St. Mary River water, including the Milk River Project water rights, the Tribe shall have the right to the remaining portion of the share of the United States in the St. Mary River under the International Boundary Waters Treaty of 1909 (36 Stat. 2448) for any tribally authorized use or need consistent with this subtitle.

SEC. 3707. BUREAU OF RECLAMATION ACTIVITIES TO IMPROVE WATER MANAGEMENT.

(a) MILK RIVER PROJECT PURPOSES.—The purposes of the Milk River Project shall include—

(1) irrigation;

(2) flood control;

(3) the protection of fish and wildlife;

(4) recreation;

(5) the provision of municipal, rural, and industrial water supply; and

(6) hydroelectric power generation.

(b) USE OF MILK RIVER PROJECT FACILITIES FOR THE BENEFIT OF TRIBE.—The use of Milk River Project facilities to transport water for the Tribe pursuant to subsections (c) and (e) of section 3706, together with any use by the Tribe of that water in accordance with this subtitle—

(1) shall be considered to be an authorized purpose of the Milk River Project; and

(2) shall not change the priority date of any Tribal water rights.

(c) ST. MARY RIVER STUDIES.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in cooperation with the Tribe and the State, shall conduct—

(A) an appraisal study—

(i) to develop a plan for the management and development of water supplies in the St. Mary River Basin and Milk River Basin, including the St. Mary River and Milk River water supplies for the Tribe and the Milk River water supplies for the Fort Belknap Indian Community; and

(ii) to identify alternatives to develop additional water of the St. Mary River for the Tribe; and

(B) a feasibility study—

(i) using the information resulting from the appraisal study conducted under subparagraph (A) and such other information as is relevant, to evaluate the feasibility of—

(I) alternatives for the rehabilitation of the St. Mary Diversion Dam and Canal; and

(II) increased storage in Fresno Dam and Reservoir; and

(ii) to create a cost allocation study that is based on the authorized purposes described in subsections (a) and (b).

(2) COOPERATIVE AGREEMENT.—On request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe with respect to the portion of the appraisal study described in paragraph (1)(A).

(3) COSTS NONREIMBURSABLE.—The cost of the studies under this subsection shall not be—

(A) considered to be a cost of the Milk River Project; or

(B) reimbursable in accordance with the reclamation laws.

(d) SWIFTCURRENT CREEK BANK STABILIZATION.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out appropriate activities concerning the Swiftcurrent Creek Bank Stabilization Project, including—

(A) a review of the final project design; and

(B) value engineering analyses.

(2) MODIFICATION OF FINAL DESIGN.—Prior to beginning construction activities for the Swiftcurrent Creek Bank Stabilization Project, on the basis of the review conducted under paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure compliance with applicable industry standards;

(B) to improve the cost-effectiveness of the Swiftcurrent Creek Bank Stabilization Project; and

(C) to ensure that the Swiftcurrent Creek Bank Stabilization Project may be constructed using only the amounts made available under section 3718.

(3) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the Swiftcurrent Bank Stabilization Project.

(e) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(f) MILK RIVER PROJECT RIGHTS-OF-WAY AND EASEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Tribe shall grant the United States a right-of-way on Reservation land owned by the Tribe for all uses by the Milk River Project (permissive or otherwise) in existence as of December 31, 2015, including all facilities, flowage easements, and access easements necessary for the operation and maintenance of the Milk River Project.

(2) AGREEMENT REGARDING EXISTING USES.—The Tribe and the Secretary shall enter into an agreement for a process to determine the location, nature, and extent of the existing uses referenced in this subsection. The agreement shall require that—

(A) a panel of three individuals determine the location, nature, and extent of existing uses necessary for the operation and maintenance of the Milk River Project (the "Panel

Determination"), with the Tribe appointing one representative of the Tribe, the Secretary appointing one representative of the Secretary, and those two representatives jointly appointing a third individual;

(B) if the Panel Determination is unanimous, the Tribe grant a right-of-way to the United States for the existing uses identified in the Panel Determination in accordance with applicable law without additional compensation;

(C) if the Panel Determination is not unanimous—

(i) the Secretary adopt the Panel Determination with any amendments the Secretary reasonably determines necessary to correct any clear error (the "Interior Determination"), provided that if any portion of the Panel Determination is unanimous, the Secretary will not amend that portion; and

(ii) the Tribe grant a right-of-way to the United States for the existing uses identified in the Interior Determination in accordance with applicable law without additional compensation, with the agreement providing for the timing of the grant to take into consideration the possibility of review under paragraph (5).

(3) EFFECT.—Determinations made under this subsection—

(A) do not address title as between the United States and the Tribe; and

(B) do not apply to any new use of Reservation land by the United States for the Milk River Project after December 31, 2015.

(4) INTERIOR DETERMINATION AS FINAL AGENCY ACTION.—Any determination by the Secretary under paragraph (2)(C) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(5) JUDICIAL REVIEW.—An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the Interior Determination.

(g) FUNDING.—The total amount of obligations incurred by the Secretary, prior to any adjustment provided for in section 3718, shall not exceed—

(1) $3,800,000 to carry out subsection (c);

(2) $20,700,000 to carry out subsection (d); and

(3) $3,100,000 to carry out subsection (f).

SEC. 3708. ST. MARY CANAL HYDROELECTRIC POWER GENERATION.

(a) BUREAU OF RECLAMATION JURISDICTION.—Effective beginning on the date of enactment of this Act, the Commissioner of Reclamation shall have exclusive jurisdiction to authorize the development of hydropower on the St. Mary Unit.

(b) RIGHTS OF TRIBE.—

(1) EXCLUSIVE RIGHT OF TRIBE.—Subject to paragraph (2) and notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market hydroelectric power of the St. Mary Unit.

(2) LIMITATIONS.—The exclusive right described in paragraph (1)—

(A) shall expire on the date that is 15 years after the date of enactment of an Act appropriating funds for rehabilitation of the St. Mary Unit; but

(B) may be extended by the Secretary at the request of the Tribe.

(3) OM&R COSTS.—Effective beginning on the date that is 10 years after the date on which the Tribe begins marketing hydroelectric power generated from the St. Mary Unit to any third party, the Tribe shall make annual payments for OM&R costs attributable to the direct use of any facilities by the Tribe for hydroelectric power generation, in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing OM&R charges.

(c) BUREAU OF RECLAMATION COOPERATION.—The Commissioner of Reclamation shall cooperate with the Tribe in the development of any hydroelectric power generation project under this section.

(d) AGREEMENT.—Before construction of a hydroelectric power generation project under this section, the Tribe shall enter into an agreement with the Commissioner of Reclamation that includes provisions—

(1) requiring that—

(A) the design, construction, and operation of the project shall be consistent with the Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities, as appropriate; and

(B) the hydroelectric power generation project will not impair the efficiencies of the Milk River Project for authorized purposes;

(2) regarding construction and operating criteria and emergency procedures; and

(3) under which any modification proposed by the Tribe to a facility owned by the Bureau of Reclamation shall be subject to review and approval by the Secretary, acting through the Commissioner of Reclamation.

(e) USE OF HYDROELECTRIC POWER BY TRIBE.—Any hydroelectric power generated in accordance with this section shall be used or marketed by the Tribe.

(f) REVENUES.—The Tribe shall collect and retain any revenues from the sale of hydroelectric power generated by a project under this section.

(g) LIABILITY OF UNITED STATES.—The United States shall have no obligation to monitor, administer, or account for—

(1) any revenues received by the Tribe under this section; or

(2) the expenditure of those revenues.

(h) PREFERENCE.—During any period for which the exclusive right of the Tribe described in subsection (b)(1) is not in effect, the Tribe shall have a preference to develop hydropower on the St. Mary Unit facilities, in accordance with Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities.

SEC. 3709. STORAGE ALLOCATION FROM LAKE ELWELL.

(a)(1) STORAGE ALLOCATION TO TRIBE.—The Secretary shall allocate to the Tribe 45,000 acre-feet per year of water stored in Lake Elwell for use by the Tribe for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation, as measured

at the outlet works of Tiber Dam or through direct pumping from Lake Elwell.

(2) REDUCTION.—Up to 10,000 acre-feet per year of water allocated to the Tribe pursuant to paragraph (1) will be subject to an acre-foot for acre-foot reduction if depletions from the Tribal water rights above Lake Elwell exceed 88,000 acre-feet per year of water because of New Development (as defined in article II.37 of the Compact).

(b) TREATMENT.—

(1) IN GENERAL.—The allocation to the Tribe under subsection (a) shall be considered to be part of the Tribal water rights.

(2) PRIORITY DATE.—The priority date of the allocation to the Tribe under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) ADMINISTRATION.—The Tribe shall administer the water allocated under subsection (a) in accordance with the Compact and this subtitle.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Tribe shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this subtitle.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Tribe shall have the same rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam allocable to the Tribe shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Tribe pursuant to this section or the allocation agreement, regardless of whether that water is delivered for use by the Tribe or under a lease, contract, or by agreement entered into by the Tribe pursuant to subsection (d);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe under this subtitle or the allocation agreement, except for each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H);

(H) for each acre-foot of stored water leased or transferred by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount necessary to cover the proportional share of the annual OM&R costs allocable to the quantity of water leased or transferred by the Tribe for industrial purposes; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual OM&R costs for Tiber Dam; and

(I) the adjustment process identified in subsection (a)(2) will be based on specific enumerated provisions.

(d) AGREEMENTS BY TRIBE.—The Tribe may use, lease, contract, exchange, or enter into other agreements for use of the water allocated to the Tribe under subsection (a), if—

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any portion of the water allocated to the Tribe under subsection (a).

(e) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

SEC. 3710. IRRIGATION ACTIVITIES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation and in accordance with subsection (c), shall carry out the following actions relating to the Blackfeet Irrigation Project:

(1) Deferred maintenance.

(2) Dam safety improvements for Four Horns Dam.

(3) Rehabilitation and enhancement of the Four Horns Feeder Canal, Dam, and Reservoir.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activities carried out under this section.

(c) SCOPE OF DEFERRED MAINTENANCE ACTIVITIES AND FOUR HORNS DAM SAFETY IMPROVEMENTS.—

(1) IN GENERAL.—Subject to the conditions described in paragraph (2), the scope of the deferred maintenance activities and Four Horns Dam safety improvements shall be as generally described in—

(A) the document entitled "Engineering Evaluation and Condition Assessment, Blackfeet Irrigation Project", prepared by DOWL HKM, and dated August 2007; and

(B) the provisions relating to Four Horns Rehabilitated Dam of the document entitled "Four Horns Dam Enlarged Appraisal Evaluation Design Report", prepared by DOWL HKM, and dated April 2007.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are that, before commencing construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the deferred maintenance activities and dam safety improvements may be constructed using only the amounts made available under section 3718.

(d) SCOPE OF REHABILITATION AND ENHANCEMENT OF FOUR HORNS FEEDER CANAL, DAM, AND RESERVOIR.—

(1) IN GENERAL.—The scope of the rehabilitation and improvements shall be as generally described in the document entitled "Four Horns Feeder Canal Rehabilitation with Export", prepared by DOWL HKM, and dated April 2013, subject to the condition that, before commencing construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the rehabilitation and improvements may be constructed using only the amounts made available under section 3718.

(2) INCLUSIONS.—The activities carried out by the Secretary under this subsection shall include—

(A) the rehabilitation or improvement of the Four Horns feeder canal system to a capacity of not fewer than 360 cubic feet per second;

(B) the rehabilitation or improvement of the outlet works of Four Horns Dam and Reservoir to deliver not less than 15,000 acre-feet of water per year, in accordance with subparagraph (C); and

(C) construction of facilities to deliver not less than 15,000 acre-feet of water per year from Four Horns Dam and Reservoir, to a point on or near Birch Creek to be designated by the Tribe and the State for delivery of water to the water delivery system of the Pondera County Canal and Reservoir Company on Birch Creek, in accordance with the Birch Creek Agreement.

(3) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes to the final design of any activity under this subsection to ensure that the final design meets applicable industry standards.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $54,900,000, of which—

(1) $40,900,000 shall be allocated to carry out the activities described in subsection (c); and

(2) $14,000,000 shall be allocated to carry out the activities described in subsection (d)(2).

(f) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(g) NON-FEDERAL CONTRIBUTION.—No part of the project under subsection (d) shall be commenced until the State has made available $20,000,000 to carry out the activities described in subsection (d)(2).

(h) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under subsection (m), subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total project costs for each project.

(i) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3711, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) OWNERSHIP BY TRIBE OF BIRCH CREEK DELIVERY FACILITIES.—Notwithstanding any other provision of law, the Secretary shall transfer to the Tribe, at no cost, title in and to the facilities constructed under subsection (d)(2)(C).

(k) OWNERSHIP, OPERATION, AND MAINTENANCE.—On transfer to the Tribe of title under subsection (j), the Tribe shall—

(1) be responsible for OM&R in accordance with the Birch Creek Agreement; and

(2) enter into an agreement with the Bureau of Indian Affairs regarding the operation of the facilities described in that subsection.

(l) LIABILITY OF UNITED STATES.—The United States shall have no obligation or responsibility with respect the facilities described in subsection (d)(2)(C).

(m) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

(n) EFFECT.—Nothing in this section—

(1) alters any applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments or carries out Blackfeet Irrigation Project OM&R; or

(2) impacts the availability of amounts made available under subsection (a)(1)(B) of section 3718.

SEC. 3711. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled "Blackfeet Regional Water System", prepared by DOWL HKM, dated June 2010, and modified by DOWL HKM in the addendum to the report dated March 2013, subject

to the condition that, before commencing final design and construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation and construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of the delivery of MR&I System water; and

(C) to ensure that the MR&I System may be constructed using only the amounts made available under section 3718.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $76,200,000.

(f) NON-FEDERAL CONTRIBUTION.—

(1) CONSULTATION.—Before completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions for the cost of the MR&I System.

(2) NEGOTIATIONS.—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement regarding the means by which the contributions shall be provided.

(g) OWNERSHIP BY TRIBE.—Title to the MR&I System and all facilities rehabilitated or constructed under this section shall be held by the Tribe.

(h) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(i) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for any facility rehabilitated or constructed under this section.

(j) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(k) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall

enter into 1 or more agreements with the Tribe to carry out this section.

SEC. 3712. DESIGN AND CONSTRUCTION OF WATER STORAGE AND IRRIGATION FACILITIES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct 1 or more facilities to store water and support irrigation on the Reservation in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the irrigation development and water storage facilities described in subsection (c).

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled "Blackfeet Water Storage, Development, and Project Report", prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe, subject to the condition that, before commencing final design and construction activities, the Secretary shall—

(A) review the design of the proposed construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) MODIFICATION.—The Secretary may modify the scope of construction for the projects described in the document referred to in paragraph (1), if—

(A) the modified project is—

(i) similar in purpose to the proposed projects; and

(ii) consistent with the purposes of this subtitle; and

(B) the Secretary has consulted with the Tribe regarding any modification.

(3) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of any construction; and

(C) to ensure that the projects may be constructed using only the amounts made available under section 3718.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $87,300,000.

(f) OWNERSHIP BY TRIBE.—Title to all facilities rehabilitated or constructed under this section shall be held by the Tribe, except that title to the Birch Creek Unit of the Blackfeet Indian Irrigation Project shall remain with the Bureau of Indian Affairs.

(g) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total

cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(h) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.

(i) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3711, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

SEC. 3713. BLACKFEET WATER, STORAGE, AND DEVELOPMENT PROJECTS.

(a) IN GENERAL.—

(1) SCOPE.—The scope of the construction under this section shall be as generally described in the document entitled "Blackfeet Water Storage, Development, and Project Report", prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe.

(2) MODIFICATION.—The Tribe may modify the scope of the projects described in the document referred to in paragraph (1) if—

(A) the modified project is—

(i) similar to the proposed project; and

(ii) consistent with the purposes of this subtitle; and

(B) the modification is approved by the Secretary.

(b) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(c) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $91,000,000.

(d) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.

(e) OWNERSHIP BY TRIBE.—Title to any facility constructed under this section shall be held by the Tribe.

SEC. 3714. EASEMENTS AND RIGHTS-OF-WAY.

(a) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—On request of the Secretary, the Tribe shall grant, at no cost to the United States, such easements and rights-of-way over tribal land as are necessary for the construction of the projects authorized by sections 3710 and 3711.

(2) JURISDICTION.—An easement or right-of-way granted by the Tribe pursuant to paragraph (1) shall not affect in any respect the civil or criminal jurisdiction of the Tribe over the easement or right-of-way.

(b) LANDOWNER EASEMENTS AND RIGHTS-OF-WAY.—In partial consideration for the construction activities authorized by section 3711, and as a condition of receiving service from the MR&I System, a landowner shall grant, at no cost to the United States or the Tribe, such easements and rights-of-way over the land of the landowner as may be necessary for the construction of the MR&I System.

(c) LAND ACQUIRED BY UNITED STATES OR TRIBE.—Any land acquired within the boundaries of the Reservation by the United States on behalf of the Tribe, or by the Tribe on behalf of the Tribe, in connection with achieving the purposes of this subtitle shall be held in trust by the United States for the benefit of the Tribe.

SEC. 3715. TRIBAL WATER RIGHTS.

(a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this subtitle.

(3) CONFLICT.—In the event of a conflict between the Compact and this subtitle, the provisions of this subtitle shall control.

(b) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this subtitle;

(2) the availability of funding under this subtitle and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of allottees.

(c) TRUST STATUS OF TRIBAL WATER RIGHTS.—The Tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this subtitle; and

(2) shall not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) ALLOCATIONS.—An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other

applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(B) ACTION FOR RELIEF.—After the exhaustion of all remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(5) AUTHORITY OF SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF TRIBE.—

(1) IN GENERAL.—The Tribe shall have the authority to allocate, distribute, and lease the Tribal water rights for any use on the Reservation in accordance with the Compact, this subtitle, and applicable Federal law.

(2) OFF-RESERVATION USE.—The Tribe may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, subject to the approval of the Secretary.

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the tribal water code.

(f) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding article IV.C.1. of the Compact, not later than 4 years after the date on which the Tribe ratifies the Compact in accordance with this subtitle, the Tribe shall enact a tribal water code that provides for—

(A) the management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this subtitle; and

(B) establishment by the Tribe of conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this subtitle.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the tribal water code shall provide—

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this subtitle, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Tribe of any request by an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the tribal water code, or to the quantity of water allocated

to land of the allottee, shall exhaust all remedies available to the allottee under tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which a tribal water code described in paragraphs (1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with this subtitle.

(B) APPROVAL.—The tribal water code described in paragraphs (1) and (2) shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—

(i) IN GENERAL.—The Secretary shall approve or disapprove the tribal water code or an amendment to the tribal water code not later than 180 days after the date on which the tribal water code or amendment is submitted to the Secretary.

(ii) EXTENSION.—The deadline described in clause (i) may be extended by the Secretary after consultation with the Tribe.

(g) ADMINISTRATION.—

(1) NO ALIENATION.—The Tribe shall not permanently alienate any portion of the Tribal water rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this subtitle for the allocation, distribution, leasing, or other arrangement entered into pursuant to this subtitle shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(3) PROHIBITION ON FORFEITURE.—The non-use of all or any portion of the Tribal water rights by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(h) EFFECT.—Except as otherwise expressly provided in this section, nothing in this subtitle—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

SEC. 3716. BLACKFEET SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Blackfeet Settlement Trust Fund" (referred to in this section as the "Trust Fund"), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Administration and Energy Account.

(2) The OM&R Account.

(3) The St. Mary Account.

(4) The Blackfeet Water, Storage, and Development Projects Account.

(c) DEPOSITS.—The Secretary shall deposit in the Trust Fund—

(1) in the Administration and Energy Account, the amount made available pursuant to section 3718(a)(1)(A);

(2) in the OM&R Account, the amount made available pursuant to section 3718(a)(1)(B);

(3) in the St. Mary Account, the amount made available pursuant to section 3718(a)(1)(C); and

(4) in the Blackfeet Water, Storage, and Development Projects Account, the amount made available pursuant to section 3718(a)(1)(D).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—The Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (h).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Tribe by the Secretary beginning on the enforceability date.

(2) FUNDING FOR TRIBAL IMPLEMENTATION ACTIVITIES.—Notwithstanding paragraph (1), on approval pursuant to this subtitle and the Compact by a referendum vote of a majority of votes cast by members of the Tribe on the day of the vote, as certified by the Secretary and the Tribe and subject to the availability of appropriations, of the amounts in the Administration and Energy Account, $4,800,000 shall be made available to the Tribe for the implementation of this subtitle.

(f) WITHDRAWALS UNDER AIFRMRA.—

(1) IN GENERAL.—The Tribe may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Tribe shall spend all amounts withdrawn from the Trust Fund in accordance with this subtitle.

(B) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Tribe from the Trust Fund under this subsection are used in accordance with this subtitle.

(g) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(1) IN GENERAL.—The Tribe may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(2) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under paragraph (1), the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Tribe elects to withdraw pursuant to this subsection, subject to the condition that the funds shall be used for the purposes described in this subtitle.

(3) INCLUSIONS.—An expenditure plan under this subsection shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Tribe, in accordance with subsection (h).

(4) APPROVAL.—On receipt of an expenditure plan under this subsection, the Secretary shall approve the plan, if the Secretary determines that the plan—

(A) is reasonable; and

(B) is consistent with, and will be used for, the purposes of this subtitle.

(5) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) USES.—Amounts from the Trust Fund shall be used by the Tribe for the following purposes:

(1) The Administration and Energy Account shall be used for administration of the Tribal water rights and energy development projects under this subtitle and the Compact.

(2) The OM&R Account shall be used to assist the Tribe in paying OM&R costs.

(3) The St. Mary Account shall be distributed pursuant to an expenditure plan approved under subsection (g), subject to the conditions that—

(A) during the period for which the amount is available and held by the Secretary, $500,000 shall be distributed to the Tribe annually as compensation for the deferral of the St. Mary water right; and

(B) any additional amounts deposited in the account may be withdrawn and used by the Tribe to pay OM&R costs or other expenses for 1 or more projects to benefit the Tribe, as approved by the Secretary, subject to the requirement that the Secretary shall not approve an expenditure plan under this paragraph unless the Tribe provides a resolution of the tribal council—

(i) approving the withdrawal of the funds from the account; and

(ii) acknowledging that the Secretary will not be able to distribute funds under subparagraph (A) indefinitely if the principal funds in the account are reduced.

(4) The Blackfeet Water, Storage, and Development Projects Account shall be used to carry out section 3713.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribe under subsection (f) or (g).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Tribe.

(k) DEPOSIT OF FUNDS.—On request by the Tribe, the Secretary may deposit amounts from an account described in paragraph (1), (2), or (4) of subsection (b) to any other account the Secretary determines to be appropriate.

SEC. 3717. BLACKFEET WATER SETTLEMENT IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a nontrust, interest-bearing account, to be known as the "Blackfeet Water Settlement Implementation Fund" (referred to in this section as the "Implementation Fund"), to be managed and distributed by the Secretary, for use by the Secretary for carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Implementation Fund the following accounts:

(1) The MR&I System, Irrigation, and Water Storage Account.

(2) The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account.

(3) The St. Mary/Milk Water Management and Activities Fund.

(c) DEPOSITS.—The Secretary shall deposit in the Implementation Fund—

(1) in the MR&I System, Irrigation, and Water Storage Account, the amount made available pursuant to section 3718(a)(2)(A);

(2) in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account, the amount made available pursuant to section 3718(a)(2)(B); and

(3) in the St. Mary/Milk Water Management and Activities Fund, the amount made available pursuant to section 3718(a)(2)(C).

(d) USES.—

(1) MR&I SYSTEM, IRRIGATION, AND WATER STORAGE ACCOUNT.—The MR&I System, Irrigation, and Water Storage Account shall be used to carry out sections 3711 and 3712.

(2) BLACKFEET IRRIGATION PROJECT DEFERRED MAINTENANCE AND FOUR HORNS DAM SAFETY IMPROVEMENTS ACCOUNT.—The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account shall be used to carry out section 3710.

(3) ST. MARY/MILK WATER MANAGEMENT AND ACTIVITIES ACCOUNT.—The St. Mary/Milk Water Management and Activities Account shall be used to carry out sections 3705 and 3707.

(e) MANAGEMENT.—Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(f) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

SEC. 3718. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Secretary—

(1) as adjusted on appropriation to reflect changes since April 2010 in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 index for the amount appropriated—

(A) for deposit in the Administration and Energy Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(1), $28,900,000;

(B) for deposit in the OM&R Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(2), $27,760,000;

(C) for deposit in the St. Mary Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(3), $27,800,000;

(D) for deposit in the Blackfeet Water, Storage, and Development Projects Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(4), $91,000,000; and

(E) the amount of interest credited to the unexpended amounts of the Blackfeet Settlement Trust Fund; and

(2) as adjusted annually to reflect changes since April 2010 in the Bureau of Reclamation Construction Cost Trends Index applicable to the types of construction involved—

(A) for deposit in the MR&I System, Irrigation, and Water Storage Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(1), $163,500,000;

(B) for deposit in the Blackfeet Irrigation Project Deferred Maintenance, Four Horns Dam Safety, and Rehabilitation and Enhancement of the Four Horns Feeder Canal, Dam, and Reservoir Improvements Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(2), $54,900,000, of which—

(i) $40,900,000 shall be made available for activities and projects under section 3710(c); and

(ii) $14,000,000 shall be made available for activities and projects under section 3710(d)(2);

(C) for deposit in the St. Mary/Milk Water Management and Activities Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(3), $28,100,000, of which—

(i) $27,600,000 shall be allocated in accordance with section 3707(g); and

(ii) $500,000 shall be used to carry out section 3705; and

(D) the amount of interest credited to the unexpended amounts of the Blackfeet Water Settlement Implementation Fund.

(b) ADJUSTMENTS.—

(1) IN GENERAL.—The adjustment of the amounts authorized to be appropriated pursuant to subsection (a)(1) shall occur each time an amount is appropriated for an account and shall add to, or subtract from, as applicable, the total amount authorized.

(2) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(3) TREATMENT.—The amount of an adjustment may be considered—

(A) to be authorized as of the date on which congressional action occurs; and

(B) in determining the amount authorized to be appropriated.

SEC. 3719. WATER RIGHTS IN LEWIS AND CLARK NATIONAL FOREST AND GLACIER NATIONAL PARK.

The instream flow water rights of the Tribe on land within the Lewis and Clark National Forest and Glacier National Park—

(1) are confirmed; and

(2) shall be as described in the document entitled "Stipulation to Address Claims by and for the Benefit of the Blackfeet Indian Tribe to Water Rights in the Lewis & Clark National Forest and Glacier National Park" and as finally decreed by the Montana Water Court, or, if the Montana Water Court is found to lack jurisdiction, by the United States district court with jurisdiction.

SEC. 3720. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY TRIBE AND UNITED STATES AS TRUSTEE FOR TRIBE.—Subject to the reservation of rights and retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described in the Compact and this subtitle, the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Tribe, or the United States acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.

(2) WAIVER AND RELEASE OF CLAIMS BY UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described in the Compact and this subtitle, the United States, acting as trustee for allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for

the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.

(3) WAIVER AND RELEASE OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)—

(A) relating to—

(i) water rights within the State that the United States, acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this subtitle;

(ii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State that first accrued at any time on or before the enforceability date;

(iii) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(iv) a failure to provide for operation or maintenance, or deferred maintenance, for the Blackfeet Irrigation Project or any other irrigation system or irrigation project on the Reservation;

(v) the litigation of claims relating to the water rights of the Tribe in the State; and

(vi) the negotiation, execution, or adoption of the Compact (including exhibits) or this subtitle;

(B) reserved in subsections (b) through (d) of section 3706 of the settlement for the case styled Blackfeet Tribe v. United States, No. 02–127L (Fed. Cl. 2012); and

(C) that first accrued at any time on or before the enforceability date—

(i) arising from the taking or acquisition of the land of the Tribe or resources for the construction of the features of the St. Mary Unit of the Milk River Project;

(ii) relating to the construction, operation, and maintenance of the St. Mary Unit of the Milk River Project, including Sherburne Dam, St. Mary Diversion Dam, St. Mary Canal and associated infrastructure, and the management of flows in Swiftcurrent Creek, including the diversion of Swiftcurrent Creek into Lower St. Mary Lake;

(iii) relating to the construction, operation, and management of Lower Two Medicine Dam and Reservoir and Four Horns Dam and Reservoir, including any claim relating to the failure to provide dam safety improvements for Four Horns Reservoir; or

(iv) relating to the allocation of waters of the Milk River and St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448).

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) WITHDRAWAL OF OBJECTIONS.—The Tribe shall withdraw all objections to the water rights claims filed by the United States for the benefit of the Milk River Project, except objections to those claims consolidated for adjudication within Basin 40J, within 14 days of the certification under subsection (f)(5) that the Tribal membership has approved the Compact and this subtitle.

(1) Prior to withdrawal of the objections, the Tribe may seek leave of the Montana Water Court for a right to reinstate the objections in the event the conditions of enforceability in subsection (f)(1) through (8) are not satisfied by the date of expiration described in section 3723 of this subtitle.

(2) If the conditions of enforceability in subsection (f)(1) through (8) are satisfied, and any authority the Montana Water Court may have granted the Tribe to reinstate objections described in this section has not yet expired, the Tribe shall notify the Montana Water Court and the United States in writing that it will not exercise any such authority.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Tribe, acting on behalf of the Tribe and members of the Tribe, and the United States, acting as trustee for the Tribe and allottees, shall retain—

(1) all claims relating to—

(A) enforcement of, or claims accruing after the enforceability date relating to water rights recognized under, the Compact, any final decree, or this subtitle;

(B) activities affecting the quality of water, including any claim under—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii); or

(C) damage, loss, or injury to land or natural resources that are not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(2) all rights to use and protect water rights acquired after the date of enactment of this Act; and

(3) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle or the Compact.

(e) EFFECT OF COMPACT AND SUBTITLE.—Nothing in the Compact or this subtitle—

(1) affects the ability of the United States, acting as a sovereign, to take any action authorized by law (including any law relating to health, safety, or the environment), including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to act as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or any other party pursuant to a Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of a Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe;

(5) revives any claim waived by the Tribe in the case styled Blackfeet Tribe v. United States, No. 02–127L (Fed. Cl. 2012); or

(6) revives any claim released by an allottee or a tribal member in the settlement for the case styled Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C. 2012).

(f) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1)(A) the Montana Water Court has approved the Compact, and that decision has become final and nonappealable; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate United States district court has approved the Compact, and that decision has become final and nonappealable;

(2) all amounts authorized under section 3718(a) have been appropriated;

(3) the agreements required by sections 3706(c), 3707(f), and 3709(c) have been executed;

(4) the State has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact, the Birch Creek Agreement, and this subtitle;

(5) the members of the Tribe have voted to approve this subtitle and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(6) the Secretary has fulfilled the requirements of section 3709(a);

(7) the agreement or terms and conditions referred to in section 3705 are executed and final; and

(8) the waivers and releases described in subsection (a) have been executed by the Tribe and the Secretary.

(g) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled during the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this subtitle are transferred to the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(h) EXPIRATION.—If all appropriations authorized by this subtitle have not been made available to the Secretary by January 21, 2026, or such alternative later date as is agreed to by the Tribe and the Secretary, the waivers and releases described in this section shall—

(1) expire; and

(2) have no further force or effect.

(i) VOIDING OF WAIVERS.—If the waivers and releases described in this section are void under subsection (h)—

(1) the approval of the United States of the Compact under section 3704 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this subtitle, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized under this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to offset any Federal funds appropriated or made available to carry out the activities authorized under this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State asserted by the Tribe or any user of the Tribal water rights or in any future settlement of the water rights of the Tribe or an allottee.

SEC. 3721. SATISFACTION OF CLAIMS.

(a) TRIBAL CLAIMS.—The benefits realized by the Tribe under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of all—

(1) claims of the Tribe against the United States waived and released pursuant to section 3720(a); and

(2) objections withdrawn pursuant to section 3720(c).

(b) ALLOTTEE CLAIMS.—The benefits realized by the allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released pursuant to section 3720(a)(2); and

(2) any claim of an allottee against the United States similar in nature to a claim described in section 3720(a)(2) that the allottee asserted or could have asserted.

SEC. 3722. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to any Indian-owned land located within the Reservation—

(1) the United States shall not submit against that land any claim for reimbursement of the cost to the United States of carrying out this subtitle or the Compact; and

(2) no assessment of that land shall be made regarding that cost.

(d) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States has no obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by the State; or

(B) to review or approve any expenditure of those funds.

(2) INDEMNITY.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in this subsection.

(e) EFFECT ON CURRENT LAW.—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(f) EFFECT ON RECLAMATION LAWS.—The activities carried out by the Commissioner of Reclamation under this subtitle shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including—

(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(g) IRRIGATION EFFICIENCY IN UPPER BIRCH CREEK DRAINAGE.—Any activity carried out by the Tribe in the Upper Birch Creek Drainage (as defined in article II.50 of the Compact) using funds made available to carry out this subtitle shall achieve an irrigation efficiency of not less than 50 percent.

(h) BIRCH CREEK AGREEMENT APPROVAL.—The Birch Creek Agreement is approved to the extent that the Birch Creek Agreement requires approval under section 2116 of the Revised Statutes (25 U.S.C. 177).

(i) LIMITATION ON EFFECT.—Nothing in this subtitle or the Compact—

(1) makes an allocation or apportionment of water between or among States; or

(2) addresses or implies whether, how, or to what extent the Tribal water rights, or any portion of the Tribal water rights, should be accounted for as part of, or otherwise charged against, an allocation or apportionment of water made to a State in an interstate allocation or apportionment.

SEC. 3723. EXPIRATION ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary fails to publish a statement of findings under section 3720(f) by not later than January 21, 2025, or such alternative later date as is agreed to by the Tribe and the Secretary, after reasonable notice to the State, as applicable—

(1) this subtitle expires effective on the later of—

(A) January 22, 2025; and

(B) the day after such alternative later date as is agreed to by the Tribe and the Secretary;

(2) any action taken by the Secretary and any contract or agreement entered into pursuant to this subtitle shall be void;

(3) any amounts made available under section 3718, together with any interest on those amounts, that remain unexpended shall immediately revert to the general fund of the Treasury, except for any funds made available under section 3716(e)(2) if the Montana Water Court denies the Tribe's request to reinstate the objections in section 3720(c); and

(4) the United States shall be entitled to offset against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this subtitle; and

(B) any funds made available to carry out the activities authorized by this subtitle from other authorized sources, except for any funds provided under section 3716(e)(2) if the Montana Water court denies the Tribe's request to reinstate the objections in section 3720(c).

SEC. 3724. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this subtitle (including any obligation or activity under the Compact) if—

(1) adequate appropriations are not provided expressly by Congress to carry out the purposes of this subtitle; or

(2) there are not enough monies available to carry out the purposes of this subtitle in the Reclamation Water Settlements Fund established under section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).

Subtitle H—Water Desalination

SEC. 3801. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

(a) AUTHORIZATION OF RESEARCH AND STUDIES.—Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

"(9) development of design and siting specifications that avoid or minimize, adverse economic and environmental impacts."; and

(2) by adding at the end the following:

"(e) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize funding for research—

"(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

"(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

"(3) to improve existing reverse osmosis and membrane technology;

"(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

"(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

"(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.".

(b) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following:

"(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—

"(1) for the benefit of drought-stricken States and communities;

"(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

"(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.

"(d) WATER PRODUCTION.—The Secretary shall provide, as part of the annual budget submission to Congress, an estimate of how much water has been produced and delivered in the past fiscal year using processes and facilities developed or demonstrated using assistance provided under sections 3 and 4. This submission shall include, to the extent practicable, available information on a detailed water accounting by process and facility and the cost per acre foot of water produced and delivered.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), by striking "2013" and inserting "2021"; and

(2) in subsection (b), by striking "for each of fiscal years 2012 through 2013" and inserting "for each of fiscal years 2017 through 2021".

(d) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through "In carrying out" in the first sentence and inserting the following:

"SEC. 9. CONSULTATION AND COORDINATION.

"(a) CONSULTATION.—In carrying out";

(2) in the second sentence, by striking "The authorization" and inserting the following:

"(c) OTHER DESALINATION PROGRAMS.—The authorization"; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

"(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—

"(1) establishes priorities for future Federal investments in desalination;

"(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration;

"(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

"(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.".

Subtitle I—Amendments to the Great Lakes Fish and Wildlife Restoration Act of 1990

SEC. 3901. AMENDMENTS TO THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

(b) FINDINGS.—The Act is amended by striking section 1002 and inserting the following:

16 USC 941.

"SEC. 1002. FINDINGS.

"Congress finds that—

"(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

"(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

"(3) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin; and

"(4) this Act allows Federal agencies, States, and Indian tribes to work in an effective partnership by providing the funding for restoration work.".

(c) IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

(1) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—Section 1005(b)(2)(B) (16 U.S.C. 941c(b)(2)(B)) is amended—

(A) in clause (v), by striking "and" at the end;

(B) in clause (vi), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

"(viii) each applicable State wildlife action plan.".

(2) REVIEW OF PROPOSALS.—Section 1005(c)(2)(C) (16 U.S.C. 941c(c)(2)(C)) is amended by striking "Great Lakes Coordinator of the".

(3) COST SHARING.—Section 1005(e) (16 U.S.C. 941c(e)) is amended—

(A) in paragraph (1)—

(i) by striking "Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal" and inserting the following:

"(A) NON-FEDERAL SHARE.—Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less than 25 percent of the cost of implementing a proposal or regional project"; and

(ii) by adding at the end the following:

"(B) TIME PERIOD FOR PROVIDING MATCH.—The non-Federal share of the cost of implementing a proposal or regional project required under subparagraph (A) may be provided at any time during the 2-year period preceding January 1 of the year in which the Director receives the application for the proposal or regional project.";

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

(C) by inserting before paragraph (3) (as so redesignated) the following:

"(2) AUTHORIZED SOURCES OF NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The Director may determine the non-Federal share under paragraph (1) by taking into account—

"(i) the appraised value of land or a conservation easement as described in subparagraph (B); or

"(ii) as described in subparagraph (C), the costs associated with—

"(I) securing a conservation easement; and

"(II) restoration or enhancement of the conservation easement.

"(B) APPRAISAL OF CONSERVATION EASEMENT.—

"(i) IN GENERAL.—The value of a conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the Director determines that the conservation easement—

"(I) meets the requirements of subsection (b)(2);

"(II) is acquired before the end of the grant period of the proposal or regional project;

"(III) is held in perpetuity for the conservation purposes of the programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, as described in section 1006, by an accredited land trust or conservancy or a Federal, State, or tribal agency;

"(IV) is connected either physically or through a conservation planning process to the proposal or regional project; and

"(V) is appraised in accordance with clause (ii).

"(ii) APPRAISAL.—With respect to the appraisal of a conservation easement described in clause (i)—

"(I) the appraisal valuation date shall be not later than 1 year after the price of the conservation easement was set under a contract; and

"(II) the appraisal shall—

"(aa) conform to the Uniform Standards of Professional Appraisal Practice (USPAP); and

"(bb) be completed by a Federal- or State-certified appraiser.

"(C) COSTS OF SECURING CONSERVATION EASEMENTS.—

"(i) IN GENERAL.—All costs associated with securing a conservation easement and restoration or enhancement of that conservation easement may be

used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the activities and expenses associated with securing the conservation easement and restoration or enhancement of that conservation easement meet the requirements of subparagraph (B)(i).

"(ii) INCLUSION.—The costs referred to in clause (i) may include cash, in-kind contributions, and indirect costs.

"(iii) EXCLUSION.—The costs referred to in clause (i) may not be costs associated with mitigation or litigation (other than costs associated with the Natural Resource Damage Assessment program).".

(d) ESTABLISHMENT OF OFFICES.—Section 1007 (16 U.S.C. 941e) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "FISHERY RESOURCES" and inserting "FISH AND WILDLIFE CONSERVATION"; and

(B) by striking "Fishery Resources" each place it appears and inserting "Fish and Wildlife Conservation";

(2) in subsection (c)—

(A) in the subsection heading, by striking "FISHERY RESOURCES" and inserting "FISH AND WILDLIFE CONSERVATION"; and

(B) by striking "Fishery Resources" each place it appears and inserting "Fish and Wildlife Conservation";

(3) by striking subsection (a); and

(4) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(e) REPORTS.—Section 1008 (16 U.S.C. 941f) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "2011" and inserting "2021";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "2007 through 2012" and inserting "2016 through 2020"; and

(B) in paragraph (5), by inserting "the Great Lakes Restoration Initiative Action Plan based on" after "in support of"; and

(3) by striking subsection (c) and inserting the following:

"(c) CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.—The Director—

"(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

"(2) may reassess and update, as necessary, the findings and recommendations of the Report.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1009 (16 U.S.C. 941g) is amended—

(1) in the matter preceding paragraph (1), by striking "2007 through 2012" and inserting "2016 through 2021";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "$14,000,000" and inserting "$6,000,000";

(B) in subparagraph (A), by striking "$4,600,000" and inserting "$2,000,000"; and

(C) in subparagraph (B), by striking "$700,000" and inserting "$300,000"; and

(3) in paragraph (2), by striking "the activities of" and all that follows through "section 1007" and inserting "the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007".

(g) PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—Section 1009 (16 U.S.C. 941g) is further amended—

(1) by inserting before the sentence the following:

"(a) AUTHORIZATION.—"; and

(2) by adding at the end the following:

"(b) PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—No funds appropriated or used to carry out this Act may be used for acquisition by the Federal Government of any interest in land.".

(h) CONFORMING AMENDMENT.—Section 8 of the Great Lakes Fish and Wildlife Restoration Act of 2006 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

Subtitle J—California Water

SEC. 4001. OPERATIONS AND REVIEWS.

(a) WATER SUPPLIES.—The Secretary of the Interior and Secretary of Commerce shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, refuge contractors, and State Water Project contractors, by approving, in accordance with applicable Federal and State laws (including regulations), operations or temporary projects to provide additional water supplies as quickly as possible, based on available information.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary of the Interior and Secretary of Commerce shall, consistent with applicable laws (including regulations)—

(1)(A) in close coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement a pilot project to test and evaluate the ability to operate the Delta cross-channel gates daily or as otherwise may be appropriate to keep them open to the greatest extent practicable to protect out-migrating salmonids, manage salinities in the interior Delta and any other water quality issues, and maximize Central Valley Project and State Water Project pumping, subject to the condition that the pilot project shall be designed and implemented consistent with operational criteria and monitoring criteria required by the California State Water Resources Control Board; and

(B) design, implement, and evaluate such real-time monitoring capabilities to enable effective real-time operations of the cross channel in order efficiently to meet the objectives described in subparagraph (A);

(2) with respect to the operation of the Delta cross-channel gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply benefits;

(3) collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough and the Delta Cross Channel Gate to protect migrating salmonids, consistent with knowledge gained from activities carried out during 2014 and 2015;

(4) upon completion of the pilot project in paragraph (1), submit to the Senate Committees on Energy and Natural Resources and Environment and Public Works and the House Committee on Natural Resources a written notice and explanation on the extent to which the gates are able to remain open and the pilot project achieves all the goals set forth in paragraphs (1) through (3);

(5) implement turbidity control strategies that may allow for increased water deliveries while avoiding jeopardy to adult Delta smelt (Hypomesus transpacificus);

(6) in a timely manner, evaluate any proposal to increase flow in the San Joaquin River through a voluntary sale, transfer, or exchange of water from an agency with rights to divert water from the San Joaquin River or its tributaries;

(7) adopt a 1:1 inflow to export ratio for the increment of increased flow, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, that results from the voluntary sale, transfer, or exchange, unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available; and subject to the condition that any individual sale, transfer, or exchange using a 1:1 inflow to export ratio adopted under the authority of this section may only proceed if—

(A) the Secretary of the Interior determines that the environmental effects of the proposed sale, transfer, or exchange are consistent with effects permitted under applicable law (including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code 13000 et seq.));

(B) Delta conditions are suitable to allow movement of the acquired, transferred, or exchanged water through the Delta consistent with existing Central Valley Project and State Water Project permitted water rights and the requirements of subsection (a)(1)(H) of the Central Valley Project Improvement Act; and

(C) such voluntary sale, transfer, or exchange of water results in flow that is in addition to flow that otherwise

would occur in the absence of the voluntary sale, transfer, or exchange;

(8)(A) issue all necessary permit decisions during emergency consultation under the authority of the Secretary of the Interior and Secretary of Commerce not later than 60 days after receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for State Water Project and Central Valley Project south-of-Delta water contractors and other water users, which barriers or gates shall provide benefits for species protection and in-Delta water user water quality, provided that they are designed so that, if practicable, formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary; and

(B) take longer to issue the permit decisions in subparagraph (A) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(9) allow and facilitate, consistent with existing priorities, water transfers through the C.W. "Bill" Jones Pumping Plant or the Harvey O. Banks Pumping Plant from April 1 to November 30;

(10) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation to—

(A) determine if a written transfer proposal is complete within 30 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete;

(B) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. et seq.) necessary to make final permit decisions on water transfer requests in the State, not later than 45 days after receiving a completed request;

(C) take longer to issue the permit decisions in subparagraph (B) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), or that the application is incomplete pursuant to subparagraph (A); and

(D) approve any water transfer request described in subparagraph (A) to maximize the quantity of water supplies on the condition that actions associated with the water transfer are consistent with—

(i) existing Central Valley Project and State Water Project permitted water rights and the requirements of section 3405(a)(1)(H) of the Central Valley Project Improvement Act; and

(ii) all other applicable laws and regulations;

(11) in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this subtitle, on the effectiveness and environmental impacts of salt cedar biological

control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State of California and elsewhere;

(12) pursuant to the research and adaptive management procedures of the smelt biological opinion and the salmonid biological opinion use all available scientific tools to identify any changes to the real-time operations of Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies; and

(13) determine whether alternative operational or other management measures would meet applicable regulatory requirements for listed species while maximizing water supplies and water supply reliability; and

(14) continue to vary the averaging period of the Delta Export/Inflow ratio, to the extent consistent with any applicable State Water Resources Control Board orders under decision D–1641, to operate to a

(A) ratio using a 3-day averaging period on the rising limb of a Delta inflow hydrograph; and

(B) 14-day averaging period on the falling limb of the Delta inflow hydrograph.

(c) OTHER AGENCIES.—To the extent that a Federal agency other than the Department of the Interior and the Department of Commerce has a role in approving projects described in subsections (a) and (b), this section shall apply to the Federal agency.

(d) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—On request of the Governor of California, the Secretary of the Interior and Secretary of Commerce shall use the expedited procedures under this subsection to make final decisions relating to Federal or federally approved projects or operational changes proposed pursuant to subsections (a) and (b) to provide additional water supplies or otherwise address emergency drought conditions.

(2) REQUEST FOR RESOLUTION.—Not later than 7 days after receiving a request of the Governor of California, the Secretaries referred to in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide emergency water supplies or otherwise address emergency drought condition.

(3) NOTIFICATION.—Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including a description of the project to be reviewed and the date for the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project.

(2) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(3) LIMITATION.—The expedited procedures under this subsection apply only to—

(A) proposed new Federal projects or operational changes pursuant to subsection (a) or (b); and

(B) the extent they are consistent with applicable laws (including regulations).

(e) OPERATIONS PLAN.—The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop an operations plan that is consistent with the provisions of this subtitle and other applicable Federal and State laws, including provisions that are intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 4002. SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS.

(a) IN GENERAL.—In implementing the provisions of the smelt biological opinion and the salmonid biological opinion, the Secretary of the Interior and the Secretary of Commerce shall manage reverse flow in Old and Middle Rivers at the most negative reverse flow rate allowed under the applicable biological opinion to maximize water supplies for the Central Valley Project and the State Water Project, unless that management of reverse flow in Old and Middle Rivers to maximize water supplies would cause additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, or would be inconsistent with applicable State law requirements, including water quality, salinity control, and compliance with State Water Resources Control Board Order D–1641 or a successor order.

(b) REQUIREMENTS.—If the Secretary of the Interior or Secretary of Commerce determines to manage rates of pumping at the C.W. "Bill" Jones and the Harvey O. Banks pumping plants in the southern Delta to achieve a reverse OMR flow rate less negative than the most negative reverse flow rate prescribed by the applicable biological opinion, the Secretary shall—

(1) document in writing any significant facts regarding real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) targeted real-time fish monitoring in the Old River pursuant to this section, including as it pertains to the smelt biological opinion monitoring of Delta smelt in the vicinity of Station 902;

(B) near-term forecasts with available salvage models under prevailing conditions of the effects on the listed species of OMR flow at the most negative reverse flow rate prescribed by the biological opinion; and

(C) any requirements under applicable State law; and

(2) explain in writing why any decision to manage OMR reverse flow at rates less negative than the most negative reverse flow rate prescribed by the biological opinion is necessary to avoid additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, after considering relevant factors such as—

(A) the distribution of the listed species throughout the Delta;

(B) the potential effects of high entrainment risk on subsequent species abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination, as required by applicable Federal or State laws;

(E) turbidity; and

(F) whether any alternative measures could have a substantially lesser water supply impact.

(c) LEVEL OF DETAIL REQUIRED.—The analyses and documentation required by this section shall be comparable to the depth and complexity as is appropriate for real time decision-making. This section shall not be interpreted to require a level of administrative findings and documentation that could impede the execution of effective real time adaptive management.

(d) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the Delta in each water year, and provided that such determination is based upon objective evidence, notwithstanding subsection (a), the Secretary of the Interior shall manage OMR flow pursuant to the provisions of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(e) CONSTRUCTION.—The Secretary of the Interior and the Secretary of Commerce are authorized to implement subsection (a) consistent with the results of monitoring through Early Warning Surveys to make real time operational decisions consistent with the current applicable biological opinion.

(f) CALCULATION OF REVERSE FLOW IN OMR.—Within 180 days of the enactment of this subtitle, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources, and consistent with the smelt biological opinion and the salmonid biological opinion, to review, modify, and implement, if appropriate, the method used to calculate reverse flow in Old and Middle Rivers, for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions.

SEC. 4003. TEMPORARY OPERATIONAL FLEXIBILITY FOR STORM EVENTS.

(a) IN GENERAL.—

(1) Nothing in this subtitle authorizes additional adverse effects on listed species beyond the range of the effects anticipated to occur to the listed species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available.

(2) When consistent with the environmental protection mandate in paragraph (1) while maximizing water supplies for Central Valley Project and State Water Project contractors, the Secretary of the Interior and the Secretary of Commerce, through an operations plan, shall evaluate and may authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in OMR flows more negative than the most negative reverse flow rate prescribed by the applicable biological opinion (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm-related events.

(b) FACTORS TO BE CONSIDERED.—In determining additional adverse effects on any listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available, the Secretaries of the Interior and Commerce may consider factors including:

(1) The degree to which the Delta outflow index indicates a higher level of flow available for diversion.

(2) Relevant physical parameters including projected inflows, turbidity, salinities, and tidal cycles.

(3) The real-time distribution of listed species.

(c) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law.

(2) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the Delta in each water year, and provided that such determination is based upon objective evidence, the Secretary of the Interior shall manage OMR flow pursuant to the portion of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(3) APPLICABILITY OF OPINION.—This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act and other applicable law. Water transfers solely or exclusively through the State Water Project are not required to be consistent with subsection (a)(1)(H) of the Central Valley Project Improvement Act.

(4) MONITORING.—During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake expanded monitoring programs and other data gathering to improve the efficiency of operations for listed species protections and Central Valley Project and State Water Project water supply to ensure incidental take levels are not exceeded, and to identify potential negative impacts, if any.

(d) EFFECT OF HIGH OUTFLOWS.—When exercising their authorities to capture peak flows pursuant to subsection (c), the Secretary of the Interior and the Secretary of Commerce shall not count such days toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the smelt biological opinion and salmonid biological opinion, unless doing so is required to avoid additional adverse effects on

listed fish species beyond those anticipated to occur through implementation of the smelt biological opinion and salmonid biological opinion using the best scientific and commercial data available.

(e) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In articulating the determinations required under this section, the Secretary of the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely real-time decisionmaking in response to changing conditions in the Delta.

SEC. 4004. CONSULTATION ON COORDINATED OPERATIONS.

(a) RESOLUTION OF WATER RESOURCE ISSUES.—In furtherance of the policy established by section 2(c)(2) of the Endangered Species Act of 1973, that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species, in any consultation or reconsultation on the coordinated operations of the Central Valley Project and the State Water Project, the Secretaries of the Interior and Commerce shall ensure that any public water agency that contracts for the delivery of water from the Central Valley Project or the State Water Project that so requests shall—

(1) have routine and continuing opportunities to discuss and submit information to the action agency for consideration during the development of any biological assessment;

(2) be informed by the action agency of the schedule for preparation of a biological assessment;

(3) be informed by the consulting agency, the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, of the schedule for preparation of the biological opinion at such time as the biological assessment is submitted to the consulting agency by the action agency;

(4) receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the consulting agency through the action agency, which comments will be afforded due consideration during the consultation;

(5) have the opportunity to confer with the action agency and applicant, if any, about reasonable and prudent alternatives prior to the action agency or applicant identifying one or more reasonable and prudent alternatives for consideration by the consulting agency; and

(6) where the consulting agency suggests a reasonable and prudent alternative be informed—

(A) how each component of the alternative will contribute to avoiding jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the alternative; and

(B) why other proposed alternative actions that would have fewer adverse water supply and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.

(b) INPUT.—When consultation is ongoing, the Secretaries of the Interior and Commerce shall regularly solicit input from and report their progress to the Collaborative Adaptive Management

Team and the Collaborative Science and Adaptive Management Program policy group. The Collaborative Adaptive Management Team and the Collaborative Science and Adaptive Management Program policy group may provide the Secretaries with recommendations to improve the effects analysis and Federal agency determinations. The Secretaries shall give due consideration to the recommendations when developing the Biological Assessment and Biological Opinion.

(c) MEETINGS.—The Secretaries shall establish a quarterly stakeholder meeting during any consultation or reconsultation for the purpose of providing updates on the development of the Biological Assessment and Biological Opinion. The quarterly stakeholder meeting shall be open to stakeholders identified by the Secretaries representing a broad range of interests including environmental, recreational and commercial fishing, agricultural, municipal, Delta, and other regional interests, and including stakeholders that are not state or local agencies.

(d) CLARIFICATION.—Neither subsection (b) or (c) of this section may be used to meet the requirements of subsection (a).

(e) NON-APPLICABILITY OF FACA.—For the purposes of subsection (b), the Collaborative Adaptive Management Team, the Collaborative Science and Adaptive Management Program policy group, and any recommendations made to the Secretaries, are exempt from the Federal Advisory Committee Act.

SEC. 4005. PROTECTIONS.

(a) APPLICABILITY.—This section shall apply only to sections 4001 through 4006.

(b) OFFSET FOR STATE WATER PROJECT.—

(1) IMPLEMENTATION IMPACTS.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of the applicable provisions of this subtitle on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(2) ADDITIONAL YIELD.—If, as a result of the application of the applicable provisions of this subtitle, the California Department of Fish and Wildlife—

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project;

in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply, provided that if it is necessary to reduce water supplies for any Central Valley Project authorized uses or contractors to make available to the State

Water Project that additional yield, such reductions shall be applied proportionately to those uses or contractors that benefit from that increased yield.

(3) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior and Secretary of Commerce shall—

(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(4) SAVINGS.—Nothing in the applicable provisions of this subtitle shall have any effect on the application of the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116).

(c) AREA OF ORIGIN AND WATER RIGHTS PROTECTIONS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of the applicable provisions of this subtitle, shall take no action that—

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, without respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) EFFECT OF ACT.—

(A) Nothing in the applicable provisions of this subtitle affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in the applicable provisions of this subtitle diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation, delivery or use of water under applicable law, including the Project purposes and priorities established under section 3402 and section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(d) NO REDIRECTED ADVERSE IMPACTS.—

(1) IN GENERAL.—The Secretary of the Interior and Secretary of Commerce shall not carry out any specific action authorized under the applicable provisions of this subtitle that would directly or through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, or agency that has in effect a contract for water with the State Water Project or the Central Valley Project, including Settlement and Exchange contracts, refuge contracts, and Friant Division contracts, as compared to the water supply

that would be provided in the absence of action under this subtitle, and nothing in this section is intended to modify, amend or affect any of the rights and obligations of the parties to such contracts.

(2) ACTION ON DETERMINATION.—If, after exploring all options, the Secretary of the Interior or the Secretary of Commerce makes a final determination that a proposed action under the applicable provisions of this subtitle cannot be carried out in accordance with paragraph (1), that Secretary—

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision; and

(B) is subject to applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) ALLOCATIONS FOR SACRAMENTO VALLEY WATER SERVICE CONTRACTORS.—

(1) DEFINITIONS.—In this subsection:

(A) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTOR WITHIN THE SACRAMENTO RIVER WATERSHED.—The term "existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed" means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in effect a water service contract on the date of enactment of this subtitle that provides water for irrigation.

(B) YEAR TERMS.—The terms "Above Normal", "Below Normal", "Dry", and "Wet", with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40–30–30) Index.

(2) ALLOCATIONS OF WATER.—

(A) ALLOCATIONS.—Subject to paragraph (3), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a "Wet" year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service Contractor within the Sacramento River Watershed in an "Above Normal" year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a "Below Normal" year that is preceded by an "Above Normal" or "Wet" year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a "Dry" year that is preceded by a "Below Normal", "Above Normal", or "Wet" year.

(v) In any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—In the event of anomalous circumstances, nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect any protections for the environment, including—

(i) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4722); or

(ii) any obligation—

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, the salmonid biological opinion, or any other applicable biological opinion; including the Shasta Dam cold water pool requirements as set forth in the salmonid biological opinion or any other applicable State or Federal law (including regulations); or

(II) under the Endangered Species Act of 1973 (16 U.S.C. et seq.), the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), or any other applicable State or Federal law (including regulations).

(B) MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in paragraph (2) shall—

(i) modify any provision of a water service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(iv) constrain, govern, or affect, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that division or a unit or facility of that division; or

(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor,

as compared to the allocation the contractor would have received absent paragraph (2).

(C) OTHER CONTRACTORS.—Nothing in paragraph (2) shall—

(i) affect the priority of any individual or entity with a Sacramento River settlement contract over water service or repayment contractors;

(ii) affect the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;

(iii) affect the allocation of water to Friant division contractors of the Central Valley Project;

(iv) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division;

(v) result in the involuntary reduction in water allocations to refuge contractors; or

(vi) authorize any actions inconsistent with State water rights law.

SEC. 4006. NEW MELONES RESERVOIR.

The Commissioner is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

SEC. 4007. STORAGE.

43 USC 390b note.

(a) DEFINITIONS.—In this subtitle:

(1) FEDERALLY OWNED STORAGE PROJECT.—The term "federally owned storage project" means any project involving a surface water storage facility in a Reclamation State—

(A) to which the United States holds title; and

(B) that was authorized to be constructed, operated, and maintained pursuant to the reclamation laws.

(2) STATE-LED STORAGE PROJECT.—The term "State-led storage project" means any project in a Reclamation State that—

(A) involves a groundwater or surface water storage facility constructed, operated, and maintained by any State, department of a State, subdivision of a State, or public agency organized pursuant to State law; and

(B) provides a benefit in meeting any obligation under Federal law (including regulations).

(b) FEDERALLY OWNED STORAGE PROJECTS.—

(1) AGREEMENTS.—On the request of any State, any department, agency, or subdivision of a State, or any public agency

organized pursuant to State law, the Secretary of the Interior may negotiate and enter into an agreement on behalf of the United States for the design, study, and construction or expansion of any federally owned storage project in accordance with this section.

(2) FEDERAL COST SHARE.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in a federally owned storage project in an amount equal to not more than 50 percent of the total cost of the federally owned storage project.

(3) COMMENCEMENT.—The construction of a federally owned storage project that is the subject of an agreement under this subsection shall not commence until the Secretary of the Interior—

(A) determines that the proposed federally owned storage project is feasible in accordance with the reclamation laws;

(B) secures an agreement providing upfront funding as is necessary to pay the non-Federal share of the capital costs; and

(C) determines that, in return for the Federal cost-share investment in the federally owned storage project, at least a proportionate share of the project benefits are Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges.

(4) ENVIRONMENTAL LAWS.—In participating in a federally owned storage project under this subsection, the Secretary of the Interior shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) STATE-LED STORAGE PROJECTS.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in a State-led storage project in an amount equal to not more than 25 percent of the total cost of the State-led storage project.

(2) REQUEST BY GOVERNOR.—Participation by the Secretary of the Interior in a State-led storage project under this subsection shall not occur unless—

(A) the participation has been requested by the Governor of the State in which the State-led storage project is located;

(B) the State or local sponsor determines, and the Secretary of the Interior concurs, that—

(i) the State-led storage project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

(ii) sufficient non-Federal funding is available to complete the State-led storage project; and

(iii) the State-led storage project sponsors are financially solvent;

(C) the Secretary of the Interior determines that, in return for the Federal cost-share investment in the State-led storage project, at least a proportional share of the project benefits are the Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges; and

(D) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

(3) ENVIRONMENTAL LAWS.—When participating in a State-led storage project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) INFORMATION.—When participating in a State-led storage project under this subsection, the Secretary of the Interior—

(A) may rely on reports prepared by the sponsor of the State-led storage project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

(B) shall retain responsibility for making the independent determinations described in paragraph (2).

(d) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Interior may provide financial assistance under this subtitle to carry out projects within any Reclamation State.

(e) RIGHTS TO USE CAPACITY.—Subject to compliance with State water rights laws, the right to use the capacity of a federally owned storage project or State-led storage project for which the Secretary of the Interior has entered into an agreement under this subsection shall be allocated in such manner as may be mutually agreed to by the Secretary of the Interior and each other party to the agreement.

(f) COMPLIANCE WITH CALIFORNIA WATER BOND.—

(1) IN GENERAL.—The provision of Federal funding for construction of a State-led storage project in the State of California shall be subject to the condition that the California Water Commission shall determine that the State-led storage project is consistent with the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014.

(2) APPLICABILITY.—This subsection expires on the date on which State bond funds available under the Act referred to in paragraph (1) are expended.

(g) PARTNERSHIP AND AGREEMENTS.—The Secretary of the Interior, acting through the Commissioner, may partner or enter into an agreement regarding the water storage projects identified in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1688) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) $335,000,000 of funding in section 4011(e) is authorized to remain available until expended.

(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this section and transmits such recommendations to the appropriate committees of Congress.

(i) SUNSET.—This section shall apply only to federally owned storage projects and State-led storage projects that the Secretary of the Interior determines to be feasible before January 1, 2021.

(j) CONSISTENCY WITH STATE LAW.—Nothing in this section preempts or modifies any obligation of the United States to act in conformance with applicable State law.

(k) CALFED AUTHORIZATION.—Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312) (as amended by section 207 of Public Law 114–113) is amended by striking "2017" each place it appears and inserting "2019".

SEC. 4008. LOSSES CAUSED BY THE CONSTRUCTION AND OPERATION OF STORAGE PROJECTS.

(a) MARINAS, RECREATIONAL FACILITIES, OTHER BUSINESSES.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684), the Bureau of Reclamation destroys or otherwise adversely affects any existing marina, recreational facility, or other water-dependent business when constructing or operating a new or modified water storage project, the Secretaries of the Interior and Agriculture, acting through the Bureau and the Forest Service shall—

(1) provide compensation otherwise required by law; and

(2) provide the owner of the affected marina, recreational facility, or other water-dependent business under mutually agreeable terms and conditions with the right of first refusal to construct and operate a replacement marina, recreational facility, or other water-dependent business, as the case may be, on United States land associated with the new or modified water storage project.

(b) HYDROELECTRIC PROJECTS.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108-361 (118 Stat. 1684), the Bureau of Reclamation reduces or eliminates the capacity or generation of any existing non-Federal hydroelectric project by inundation or otherwise, the Secretary of the Interior shall, subject to the requirements and limitations of this section—

(1) provide compensation otherwise required by law;

(2) provide the owner of the affected hydroelectric project under mutually agreeable terms and conditions with a right of first refusal to construct, operate, and maintain replacement hydroelectric generating facilities at such new or modified water storage project on Federal land associated with the new or modified water storage project or on private land owned by the affected hydroelectric project owner;

(3) provide compensation for the construction of any water conveyance facilities as are necessary to convey water to any new powerhouse constructed by such owner in association with such new hydroelectric generating facilities;

(4) provide for paragraphs (1), (2), and (3) at a cost not to exceed the estimated value of the actual impacts to any existing non-Federal hydroelectric project, including impacts to its capacity and energy value, and as estimated for the associated feasibility study, including additional planning, environmental, design, construction, and operations and maintenance costs for existing and replacement facilities; and

(5) ensure that action taken under paragraphs (1), (2), (3), and (4) shall not directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

(c) EXISTING LICENSEE.—The owner of any project affected under subsection (b)(2) shall be deemed the existing licensee, in accordance with section 15(a) of the Act of June 10, 1920 (16 U.S.C. 808(a)), for any replacement project to be constructed within the proximate geographic area of the affected project.

(d) COST ALLOCATION.—

(1) COMPENSATION.—Any compensation under this section shall be a project cost allocated solely to the direct beneficiaries of the new or modified water project constructed under this section.

(2) REPLACEMENT COSTS.—The costs of the replacement project, and any compensation, shall be—

(A) treated as a stand-alone project and shall not be financially integrated in any other project; and

(B) allocated in accordance with mutually agreeable terms between the Secretary and project beneficiaries.

(e) APPLICABILITY.—This section shall only apply to federally owned water storage projects whether authorized under section 4007 or some other authority.

(f) LIMITATION.—Nothing in this section affects the ability of landowners or Indian tribes to seek compensation or any other remedy otherwise provided by law.

(g) SAVINGS CLAUSE.—No action taken under this section shall directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

SEC. 4009. OTHER WATER SUPPLY PROJECTS.

(a) WATER DESALINATION ACT AMENDMENTS.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

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

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

"(1) PROJECTS.—

"(A) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in an eligible desalination project in an amount equal to not more than 25 percent of the total cost of the eligible desalination project.

"(B) ELIGIBLE DESALINATION PROJECT.—The term 'eligible desalination project' means any project in a Reclamation State, that—

"(i) involves an ocean or brackish water desalination facility either constructed, operated and maintained; or sponsored by any State, department of a State, subdivision of a State or public agency organized pursuant to a State law; and

"(ii) provides a Federal benefit in accordance with the reclamation laws (including regulations).

"(C) STATE ROLE.—Participation by the Secretary of the Interior in an eligible desalination project under this subsection shall not occur unless—

"(i) the project is included in a state-approved plan or federal participation has been requested by the Governor of the State in which the eligible desalination project is located; and

"(ii) the State or local sponsor determines, and the Secretary of the Interior concurs, that—

"(I) the eligible desalination project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

"(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

"(III) the eligible desalination project sponsors are financially solvent; and

"(iii) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

"(D) ENVIRONMENTAL LAWS.—When participating in an eligible desalination project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(E) INFORMATION.—When participating in an eligible desalination project under this subsection, the Secretary of the Interior—

"(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

"(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

"(F) AUTHORIZATION OF APPROPRIATIONS.—

"(i) $30,000,000 of funding is authorized to remain available until expended; and

"(ii) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this subsection and transmits such recommendations to the appropriate committees of Congress.".

(c) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.—Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et. seq.) is amended by adding at the end the following new subsections:

"(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.—

"(1) SUBMISSION TO THE SECRETARY.—

"(A) IN GENERAL.—Non-Federal interests may submit proposals for projects eligible to be authorized pursuant to this section in the form of completed feasibility studies to the Secretary.

"(B) ELIGIBLE PROJECTS.—A project shall be considered eligible for consideration under this section if the project reclaims and reuses—

"(i) municipal, industrial, domestic, or agricultural wastewater; or

"(ii) impaired ground or surface waters.

"(C) GUIDELINES.—Within 60 days of the enactment of this Act the Secretary shall issue guidelines for feasibility studies for water recycling and reuse projects to provide sufficient information for the formulation of the studies.

"(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of—

"(A) determining whether the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water recycling and reuse projects; and

"(B) the project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws.

"(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

"(A) the results of the Secretary's review of the study under paragraph (2), including a determination of whether the project is feasible;

"(B) any recommendations the Secretary may have concerning the plan or design of the project; and

"(C) any conditions the Secretary may require for construction of the project.

"(4) ELIGIBILITY FOR FUNDING.—The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for funding for the Federal share of the costs of planning, designing and constructing the project pursuant to subsection (f).

"(f) COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the non-Federal project sponsor of any project determined by the Secretary to be feasible under subsection (e)(3)(A) shall be eligible to apply for funding for the planning, design, and construction of the project, subject to subsection (g)(2).

"(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the criteria listed in paragraph (3) and are located in an area that—

"(A) has been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the 4-year period before such funds are made available; or

"(B) was designated as a disaster area by a State during the 4-year period before such funds are made available.

"(3) CRITERIA.—The project criteria referred to in paragraph (2) are the following:

"(A) Projects that are likely to provide a more reliable water supply for States and local governments.

"(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

"(C) Projects that are regional in nature.

"(D) Projects with multiple stakeholders.

"(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There is authorized to be appropriated to the Secretary of the Interior an additional $50,000,000 to remain available until expended.

"(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to subsection (f) and transmits such recommendations to the appropriate committees of Congress.".

42 USC 10364 note.

(d) FUNDING.—Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (e) by striking "$350,000,000" and inserting "$450,000,000" on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriation Act, 2015 (43 U.S.C. 620 note; Public Law 113–235).

SEC. 4010. ACTIONS TO BENEFIT THREATENED AND ENDANGERED SPECIES AND OTHER WILDLIFE.

(a) INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.—

(1) SMELT BIOLOGICAL OPINION.—The Director shall use the best scientific and commercial data available to implement, continuously evaluate, and refine or amend, as appropriate, the reasonable and prudent alternative described in the smelt biological opinion.

(2) INCREASED MONITORING TO INFORM REAL-TIME OPERATIONS.—

(A) IN GENERAL.—The Secretary of the Interior shall conduct additional surveys, on an annual basis at the appropriate time of year based on environmental conditions, in collaboration with interested stakeholders regarding the science of the Delta in general, and to enhance real time decisionmaking in particular, working in close coordination with relevant State authorities.

(B) REQUIREMENTS.—In carrying out this subsection, the Secretary of the Interior shall use—

(i) the most appropriate and accurate survey methods available for the detection of Delta smelt to determine the extent to which adult Delta smelt are distributed in relation to certain levels of turbidity or other environmental factors that may influence salvage rate;

(ii) results from appropriate surveys for the detection of Delta smelt to determine how the Central Valley Project and State Water Project may be operated more

efficiently to maximize fish and water supply benefits; and

(iii) science-based recommendations developed by any of the persons or entities described in paragraph (4)(B) to inform the agencies' real-time decisions.

(C) WINTER MONITORING.—During the period between December 1 and March 31, if suspended sediment loads enter the Delta from the Sacramento River, and the suspended sediment loads appear likely to raise turbidity levels in the Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTUs) to values above 12 NTUs, the Secretary of the Interior shall—

(i) conduct daily monitoring using appropriate survey methods at locations including the vicinity of Station 902 to determine the extent to which adult Delta smelt are moving with turbidity toward the export pumps; and

(ii) use results from the monitoring under subparagraph (A) to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to maximize fish and water supply benefits.

(3) PERIODIC REVIEW OF MONITORING.—Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Interior shall—

(A) evaluate whether the monitoring program under paragraph (2), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to maximize the water supply for fish and water supply benefits; and

(B) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(4) DELTA SMELT DISTRIBUTION STUDY.—

(A) IN GENERAL.—Not later than March 15, 2021, the Secretary of the Interior shall—

(i) complete studies, to be initiated by not later than 90 days after the date of enactment of this subtitle, designed—

(I) to understand the location and determine the abundance and distribution of Delta smelt throughout the range of the Delta smelt; and

(II) to determine potential methods to minimize the effects of Central Valley Project and State Water Project operations on the Delta smelt;

(ii) based on the best available science, if appropriate and practicable, implement new targeted sampling and monitoring of Delta smelt in order to maximize fish and water supply benefits prior to completion of the study under clause (i);

(iii) to the maximum extent practicable, use new technologies to allow for better tracking of Delta smelt, such as acoustic tagging, optical recognition during trawls, and fish detection using residual deoxyribonucleic acid (DNA); and

(iv) if new sampling and monitoring is not implemented under clause (ii), provide a detailed explanation of the determination of the Secretary of the Interior that no change is warranted.

(B) CONSULTATION.—In determining the scope of the studies under this subsection, the Secretary of the Interior shall consult with—

(i) Central Valley Project and State Water Project water contractors and public water agencies;

(ii) other public water agencies;

(iii) the California Department of Fish and Wildlife and the California Department of Water Resources; and

(iv) nongovernmental organizations.

(b) ACTIONS TO BENEFIT ENDANGERED FISH POPULATIONS.—

(1) FINDINGS.—Congress finds that—

(A) minimizing or eliminating stressors to fish populations and their habitat in an efficient and structured manner is a key aspect of a fish recovery strategy;

(B) functioning, diverse, and interconnected habitats are necessary for a species to be viable; and

(C) providing for increased fish habitat may not only allow for a more robust fish recovery, but also reduce impacts to water supplies.

(2) ACTIONS FOR BENEFIT OF ENDANGERED SPECIES.—There is authorized to be appropriated the following amounts:

(A) $15,000,000 for the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, to carry out the following activities in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.):

(i) Gravel and rearing area additions and habitat restoration to the Sacramento River to benefit Chinook salmon and steelhead trout.

(ii) Scientifically improved and increased real-time monitoring to inform real-time operations of Shasta and related Central Valley Project facilities, and alternative methods, models, and equipment to improve temperature modeling and related forecasted information for purposes of predicting impacts to salmon and salmon habitat as a result of water management at Shasta.

(iii) Methods to improve the Delta salvage systems, including alternative methods to redeposit salvaged salmon smolts and other fish from the Delta in a manner that reduces predation losses.

(B) $3,000,000 for the Secretary of the Interior to conduct the Delta smelt distribution study referenced in subsection (a)(4).

(3) COMMENCEMENT.—If the Administrator of the National Oceanic and Atmospheric Administration determines that a proposed activity is feasible and beneficial for protecting and recovering a fish population, the Administrator shall commence implementation of the activity by not later than 1 year after the date of enactment of this subtitle.

(4) CONSULTATION.—The Administrator shall take such steps as are necessary to partner with, and coordinate the

efforts of, the Department of the Interior, the Department of Commerce, and other relevant Federal departments and agencies to ensure that all Federal reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law are completed on an expeditious basis, consistent with Federal law.

(5) CONSERVATION FISH HATCHERIES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, the Secretaries of the Interior and Commerce, in coordination with the Director of the California Department of Fish and Wildlife, shall develop and implement as necessary the expanded use of conservation hatchery programs to enhance, supplement, and rebuild Delta smelt and Endangered Species Act-listed fish species under the smelt and salmonid biological opinions.

(B) REQUIREMENTS.—The conservation hatchery programs established under paragraph (1) and the associated hatchery and genetic management plans shall be designed—

(i) to benefit, enhance, support, and otherwise recover naturally spawning fish species to the point where the measures provided under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are no longer necessary; and

(ii) to minimize adverse effects to Central Valley Project and State Water Project operations.

(C) PRIORITY; COOPERATIVE AGREEMENTS.—In implementing this section, the Secretaries of the Interior and Commerce—

(i) shall give priority to existing and prospective hatchery programs and facilities within the Delta and the riverine tributaries thereto; and

(ii) may enter into cooperative agreements for the operation of conservation hatchery programs with States, Indian tribes, and other nongovernmental entities for the benefit, enhancement, and support of naturally spawning fish species.

(6) ACQUISITION OF LAND, WATER, OR INTERESTS FROM WILLING SELLERS FOR ENVIRONMENTAL PURPOSES IN CALIFORNIA.—

(A) IN GENERAL.—The Secretary of the Interior is authorized to acquire by purchase, lease, donation, or otherwise, land, water, or interests in land or water from willing sellers in California—

(i) to benefit listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116);

(ii) to meet requirements of, or otherwise provide water quality benefits under, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Porter Cologne Water Quality Control Act (division 7 of the California Water Code); or

(iii) for protection and enhancement of the environment, as determined by the Secretary of the Interior.

(B) STATE PARTICIPATION.—In implementing this section, the Secretary of the Interior is authorized to participate with the State of California or otherwise hold such interests identified in subparagraph (A) in joint ownership with the State of California based on a cost share deemed appropriate by the Secretary.

(C) TREATMENT.—Any expenditures under this subsection shall be nonreimbursable and nonreturnable to the United States.

(7) REAUTHORIZATION OF THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.—

(A) Section 10(a) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking "$25 million for each of fiscal years 2009 through 2015" and inserting "$15 million through 2021"; and

(B) Section 2 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking "Montana, and Idaho" and inserting "Montana, Idaho, and California".

(c) ACTIONS TO BENEFIT REFUGES.—

(1) IN GENERAL.—In addition to funding under section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726), there is authorized to be appropriated to the Secretary of the Interior $2,000,000 for each of fiscal years 2017 through 2021 for the acceleration and completion of water infrastructure and conveyance facilities necessary to achieve full water deliveries to Central Valley wildlife refuges and habitat areas pursuant to section 3406(d) of that Act (Public Law 102–575; 106 Stat. 4722).

(2) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in this section shall be not more than 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in this section—

(i) shall be not less than 50 percent; and

(ii) may be provided in cash or in kind.

(d) NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN STANISLAUS RIVER.—

(1) DEFINITION OF DISTRICT.—In this section, the term "district" means—

(A) the Oakdale Irrigation District of the State of California; and

(B) the South San Joaquin Irrigation District of the State of California.

(2) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, and the districts shall jointly establish and conduct a nonnative predator research and pilot fish removal program to study the effects of removing from the Stanislaus River—

(A) nonnative striped bass, smallmouth bass, largemouth bass, black bass; and

(B) other nonnative predator fish species.

(3) REQUIREMENTS.—The program under this section shall—

(A) be scientifically based, with research questions determined jointly by—

(i) National Marine Fisheries Service scientists; and

(ii) technical experts of the districts;

(B) include methods to quantify by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell—

(i) the number and size of predator fish removed each year; and

(ii) the impact of the removal on—

(I) the overall abundance of predator fish in the Stanislaus River; and

(II) the populations of juvenile anadromous fish in the Stanislaus River;

(C) among other methods, consider using wire fyke trapping, portable resistance board weirs, and boat electrofishing; and

(D) be implemented as quickly as practicable after the date of issuance of all necessary scientific research permits.

(4) MANAGEMENT.—The management of the program shall be the joint responsibility of the Assistant Administrator and the districts, which shall—

(A) work collaboratively to ensure the performance of the program; and

(B) discuss and agree on, among other things—

(i) qualified scientists to lead the program;

(ii) research questions;

(iii) experimental design;

(iv) changes in the structure, management, personnel, techniques, strategy, data collection and access, reporting, and conduct of the program; and

(v) the need for independent peer review.

(5) CONDUCT.—

(A) IN GENERAL.—For each applicable calendar year, the districts, on agreement of the Assistant Administrator, may elect to conduct the program under this section using—

(i) the personnel of the Assistant Administrator or districts;

(ii) qualified private contractors hired by the districts;

(iii) personnel of, on loan to, or otherwise assigned to the National Marine Fisheries Service; or

(iv) a combination of the individuals described in clauses (i) through (iii).

(B) PARTICIPATION BY NATIONAL MARINE FISHERIES SERVICE.—

(i) IN GENERAL.—If the districts elect to conduct the program using district personnel or qualified private contractors hired under clause (i) or (ii) of subparagraph (A), the Assistant Administrator may assign an employee of, on loan to, or otherwise assigned to the National Marine Fisheries Service, to be present

for all activities performed in the field to ensure compliance with paragraph (4).

(ii) COSTS.—The districts shall pay the cost of participation by the employee under clause (i), in accordance with paragraph (6).

(C) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of an election under subparagraph (A) by not later than October 15 of the calendar year preceding the calendar year for which the election applies.

(6) FUNDING.—

(A) IN GENERAL.—The districts shall be responsible for 100 percent of the cost of the program.

(B) CONTRIBUTED FUNDS.—The Secretary of Commerce may accept and use contributions of funds from the districts to carry out activities under the program.

(C) ESTIMATION OF COST.—

(i) IN GENERAL.—Not later than December 1 of each year of the program, the Secretary of Commerce shall submit to the districts an estimate of the cost to be incurred by the National Marine Fisheries Service for the program during the following calendar year, if any, including the cost of any data collection and posting under paragraph (7).

(ii) FAILURE TO FUND.—If an amount equal to the estimate of the Secretary of Commerce is not provided through contributions pursuant to subparagraph (B) before December 31 of that calendar year—

(I) the Secretary shall have no obligation to conduct the program activities otherwise scheduled for the following calendar year until the amount is contributed by the districts; and

(II) the districts may not conduct any aspect of the program until the amount is contributed by the districts.

(D) ACCOUNTING.—

(i) IN GENERAL.—Not later than September 1 of each year, the Secretary of Commerce shall provide to the districts an accounting of the costs incurred by the Secretary for the program during the preceding calendar year.

(ii) EXCESS AMOUNTS.—If the amount contributed by the districts pursuant to subparagraph (B) for a calendar year was greater than the costs incurred by the Secretary of Commerce during that year, the Secretary shall—

(I) apply the excess amounts to the cost of activities to be performed by the Secretary under the program, if any, during the following calendar year; or

(II) if no such activities are to be performed, repay the excess amounts to the districts.

(7) PUBLICATION AND EVALUATION OF DATA.—

(A) IN GENERAL.—All data generated through the program, including by any private consultants, shall be routinely provided to the Assistant Administrator.

(B) INTERNET.—Not later than the 15th day of each month of the program, the Assistant Administrator shall publish on the Internet website of the National Marine Fisheries Service a tabular summary of the raw data collected under the program during the preceding month.

(C) REPORT.—On completion of the program, the Assistant Administrator shall prepare a final report evaluating the effectiveness of the program, including recommendations for future research and removal work.

(8) CONSISTENCY WITH LAW.—

(A) IN GENERAL.—The programs in this section and subsection (e) are found to be consistent with the requirements of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(B) LIMITATION.—No provision, plan, or definition under that Act, including section 3406(b)(1) of that Act (Public Law 102–575; 106 Stat. 4714), shall be used—

(i) to prohibit the implementation of the programs in this subsection and subsection (e); or

(ii) to prevent the accomplishment of the goals of the programs.

(e) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California Department of Fish and Wildlife, and other relevant agencies and interested parties, shall establish and carry out pilot projects to implement the invasive species control program under section 103(d)(6)(A)(iv) of Public Law 108–361 (118 Stat. 1690).

(2) REQUIREMENTS.—The pilot projects under this section shall—

(A) seek to reduce invasive aquatic vegetation (such as water hyacinth), predators, and other competitors that contribute to the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Delta; and

(B) remove, reduce, or control the effects of species including Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, zebra and quagga mussels, and brown bullheads.

(3) EMERGENCY ENVIRONMENTAL REVIEWS.—To expedite environmentally beneficial programs in this subtitle for the conservation of threatened and endangered species, the Secretaries of the Interior and Commerce shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (or successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for those programs.

(f) COLLABORATIVE PROCESSES.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.) and applicable Federal acquisitions and contracting authorities, the Secretaries of the Interior and Commerce may use the collaborative processes under the Collaborative Science Adaptive Management Program to enter

into contracts with specific individuals or organizations directly or in conjunction with appropriate State agencies.

(g) THE "SAVE OUR SALMON ACT".—

(1) TREATMENT OF STRIPED BASS.—

(A) ANADROMOUS FISH.—Section 3403(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking "striped bass," after "stocks of salmon (including steelhead),".

(B) FISH AND WILDLIFE RESTORATION ACTIVITIES.—Section 3406(b) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by—

(i) striking paragraphs (14) and (18);

(ii) redesignating paragraphs (15) through (17) as paragraphs (14) through (16), respectively; and

(iii) redesignating paragraphs (19) through (23) as paragraphs (17) through (21), respectively.

(2) CONFORMING CHANGES.—Section 3407(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking "(10)–(18), and (20)–(22)" and inserting "(10)–(16), and (18)–(20)".

SEC. 4011. OFFSETS AND WATER STORAGE ACCOUNT.

(a) PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.—

(1) CONVERSION AND PREPAYMENT OF CONTRACTS.—Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of enactment of this subtitle and between the United States and a water users' association to allow for prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms and conditions. The manner of conversion under this paragraph shall be as follows:

(A) Water service contracts that were entered into under section (e) of the Act of August 4, 1939 (53 Stat. 1196), to be converted under this section shall be converted to repayment contracts under section 9(d) of that Act (53 Stat. 1195).

(B) Water service contracts that were entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to be converted under this section shall be converted to a contract under subsection (c)(1) of section 9 of that Act (53 Stat. 1195).

(2) PREPAYMENT.—Except for those repayment contracts under which the contractor has previously negotiated for prepayment, all repayment contracts under section 9(d) of that Act (53 Stat. 1195) in effect on the date of enactment of this subtitle at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedules, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount

to be discounted by ½ the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days following receipt of request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversion under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—Except for those repayment contracts under which the contractor has previously negotiated for prepayment, the following shall apply with regard to all repayment contracts under subsection (c)(1) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this subtitle at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B):

(A) Provide for the repayment in lump sum of the remaining construction costs identified in water project specific municipal and industrial rate repayment schedules, as adjusted to reflect payments not reflected in such schedules, and properly assignable for ultimate return by the contractor. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days after receipt of the request of contractor.

(B) The contract shall require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversion under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law.

(C) Continue so long as the contractor pays applicable charges, consistent with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(4) CONDITIONS.—All contracts entered into pursuant to paragraphs (1), (2), and (3) shall—

(A) not be adjusted on the basis of the type of prepayment financing used by the water users' association;

(B) conform to any other agreements, such as applicable settlement agreements and new constructed appurtenant facilities; and

(C) not modify other water service, repayment, exchange and transfer contractual rights between the water users' association, and the Bureau of Reclamation, or any rights, obligations, or relationships of the water users' association and their landowners as provided under State law.

(b) ACCOUNTING.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than one year and not more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary shall credit such overpayment as an offset against any outstanding or future obligation of the contractor, with the exception of Restoration Fund charges pursuant to section 3407(d) of Public Law 102–575.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) EFFECT OF EXISTING LAW.—Upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs pursuant to a contract entered into pursuant to subsection (a)(2)(A), subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to affected lands.

(2) EFFECT OF OTHER OBLIGATIONS.—The obligation of a contractor to repay construction costs or other capitalized costs described in subsection (a)(2)(B), (a)(3)(B), or (b) shall not affect a contractor's status as having repaid all of the construction costs assignable to the contractor or the applicability of subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) once the amount required to be paid by the contractor under the repayment contract entered into pursuant to subsection (a)(2)(A) has been paid.

(d) EFFECT ON EXISTING LAW NOT ALTERED.—Implementation of the provisions of this subtitle shall not alter—

(1) the repayment obligation of any water service or repayment contractor receiving water from the same water project, or shift any costs that would otherwise have been properly assignable to the water users' association identified in subsections (a)(1), (a)(2), and (a)(3) absent this section, including operation and maintenance costs, construction costs, or other capitalized costs incurred after the date of the enactment of this subtitle, or to other contractors; and

(2) specific requirements for the disposition of amounts received as repayments by the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.);

(3) the priority of a water service or repayment contractor to receive water; or

(4) except as expressly provided in this section, any obligations under the reclamation law, including the continuation of Restoration Fund charges pursuant to section 3407(d) (Public Law 102–575), of the water service and repayment contractors making prepayments pursuant to this section.

(e) WATER STORAGE ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—Except as provided in subsection (d)(2), $335,000,000 out of receipts generated from prepayment of contracts under this section beyond amounts necessary to cover the amount of receipts forgone from scheduled payments under current law for the 10-year period following the date of enactment of this Act shall be directed to the Reclamation Water Storage Account under paragraph (2).

(2) STORAGE ACCOUNT.—The Secretary shall allocate amounts collected under paragraph (1) into the "Reclamation Storage Account" to fund the construction of water storage. The Secretary may also enter into cooperative agreements with water users' associations for the construction of water storage and amounts within the Storage Account may be used to fund such construction. Water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Storage Account for part or all of such facilities.

(3) REPAYMENT.—Amounts used for water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) except that all funds reimbursed shall be deposited in the Account established under paragraph (2).

(4) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Account under this subsection shall—

(A) be made available in accordance with this section, subject to appropriation; and

(B) be in addition to amounts appropriated for such purposes under any other provision of law.

(f) DEFINITIONS.—For the purposes of this subtitle, the following definitions apply:

(1) ACCOUNT.—The term "Account" means the Reclamation Water Storage Account established under subsection (e)(2).

(2) CONSTRUCTION.—The term "construction" means the designing, materials engineering and testing, surveying, and building of water storage including additions to existing water storage and construction of new water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) WATER STORAGE.—The term "water storage" means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the storage and supply of water resources.

(4) TREASURY RATE.—The term "Treasury rate" means the 20- year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury existing on the effective date of the contract.

(5) WATER USERS' ASSOCIATION.—The term "water users' association" means—

(A) an entity organized and recognized under State laws that is eligible to enter into contracts with Reclamation to receive contract water for delivery to end users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservancy districts, irrigation districts, municipalities, and water project contract units.

43 USC 390b note.

SEC. 4012. SAVINGS LANGUAGE.

(a) IN GENERAL.—This subtitle shall not be interpreted or implemented in a manner that—

(1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law;

(2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 11(d) and provisions in section 11(g);

(3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project;

(4) would cause additional adverse effects on listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available; or

(5) overrides, modifies, or amends any obligation of the Pacific Fisheries Management Council, required by the Magnuson Stevens Act or the Endangered Species Act of 1973, to manage fisheries off the coast of California, Oregon, or Washington.

(b) SUCCESSOR BIOLOGICAL OPINIONS.—

(1) IN GENERAL.—The Secretaries of the Interior and Commerce shall apply this Act to any successor biological opinions to the smelt or salmonid biological opinions only to the extent that the Secretaries determine is consistent with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), its implementing regulations, and the successor biological opinions; and

(B) subsection (a)(4).

(2) LIMITATION.—Nothing in this Act shall restrict the Secretaries of the Interior and Commerce from completing consultation on successor biological opinions and through those successor biological opinions implementing whatever adjustments in operations or other activities as may be required by the Endangered Species Act of 1973 and its implementing regulations.

(c) SEVERABILITY.—If any provision of this subtitle, or any application of such provision to any person or circumstance, is held to be inconsistent with any law or the biological opinions, the remainder of this subtitle and the application of this subtitle to any other person or circumstance shall not be affected.

SEC. 4013. DURATION.

43 USC 390b note.

This subtitle shall expire on the date that is 5 years after the date of its enactment, with the exception of—

(1) section 4004, which shall expire 10 years after the date of its enactment; and

(2) projects under construction in sections 4007, 4009(a), and 4009(c).

SEC. 4014. DEFINITIONS.

43 USC 390b note.

In this subtitle:

(1) ASSISTANT ADMINISTRATOR.—The term "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(2) CENTRAL VALLEY PROJECT.—The term "Central Valley Project" has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(4) DELTA.—The term "Delta" means the Sacramento-San Joaquin Delta and the Suisun Marsh (as defined in section 12220 of the California Water Code and section 29101 of the California Public Resources Code (as in effect on the date of enactment of this Act)).

(5) DELTA SMELT.—The term "Delta smelt" means the fish species with the scientific name Hypomesus transpacificus.

(6) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(7) LISTED FISH SPECIES.—The term "listed fish species" means—

(A) any natural origin steelhead, natural origin genetic spring run Chinook, or genetic winter run Chinook salmon (including any hatchery steelhead or salmon population within the evolutionary significant unit or a distinct population segment); and

(B) Delta smelt.

(8) RECLAMATION STATE.—The term "Reclamation State" means any of the States of—

(A) Arizona;
(B) California;
(C) Colorado;
(D) Idaho;
(E) Kansas;
(F) Montana;
(G) Nebraska;
(H) Nevada;
(I) New Mexico;
(J) North Dakota;
(K) Oklahoma;
(L) Oregon;
(M) South Dakota;
(N) Texas;
(O) Utah;
(P) Washington; and
(Q) Wyoming.

(9) SALMONID BIOLOGICAL OPINION.—

(A) IN GENERAL.—The term "salmonid biological opinion" means the biological and conference opinion of the National Marine Fisheries Service dated June 4, 2009, regarding the long-term operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) INCLUSIONS.—The term "salmonid biological opinion" includes the operative incidental take statement of the opinion described in subparagraph (A).

(10) SMELT BIOLOGICAL OPINION.—

(A) IN GENERAL.—The term "smelt biological opinion" means the biological opinion dated December 15, 2008, regarding the coordinated operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) INCLUSIONS.—The term "smelt biological opinion" includes the operative incidental take statement of the opinion described in subparagraph (A).

(11) STATE WATER PROJECT.—The term "State Water Project" means the water project described in chapter 5 of part 3 of division 6 of the California Water Code (sections 11550 et seq.) (as in effect on the date of enactment of this Act) and operated by the California Department of Water Resources.

TITLE IV—OTHER MATTERS

SEC. 5001. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

49 USC 311.

"§ 311. Congressional notification requirements

"(a) IN GENERAL.—Except as provided in subsection (b) or as expressly provided in another provision of law, the Secretary of Transportation shall provide to the appropriate committees of Congress notice of an announcement concerning a covered project at least 3 full business days before the announcement is made by the Department.

"(b) EMERGENCY PROGRAM.—With respect to an allocation of funds under section 125 of title 23, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate notice of the allocation—

"(1) at least 3 full business days before the issuance of the allocation; or

"(2) concurrently with the issuance of the allocation, if the allocation is made using the quick release process of the Department (or any successor process).

"(c) DEFINITIONS.—In this section, the following definitions apply:

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

"(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(B) the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation,

and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) COVERED PROJECT.—The term 'covered project' means a project competitively selected by the Department to receive a discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, or line of credit commitment in an amount equal to or greater than $750,000.

"(3) DEPARTMENT.—The term 'Department' means the Department of Transportation, including the modal administrations of the Department.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 310 the following:

49 USC prec. 301.

"311. Congressional notification requirements.".

SEC. 5002. REAUTHORIZATION OF DENALI COMMISSION.

(a) ADMINISTRATION.—Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (c)—

(A) in the first sentence by striking "The Federal Cochairperson" and inserting the following:

"(1) TERM OF FEDERAL COCHAIRPERSON.—The Federal Cochairperson";

(B) in the second sentence by striking "All other members" and inserting the following:

"(3) TERM OF ALL OTHER MEMBERS.—All other members";

(C) in the third sentence by striking "Any vacancy" and inserting the following:

"(4) VACANCIES.—Except as provided in paragraph (2), any vacancy"; and

(D) by inserting before paragraph (3) (as designated by subparagraph (B)) the following:

"(2) INTERIM FEDERAL COCHAIRPERSON.—In the event of a vacancy for any reason in the position of Federal Cochairperson, the Secretary may appoint an Interim Federal Cochairperson, who shall have all the authority of the Federal Cochairperson, to serve until such time as the vacancy in the position of Federal Cochairperson is filled in accordance with subsection (b)(2)).''; and

(2) by adding at the end the following:

"(f) NO FEDERAL EMPLOYEE STATUS.—No member of the Commission, other than the Federal Cochairperson, shall be considered to be a Federal employee for any purpose.

"(g) CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no member of the Commission (referred to in this subsection as a 'member') shall participate personally or substantially, through recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract claim, controversy, or other matter in which, to the knowledge of the member, 1 or more of the following has a direct financial interest:

"(A) The member.

"(B) The spouse, minor child, or partner of the member.

"(C) An organization described in subparagraph (B), (C), (D), (E), or (F) of subsection (b)(1) for which the member

is serving as an officer, director, trustee, partner, or employee.

"(D) Any individual, person, or organization with which the member is negotiating or has any arrangement concerning prospective employment.

"(2) DISCLOSURE.—Paragraph (1) shall not apply if the member—

"(A) immediately advises the designated agency ethics official for the Commission of the nature and circumstances of the matter presenting a potential conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the designated agency ethics official for the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the member. The written determination shall specify the rationale and any evidence or support for the decision, identify steps, if any, that should be taken to mitigate any conflict of interest, and be available to the public.

"(3) ANNUAL DISCLOSURES.—Once each calendar year, each member shall make full disclosure of financial interests, in a manner to be determined by the designated agency ethics official for the Commission.

"(4) TRAINING.—Once each calendar year, each member shall undergo disclosure of financial interests training, as prescribed by the designated agency ethics official for the Commission.

"(5) CLARIFICATION.—A member of the Commission may continue to participate personally or substantially, through decision, approval, or disapproval on the focus of applications to be considered but not on individual applications where a conflict of interest exists.

"(6) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is amended, in subsection (a), by striking "under section 4 under this Act" and all that follows through "2008" and inserting "under section 304, $15,000,000 for each of fiscal years 2017 through 2021.".

(2) CLERICAL AMENDMENT.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is redesignated as section 312.

SEC. 5003. RECREATIONAL ACCESS FOR FLOATING CABINS AT TVA RESERVOIRS.

The Tennessee Valley Authority Act of 1933 is amended by inserting after section 9a (16 U.S.C. 831h-1) the following:

"SEC. 9b. RECREATIONAL ACCESS. 16 USC 831h–3.

"(a) DEFINITION OF FLOATING CABIN.—In this section, the term 'floating cabin' means a watercraft or other floating structure—

"(1) primarily designed and used for human habitation or occupation; and

"(2) not primarily designed or used for navigation or transportation on water.

"(b) RECREATIONAL ACCESS.—The Board may allow the use of a floating cabin if—

"(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board;

"(2) the Corporation has authorized the use of recreational vessels on the waters; and

"(3) the floating cabin was located on waters under the jurisdiction of the Corporation as of the date of enactment of this section.

"(c) FEES.—The Board may levy fees on the owner of a floating cabin on waters under the jurisdiction of the Corporation for the purpose of ensuring compliance with subsection (b) if the fees are necessary and reasonable for such purpose.

"(d) CONTINUED RECREATIONAL USE.—

"(1) IN GENERAL.—With respect to a floating cabin located on waters under the jurisdiction of the Corporation on the date of enactment of this section, the Board—

"(A) may not require the removal of the floating cabin—

"(i) in the case of a floating cabin that was granted a permit by the Corporation before the date of enactment of this section, for a period of 15 years beginning on such date of enactment; and

"(ii) in the case of a floating cabin not granted a permit by the Corporation before the date of enactment of this section, for a period of 5 years beginning on such date of enactment; and

"(B) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Corporation at such time and for such duration as—

"(i) the floating cabin meets the requirements of subsection (b); and

"(ii) the owner of the floating cabin has paid any fee assessed pursuant to subsection (c).

"(2) SAVINGS PROVISIONS.—

"(A) Nothing in this subsection restricts the ability of the Corporation to enforce reasonable health, safety, or environmental standards.

"(B) This section applies only to floating cabins located on waters under the jurisdiction of the Corporation.

"(e) NEW CONSTRUCTION.—The Corporation may establish regulations to prevent the construction of new floating cabins.".

SEC. 5004. GOLD KING MINE SPILL RECOVERY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CLAIMANT.—The term "claimant" means a State, Indian tribe, or local government that submits a claim under subsection (c).

(3) GOLD KING MINE RELEASE.—The term "Gold King Mine release" means the discharge on August 5, 2015, of approximately 3,000,000 gallons of contaminated water from the Gold King Mine north of Silverton, Colorado, into Cement Creek that occurred while contractors of the Environmental Protection Agency were conducting an investigation of the Gold King Mine to assess mine conditions.

(4) NATIONAL CONTINGENCY PLAN.—The term "National Contingency Plan" means the National Contingency Plan prepared and published under part 300 of title 40, Code of Federal Regulations (or successor regulations).

(5) RESPONSE.—The term "response" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should receive and process, as expeditiously as possible, claims under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act") for any injury arising out of the Gold King Mine release.

(c) GOLD KING MINE RELEASE CLAIMS PURSUANT TO COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT.—

(1) IN GENERAL.—The Administrator shall, consistent with the National Contingency Plan, receive and process under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and pay from appropriations made available to the Administrator to carry out such Act, any claim made by a State, Indian tribe, or local government for eligible response costs relating to the Gold King Mine release.

(2) ELIGIBLE RESPONSE COSTS.—

(A) IN GENERAL.—Response costs incurred between August 5, 2015, and September 9, 2016, are eligible for payment by the Administrator under this subsection, without prior approval by the Administrator, if the response costs are consistent with the National Contingency Plan.

(B) PRIOR APPROVAL REQUIRED.—Response costs incurred after September 9, 2016, are eligible for payment by the Administrator under this subsection if—

(i) the Administrator approves the response costs under section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)(2)); and

(ii) the response costs are consistent with the National Contingency Plan.

(3) TIMING.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make a decision on, and pay, any eligible response costs submitted to the Administrator before such date of enactment.

(B) SUBSEQUENTLY FILED CLAIMS.—Not later than 90 days after the date on which a claim is submitted to the Administrator, the Administrator shall make a decision on, and pay, any eligible response costs.

(C) DEADLINE.—All claims under this subsection shall be submitted to the Administrator not later than 180 days after the date of enactment of this Act.

(D) NOTIFICATION.—Not later than 30 days after the date on which the Administrator makes a decision under subparagraph (A) or (B), the Administrator shall notify the claimant of the decision.

(d) WATER QUALITY PROGRAM.—

(1) IN GENERAL.—In response to the Gold King Mine release, the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release.

(2) REQUIREMENTS.—In carrying out the program described in paragraph (1), the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall—

(A) collect water quality samples and sediment data;

(B) provide the public with a means of viewing the water quality sample results and sediment data referred to in subparagraph (A) by, at a minimum, posting the information on the website of the Administrator;

(C) take any other reasonable measure necessary to assist affected States, Indian tribes, and local governments with long-term water monitoring; and

(D) carry out additional program activities related to long-term water quality monitoring that the Administrator determines to be necessary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $4,000,000.00 for each of fiscal years 2017 through 2021 to carry out this subsection, including the reimbursement of affected States, Indian tribes, and local governments for the costs of long-term water quality monitoring of any river contaminated by the Gold King Mine release.

(e) EXISTING STATE AND TRIBAL LAW.—Nothing in this section affects the jurisdiction or authority of any department, agency, or officer of any State government or any Indian tribe.

(f) SAVINGS CLAUSE.—Nothing in this section affects any right of any State, Indian tribe, or other person to bring a claim against the United States for response costs or natural resources damages pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

SEC. 5005. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) is amended—

(1) by striking subparagraphs (B) and (C) and inserting the following:

"(B) FOCUS AREAS.—In carrying out the Initiative, the Administrator shall prioritize programs and projects, to be carried out in coordination with non-Federal partners, that address the priority areas described in the Initiative Action Plan, including—

"(i) the remediation of toxic substances and areas of concern;

"(ii) the prevention and control of invasive species and the impacts of invasive species;

"(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

"(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

"(v) accountability, monitoring, evaluation, communication, and partnership activities.

"(C) PROJECTS.—

"(i) IN GENERAL.—In carrying out the Initiative, the Administrator shall collaborate with other Federal partners, including the Great Lakes Interagency Task Force established by Executive Order No. 13340 (69 Fed. Reg. 29043), to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

"(I) the ability to achieve strategic and measurable environmental outcomes that implement the Initiative Action Plan and the Great Lakes Water Quality Agreement;

"(II) the feasibility of—

"(aa) prompt implementation;

"(bb) timely achievement of results; and

"(cc) resource leveraging; and

"(III) the opportunity to improve interagency, intergovernmental, and interorganizational coordination and collaboration to reduce duplication and streamline efforts.

"(ii) OUTREACH.—In selecting the best combination of programs and projects for Great Lakes protection and restoration under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

"(iii) HARMFUL ALGAL BLOOM COORDINATOR.—The Administrator shall designate a point person from an appropriate Federal partner to coordinate, with Federal partners and Great Lakes States, Indian tribes, and other non-Federal stakeholders, projects and activities under the Initiative involving harmful algal blooms in the Great Lakes.";

(2) in subparagraph (D)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—Subject to subparagraph (J)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

"(I) Federal projects;

"(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations; and

"(III) operations and activities of the Program Office, including remediation of sediment contamination in areas of concern.";

(B) in clause (ii)(I), by striking "(G)(i)" and inserting "(J)(i)"; and

(C) by inserting after clause (ii) the following:

"(iii) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

"(I) IN GENERAL.—The Administrator, or the head of any other Federal department or agency receiving funds under clause (ii)(I), may make a grant to, or otherwise enter into an agreement with, a qualified non-Federal entity, as determined by the Administrator or the applicable head of the other Federal department or agency receiving funds, for planning, research, monitoring, outreach, or implementation of a project selected under subparagraph (C), to support the Initiative Action Plan or the Great Lakes Water Quality Agreement.

"(II) QUALIFIED NON-FEDERAL ENTITY.—For purposes of this clause, a qualified non-Federal entity may include a governmental entity, nonprofit organization, institution, or individual."; and

(3) by striking subparagraphs (E) through (G) and inserting the following:

"(E) SCOPE.—

"(i) IN GENERAL.—Projects may be carried out under the Initiative on multiple levels, including—

"(I) locally;

"(II) Great Lakes-wide; or

"(III) Great Lakes basin-wide.

"(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which financial assistance is received—

"(I) from a State water pollution control revolving fund established under title VI;

"(II) from a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); or

"(III) pursuant to the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

"(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

"(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

"(ii) identify new activities and projects to support the environmental goals of the Initiative.

"(G) REVISION OF INITIATIVE ACTION PLAN.—

"(i) IN GENERAL.—Not less often than once every 5 years, the Administrator, in conjunction with the Great Lakes Interagency Task Force, shall review, and revise as appropriate, the Initiative Action Plan to guide the activities of the Initiative in addressing the restoration and protection of the Great Lakes system.

"(ii) OUTREACH.—In reviewing and revising the Initiative Action Plan under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

"(H) MONITORING AND REPORTING.—The Administrator shall—

"(i) establish and maintain a process for monitoring and periodically reporting to the public on the progress made in implementing the Initiative Action Plan;

"(ii) make information about each project carried out under the Initiative Action Plan available on a public website; and

"(iii) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a yearly detailed description of the progress of the Initiative and amounts transferred to participating Federal departments and agencies under subparagraph (D)(ii).

"(I) INITIATIVE ACTION PLAN DEFINED.—In this paragraph, the term 'Initiative Action Plan' means the comprehensive, multiyear action plan for the restoration of the Great Lakes, first developed pursuant to the Joint Explanatory Statement of the Conference Report accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88).

"(J) FUNDING.—

"(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.

"(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

"(I) this section;

"(II) the Initiative Action Plan; or

"(III) the Great Lakes Water Quality Agreement.".

SEC. 5006. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (9), (11), (13), (14), (15), and (16), respectively;

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

"(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

"(A) IN GENERAL.—The term 'eligible high hazard potential dam' means a non-Federal dam that—

"(i) is located in a State with a State dam safety program;

"(ii) is classified as 'high hazard potential' by the State dam safety agency in the State in which the dam is located;

"(iii) has an emergency action plan approved by the relevant State dam safety agency; and

"(iv) the State in which the dam is located determines—

"(I) fails to meet minimum dam safety standards of the State; and

"(II) poses an unacceptable risk to the public.

"(B) EXCLUSION.—The term 'eligible high hazard potential dam' does not include—

"(i) a licensed hydroelectric dam; or

"(ii) a dam built under the authority of the Secretary of Agriculture.";

(3) by inserting after paragraph (9) (as redesignated by paragraph (1) of this subsection) the following:

"(10) NON-FEDERAL SPONSOR.—The term 'non-Federal sponsor', in the case of a project receiving assistance under section 8A, includes—

"(A) a governmental organization; and

"(B) a nonprofit organization."; and

(4) by inserting after paragraph (11) (as redesignated by paragraph (1) of this subsection) the following:

"(12) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.".

(b) PROGRAM FOR REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

"SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS. 33 USC 467f–2.

"(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to non-Federal sponsors for rehabilitation of eligible high hazard potential dams.

"(b) ELIGIBLE ACTIVITIES.—A grant awarded under this section for a project may be used for—

"(1) repair;

"(2) removal; or

"(3) any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

"(c) AWARD OF GRANTS.—

"(1) APPLICATION.—

"(A) IN GENERAL.—A non-Federal sponsor interested in receiving a grant under this section may submit to the Administrator an application for the grant.

"(B) REQUIREMENTS.—An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation.

"(2) GRANT.—

"(A) IN GENERAL.—The Administrator may make a grant in accordance with this section for rehabilitation of an eligible high hazard potential dam to a non-Federal sponsor that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

"(B) PROJECT GRANT AGREEMENT.—The Administrator shall enter into a project grant agreement with the non-

Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.

"(C) GRANT ASSURANCE.—As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.

"(D) LIMITATION.—A grant provided under this section shall not exceed the lesser of—

"(i) 12.5 percent of the total amount of funds made available to carry out this section; or

"(ii) $7,500,000.

"(d) REQUIREMENTS.—

"(1) APPROVAL.—A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.

"(2) NON-FEDERAL SPONSOR REQUIREMENTS.—To receive a grant under this section, the non-Federal sponsor shall—

"(A) participate in, and comply with, all applicable Federal flood insurance programs;

"(B) have in place a hazard mitigation plan that—

"(i) includes all dam risks; and

"(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

"(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

"(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program and that receives assistance under this section—

"(i) acts in accordance with the State dam safety program; and

"(ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

"(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

"(e) FLOODPLAIN MANAGEMENT PLANS.—

"(1) IN GENERAL.—As a condition of receipt of assistance under this section, the non-Federal sponsor shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

"(A) is in place; or

"(B) will be—

"(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

"(ii) implemented not later than 1 year after the date of completion of construction of the project.

"(2) INCLUSIONS.—A plan under paragraph (1) shall address—

"(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

"(B) plans for flood fighting and evacuation; and

"(C) public education and awareness of flood risks.

"(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.

"(f) PRIORITY SYSTEM.—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying eligible high hazard potential dams for which grants may be made under this section.

"(g) FUNDING.—

"(1) COST SHARING.—

"(A) IN GENERAL.—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

"(B) IN-KIND CONTRIBUTIONS.—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

"(2) ALLOCATION OF FUNDS.—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

"(A) EQUAL DISTRIBUTION.—⅓ shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

"(B) NEED-BASED.—⅔ shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

"(i) the number of eligible high hazard potential dams in the State; bears to

"(ii) the number of eligible high hazard potential dams in all such States.

"(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

"(1) to rehabilitate a Federal dam;

"(2) to perform routine operation or maintenance of a dam;

"(3) to modify a dam to produce hydroelectric power;

"(4) to increase water supply storage capacity; or

"(5) to make any other modification to a dam that does not also improve the safety of the dam.

"(i) CONTRACTUAL REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than $1,000,000, a non-Federal sponsor that receives the grant shall require that each contract and subcontract

for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

"(A) chapter 11 of title 40, United States Code; or

"(B) an equivalent qualifications-based requirement prescribed by the relevant State.

"(2) NO PROPRIETARY INTEREST.—A contract awarded in accordance with paragraph (1) shall not be considered to confer a proprietary interest upon the United States.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal years 2017 and 2018;

"(2) $25,000,000 for fiscal year 2019;

"(3) $40,000,000 for fiscal year 2020; and

"(4) $60,000,000 for each of fiscal years 2021 through 2026.".

33 USC 467f–2 note.

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).

SEC. 5007. CHESAPEAKE BAY GRASS SURVEY.

Section 117(i) of the Federal Water Pollution Control Act (33 U.S.C. 1267(i)) is amended by adding at the end the following:

"(3) ANNUAL SURVEY.—The Administrator shall carry out an annual survey of sea grasses in the Chesapeake Bay.".

SEC. 5008. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended by striking "carry out" and inserting "provide financial assistance to carry out".

(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

(1) IN GENERAL.—Section 5026 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3905) is amended—

(A) in paragraph (6)—

(i) by striking "desalination project" and inserting "desalination project, including chloride control"; and

(ii) by striking "or a water recycling project" and inserting "a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion";

(B) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(C) by inserting after paragraph (6) the following:

"(7) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds."; and

(D) in paragraph (10) (as redesignated by subparagraph (B)), by striking "or (7)" and inserting "(7), or (8)".

(2) CONFORMING AMENDMENTS.—

(A) Section 5023(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)) is amended—

(i) in paragraph (2) by striking "and (8)" and inserting "(7), and (9)"; and

(ii) in paragraph (3) by striking "paragraph (7) or (9)" and inserting "paragraph (8) or (10)".

(B) Section 5024(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3903(b)) is amended by striking "paragraph (8) or (9)" and inserting "paragraph (9) or (10)".

(C) Section 5027(3) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3906(3)) is amended by striking "section 5026(7)" and inserting "section 5026(8)".

(D) Section 5028 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking "section 5026(9)" and inserting "section 5026(10)"; and

(II) by striking "section 5026(8)" and inserting "section 5026(9)"; and

(ii) in subsection (b)(3) by striking "section 5026(8)" and inserting "section 5026(9)".

(c) TERMS AND CONDITIONS.—Section 5029(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)) is amended—

(1) in paragraph (7)—

(A) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary"; and

(B) by adding at the end the following:

"(B) FINANCING FEES.—On request of an eligible entity, the Secretary or the Administrator, as applicable, shall allow the fees under subparagraph (A) to be financed as part of the loan."; and

(2) by adding at the end the following:

"(10) CREDIT.—Any eligible project costs incurred and the value of any integral in-kind contributions made before receipt of assistance under this subtitle shall be credited toward the 51 percent of project costs to be provided by sources of funding other than a secured loan under this subtitle (as described in paragraph (2)(A)).".

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

(1) appropriations made available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) should be in addition to robust funding for the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and State drinking water treatment revolving

loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(2) the appropriations made available for the funds referred to in paragraph (1) should not decrease for any fiscal year.

SEC. 5009. REPORT ON GROUNDWATER CONTAMINATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the next 4 years, the Secretary of the Navy shall submit a report to Congress on the groundwater contamination from the site that includes—

(1) a description of the status of the groundwater contaminants that are leaving the site and migrating to a location within a 10-mile radius of the site, including—

(A) detailed mapping of the movement of the plume over time; and

(B) projected migration rates of the plume;

(2) an analysis of the current and future impact of the movement of the plume on drinking water facilities; and

(3) a comprehensive strategy to prevent the groundwater contaminants from the site from contaminating drinking water wells that, as of the date of the submission of the report, have not been affected by the migration of the plume.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) COMPREHENSIVE STRATEGY.—The term "comprehensive strategy" means a plan for—

(A) the remediation of the plume under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) corrective action under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) GROUNDWATER.—The term "groundwater" means water in a saturated zone or stratum beneath the surface of land or water.

(3) PLUME.—The term "plume" means any hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) or hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) found in the groundwater supply.

(4) SITE.—The term "site" means the site located at 830 South Oyster Bay Road, Bethpage, New York, 11714 (Environmental Protection Agency identification number NYD002047967).

SEC. 5010. COLUMBIA RIVER BASIN RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

33 USC 1275.

"SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COLUMBIA RIVER BASIN.—The term 'Columbia River Basin' means the entire United States portion of the Columbia River watershed.

"(2) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia Estuary Partnership, an entity

created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

"(3) ESTUARY PLAN.—

"(A) IN GENERAL.—The term 'Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

"(B) INCLUSION.—The term 'Estuary Plan' includes any amendments to the plan.

"(4) LOWER COLUMBIA RIVER ESTUARY.—The term 'Lower Columbia River Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

"(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

"(6) PROGRAM.—The term 'Program' means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

"(b) COLUMBIA RIVER BASIN RESTORATION PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

"(B) EFFECT.—

"(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of the date of enactment of this section, including the roles of Federal agencies in the Columbia River Basin.

"(ii) This section does not create any new regulatory authority.

"(2) SCOPE OF PROGRAM.—The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

"(3) DUTIES.—The Administrator shall—

"(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

"(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

"(C) provide grants in accordance with subsection (d) for projects that assist in—

"(i) eliminating or reducing pollution;

"(ii) cleaning up contaminated sites;

"(iii) improving water quality;

"(iv) monitoring to evaluate trends;

"(v) reducing runoff;

"(vi) protecting habitat; or

"(vii) promoting citizen engagement or knowledge.

"(c) STAKEHOLDER WORKING GROUP.—

"(1) ESTABLISHMENT.—The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the 'Working Group').

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

"(B) INVITED REPRESENTATIVES.—The Administrator shall invite, at a minimum, representatives of—

"(i) each State located in whole or in part in the Columbia River Basin;

"(ii) the Governors of each State located in whole or in part in the Columbia River Basin;

"(iii) each federally recognized Indian tribe in the Columbia River Basin;

"(iv) local governments in the Columbia River Basin;

"(v) industries operating in the Columbia River Basin that affect or could affect water quality;

"(vi) electric, water, and wastewater utilities operating in the Columba River Basin;

"(vii) private landowners in the Columbia River Basin;

"(viii) soil and water conservation districts in the Columbia River Basin;

"(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

"(x) the general public in the Columbia River Basin; and

"(xi) the Estuary Partnership.

"(3) GEOGRAPHIC REPRESENTATION.—The Working Group shall include representatives from—

"(A) each State located in whole or in part in the Columbia River Basin; and

"(B) each of the lower, middle, and upper basins of the Columbia River.

"(4) DUTIES AND RESPONSIBILITIES.—The Working Group shall—

"(A) recommend and prioritize projects and actions; and

"(B) review the progress and effectiveness of projects and actions implemented.

"(5) LOWER COLUMBIA RIVER ESTUARY.—

"(A) ESTUARY PARTNERSHIP.—The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 320.

"(B) DESIGNATION.—If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 320, the Administrator may designate the new management conference to assume the duties and responsibilities of the Working Group described in paragraph (4) as those duties

and responsibilities relate to the Lower Columbia River Estuary.

"(C) INCORPORATION.—If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this section shall be incorporated into the duties of the Working Group.

"(d) GRANTS.—

"(1) IN GENERAL.—The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year—

"(i) shall not exceed 75 percent of the total cost of the project or activity; and

"(ii) shall be made on condition that the non-Federal share of such total cost shall be provided from non-Federal sources.

"(B) EXCEPTIONS.—With respect to cost-sharing for a grant provided under this subsection—

"(i) a tribal government may use Federal funds for the non-Federal share; and

"(ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

"(3) ALLOCATION.—In making grants using funds appropriated to carry out this section, the Administrator shall—

"(A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;

"(B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, including the Snake River Basin; and

"(C) retain not more than 5 percent of the funds for the Environmental Protection Agency for purposes of implementing this section.

"(4) REPORTING.—

"(A) IN GENERAL.—Each grant recipient under this subsection shall submit to the Administrator reports on progress being made in achieving the purposes of this section.

"(B) REQUIREMENTS.—The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

"(5) RELATIONSHIP TO OTHER FUNDING.—

"(A) IN GENERAL.—Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

"(B) LIMITATION.—None of the funds made available under this subsection may be used for the administration of a management conference under section 320.

"(e) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

"(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

"(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

"(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.".

SEC. 5011. REGULATION OF ABOVEGROUND STORAGE AT FARMS.

Section 1049(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 1361 note; Public Law 113–121) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking the subsection designation and heading and all that follows through "subsection (b)," and inserting the following:

"(c) REGULATION OF ABOVEGROUND STORAGE AT FARMS.—

"(1) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b),"; and

(3) by adding at the end the following:

"(2) CERTAIN FARM CONTAINERS.—Part 112 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to the following containers located at a farm:

"(A) Containers on a separate parcel that have—

"(i) an individual capacity of not greater than 1,000 gallons; and

"(ii) an aggregate capacity of not greater than 2,500 gallons.

"(B) A container holding animal feed ingredients approved for use in livestock feed by the Food and Drug Administration.".

SEC. 5012. IRRIGATION DISTRICTS.

Section 603(i)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in the matter preceding subparagraph (A) by striking "to a municipality or intermunicipal, interstate, or State agency" and inserting "to an eligible recipient"; and

(2) in subparagraph (A), in the matter preceding clause (i), by inserting "in assistance to a municipality or intermunicipal, interstate, or State agency" before "to benefit".

SEC. 5013. ESTUARY RESTORATION.

(a) PARTICIPATION OF NON-FEDERAL INTERESTS.—Section 104(f) of the Estuary Restoration Act of 2000 (33 U.S.C. 2903(f)) is amended by adding at the end the following:

"(3) PROJECT AGREEMENTS.—For a project carried out under this title, the requirements of section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) may be fulfilled by a nongovernmental organization serving as the non-Federal interest for the project pursuant to paragraph (2).".

(b) EXTENSION.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended by striking "2012" each place it appears and inserting "2021".

SEC. 5014. ENVIRONMENTAL BANKS.

The Coastal Wetlands Planning, Protection and Restoration Act (Public Law 101–646; 16 U.S.C. 3951 et seq.) is amended by adding at the end the following:

"SEC. 309. ENVIRONMENTAL BANKS. 16 USC 3957.

"(a) GUIDELINES.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Task Force shall, after public notice and opportunity for comment, issue guidelines for the use, maintenance, and oversight of environmental banks in Louisiana.

"(b) REQUIREMENTS.—The guidelines issued pursuant to subsection (a) shall—

"(1) set forth procedures for establishment and approval of environmental banks subject to the approval of the heads of the appropriate Federal agencies responsible for implementation of Federal environmental laws for which mitigation credits may be used;

"(2) establish criteria for siting of environmental banks that enhance the resilience of coastal resources to inundation and coastal erosion in high priority areas, as identified within Federal or State restoration plans, including the restoration of resources within the scope of a project authorized for construction;

"(3) establish criteria that ensure environmental banks secure adequate financial assurances and legally enforceable protection for the land or resources that generate the credits from environmental banks;

"(4) stipulate that credits from environmental banks may not be used for mitigation of impacts required under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or the Endangered Species Act (16 U.S.C. 1531 et seq.) in an area where an existing mitigation bank approved pursuant to such laws within 5 years of enactment of the Water Resources Development Act of 2016 has credits available;

"(5) establish performance criteria for environmental banks; and

"(6) establish criteria and financial assurance for the operation and monitoring of environmental banks.

"(c) ENVIRONMENTAL BANK.—

"(1) DEFINITION OF ENVIRONMENTAL BANK.—In this section, the term 'environmental bank' means a project, project increment, or projects for purposes of restoring, creating, or

enhancing natural resources at a designated site to establish mitigation credits.

"(2) CREDITS.—Mitigation credits created from environmental banks approved pursuant to this section may be used to satisfy existing liability under Federal environmental laws.

"(d) SAVINGS CLAUSE.—

"(1) APPLICATION OF FEDERAL LAW.—Guidelines developed under this section and mitigation carried out through an environmental bank established pursuant to such guidelines shall comply with all applicable requirements of Federal law (including regulations), including—

"(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(B) the Endangered Species Act (16 U.S.C. 1531 et seq.);

"(C) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

"(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(E) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

"(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect—

"(A) any authority, regulatory determination, or legal obligation in effect the day before the date of enactment of the Water Resources Development Act of 2016; or

"(B) the obligations or requirements of any Federal environmental law.

"(e) SUNSET.—No new environmental bank may be created or approved pursuant to this section after the date that is 10 years after the date of enactment of this section.".

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 612:

CONGRESSIONAL RECORD:
Vol. 161 (2015): May 21, considered and passed Senate.
Vol. 162 (2016): Dec. 8, considered and passed House, amended. Senate considered concurring in House amendment.
Dec. 9, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Dec. 16, Presidential statement.

Public Law 114–323
114th Congress

An Act

To authorize the Department of State for fiscal year 2016, and for other purposes.

Dec. 16, 2016
[S. 1635]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of State Authorities Act, Fiscal Year 2017. 22 USC 2651 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of State Authorities Act, Fiscal Year 2017".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

22 USC 2651 note.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(2) DEPARTMENT.—Unless otherwise specified, the term "Department" means the Department of State.

(3) FOREIGN SERVICE.—The term "Foreign Service" has the meaning given such term in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902).

(4) INSPECTOR GENERAL.—Unless otherwise specified, the term "Inspector General" means the Office of Inspector General of the Department of State and the Broadcasting Board of Governors.

(5) PEACEKEEPING CREDITS.—The term "peacekeeping credits" means the amounts by which United States assessed peacekeeping contributions exceed actual expenditures, apportioned to the United States, of peacekeeping operations by the United Nations during a United Nations peacekeeping fiscal year.

(6) SECRETARY.—Unless otherwise specified, the term "Secretary" means the Secretary of State.

TITLE I—EMBASSY SECURITY AND PERSONNEL PROTECTION

Subtitle A—Review and Planning Requirements

SEC. 101. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS.

(a) IN GENERAL.—Title I of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.; relating to diplomatic security) is amended by inserting after section 103 the following new sections:

"SEC. 104. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS.

Determinations. 22 USC 4803. Deadline. Reports.

"(a) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this section, the Department of State shall submit to the appropriate congressional committees a report, in classified form, that contains a list of diplomatic and consular posts designated as high risk, high threat posts.

"(b) DESIGNATIONS BEFORE OPENING OR REOPENING POSTS.—Before opening or reopening a diplomatic or consular post, the

Secretary shall determine if such post should be designated as a high risk, high threat post.

"(c) DESIGNATING EXISTING POSTS.—The Secretary shall regularly review existing diplomatic and consular posts to determine if any such post should be designated as a high risk, high threat post if conditions at such post or the surrounding security environment require such a designation.

"(d) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) HIGH RISK, HIGH THREAT POST.—The term 'high risk, high threat post' means a United States diplomatic or consular post or other United States mission abroad, as determined by the Secretary, that, among other factors—

"(A) is located in a country—

"(i) with high to critical levels of political violence and terrorism; and

"(ii) the government of which lacks the ability or willingness to provide adequate security; and

"(B) has mission physical security platforms that fall below the Department of State's established standards.

22 USC 4804.

"SEC. 105. BRIEFINGS ON EMBASSY SECURITY.

"(a) BRIEFING.—The Secretary shall provide monthly briefings to the appropriate congressional committees on—

"(1) any plans to open or reopen a high risk, high threat post, including—

"(A) the importance and appropriateness of the objectives of the proposed post to the national security of the United States, and the type and level of security threats such post could encounter;

"(B) working plans to expedite the approval and funding for establishing and operating such post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

"(C) security 'tripwires' that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

Coordination.
Evaluation.

"(D) in coordination with the Secretary of Defense, an evaluation of available United States military assets and operational plans to respond to such posts in extremis;

"(2) personnel staffing and rotation cycles at high risk, high threat posts;

"(3) the current security posture at posts of particular concern as determined by such committees; and

"(4) the progress towards implementation of the provisions specified in title I of the Department of State Authorities Act, Fiscal Year 2017.

Deadlines.

"(b) CONGRESSIONAL NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate

congressional committees of the decision to open or reopen such post.

"(2) EMERGENCY CIRCUMSTANCES.—If the Secretary determines that the national security interests of the United States require the opening or reopening of a high risk, high threat post in fewer than 30 days, then as soon as possible, but not later than 48 hours before such opening or reopening, the Secretary shall transmit to the appropriate congressional committees a notification detailing the decision to open or reopen such post, the nature of the critical national security interests at stake, and the circumstances that prevented the normal 30-day notice under paragraph (1). Determination.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.".

(b) CONFORMING AMENDMENT.—The table of contents of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after the item relating to section 103 the following new items:

"Sec. 104. Designation of high risk, high threat posts.
"Sec. 105. Briefings on embassy security.".

SEC. 102. CONTINGENCY PLANS FOR HIGH RISK, HIGH THREAT POSTS.

Subsection (a) of section 606 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865; relating to diplomatic security) is amended—

(1) in paragraph (1)(A), in the first sentence—

(A) by inserting "and from complex attacks (as such term is defined in section 416 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986)," after "attacks from vehicles"; and

(B) by inserting "or such a complex attack" before the period at the end;

(2) in paragraph (7), by inserting before the period at the end the following: ", including at high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986), including options for the deployment of additional military personnel or equipment to bolster security and rapid deployment of armed or surveillance assets in response to an attack".

SEC. 103. DIRECT REPORTING. 22 USC 4802 note.

The Assistant Secretary for Diplomatic Security shall report directly to the Secretary, without being required to obtain the approval or concurrence of any other official of the Department, as threats and circumstances require.

SEC. 104. ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS RELATED TO UNSATISFACTORY LEADERSHIP.

(a) IN GENERAL.—Subsection (c) of section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "Whenever" and inserting "If"; and

(B) by striking "has breached the duty of that individual" and inserting "has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a)";

(2) in paragraph (2), by striking "finding" each place it appears and inserting "findings"; and

(3) in the matter following paragraph (3)—

(A) by striking "has breached a duty of that individual" and inserting "has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual as described in this subsection"; and

(B) by striking "to the performance of the duties of that individual".

Applicability. 22 USC 4834 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any Accountability Review Board that is convened under section 301 of the Diplomatic Security Act (22 U.S.C. 4831) on or after the date of the enactment of this Act.

Subtitle B—Physical Security and Personnel Requirements

SEC. 111. CAPITAL SECURITY COST SHARING PROGRAM.

(a) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities at high risk, high threat posts.

(b) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note) is amended by adding at the end the following new sentence: "A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal department or agency to the extent that the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required under paragraph (1), notwithstanding any authorization and appropriation of relevant funds by Congress.".

SEC. 112. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.

Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is amended by adding at the end the following new subsection:

"(h) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS.—In evaluating proposals for local guard contracts under this section, the Secretary of State may award such contracts on the basis of best value as determined by a cost-technical tradeoff

analysis (as described in Federal Acquisition Regulation part 15.101) and, with respect to such contracts for posts that are not high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.; relating to diplomatic security)), subject to congressional notification 15-days prior to any such award.".

SEC. 113. TRANSFER AUTHORITY.

Section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295) is amended by adding at the end the following new subsection:

"(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to paragraph (2), the Secretary may transfer to, and merge with, any appropriation for fiscal year 2018 under the heading 'Diplomatic and Consular Programs', including for Worldwide Security Protection, and under the heading 'Embassy Security, Construction, and Maintenance' funds appropriated under such headings if the Secretary determines such transfer is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements. Determination.

"(A) shall not exceed 20 percent of any appropriation made available for fiscal year 2018 for the Department of State under the heading 'Administration of Foreign Affairs', and no such appropriation shall be increased by more than 10 percent by any such transfer; and

"(B) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

"(2) Not later than 15 days before any transfer of funds pursuant to paragraph (1), the Secretary of State shall notify in writing the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives. Any such notification shall include a description of the particular security need necessitating the transfer at issue.". Deadline. Notification.

SEC. 114. SECURITY ENHANCEMENTS FOR SOFT TARGETS.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended, in the third sentence, by inserting "physical security enhancements and" after "may include".

SEC. 115. EXEMPTION FROM CERTAIN PROCUREMENT PROTEST PROCEDURES FOR NONCOMPETITIVE CONTRACTING IN EMERGENCY CIRCUMSTANCES. 22 USC 2679d.

A determination by the Department to use procedures other than competitive procedures under section 3304 of title 41, United States Code, in order to meet emergency security requirements, as determined by the Secretary or the Secretary's designee, including physical security upgrades, protective equipment, and other immediate threat mitigation projects, shall not be subject to challenge by protest under either subchapter V of chapter 35 of title 31, United States Code, or section 1491 of title 28, United States Code.

SEC. 116. SENSE OF CONGRESS REGARDING MINIMUM SECURITY STANDARDS FOR TEMPORARY UNITED STATES DIPLOMATIC AND CONSULAR POSTS.

It is the sense of Congress that—

(1) the Overseas Security Policy Board's security standards for facilities should apply to all facilities consistent with 12 FAM 311.2; and

(2) such facilities should comply with requirements for attaining a waiver or exception to applicable standards if it is in the national interest of the United States.

22 USC 4868.

SEC. 117. ASSIGNMENT OF PERSONNEL AT HIGH RISK, HIGH THREAT POSTS.

The Secretary to the extent practicable shall station key personnel for sustained periods of time at high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as added by section 401 of this Act) in order to—

(1) establish institutional knowledge and situational awareness that would allow for a fuller familiarization of the local political and security environment in which such posts are located; and

(2) ensure that necessary security procedures are implemented.

22 USC 304.

SEC. 118. ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing embassy construction projects and major embassy security upgrade projects.

Cost estimates.

(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing embassy construction projects and major embassy security upgrade projects:

(1) The initial cost estimate.

(2) The amount expended on the project to date.

(3) The projected timeline for completing the project.

(4) Any cost overruns incurred by the project.

Time period.

(c) INITIAL REPORT.—The first report required under subsection (a) shall include an annex regarding all embassy construction projects and major embassy security upgrade projects completed during the 10-year period ending on the date of the enactment of this Act, including, for each such project, the following:

(1) The initial cost estimate.

(2) The amount actually expended on the project.

(3) Any additional time required to complete the project beyond the initial timeline.

(4) Any cost overruns incurred by the project.

SEC. 119. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

Section 1 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292), is amended by adding at the end the following new subsection:

"(c) AUTHORIZATION FOR IMPROVEMENTS AND CONSTRUCTION.—The Secretary of State may improve or construct facilities overseas for other Federal departments and agencies on an advance-of-funds or reimbursable basis if such advances or reimbursements are credited to the Embassy Security, Construction, and Maintenance account and remain available until expended.".

Subtitle C—Security Training

SEC. 121. SECURITY TRAINING FOR PERSONNEL ASSIGNED TO HIGH RISK, HIGH THREAT POSTS.

(a) IN GENERAL.—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.; relating to diplomatic security) is amended by adding at the end the following new sections:

"SEC. 416. SECURITY TRAINING FOR PERSONNEL ASSIGNED TO A HIGH RISK, HIGH THREAT POST. 22 USC 4866.

"(a) IN GENERAL.—Individuals assigned permanently to or who are in long-term temporary duty status as designated by the Secretary of State at a high risk, high threat post shall receive security training described in subsection (b) on a mandatory basis in order to prepare such individuals for living and working at such posts.

"(b) SECURITY TRAINING DESCRIBED.—Security training referred to in subsection (a)—

"(1) is training to improve basic knowledge and skills; and

"(2) may include—

"(A) an ability to recognize, avoid, and respond to potential terrorist situations, including a complex attack;

"(B) conducting surveillance detection;

"(C) providing emergency medical care;

"(D) ability to detect the presence of improvised explosive devices;

"(E) minimal firearms familiarization; and

"(F) defensive driving maneuvers.

"(c) EFFECTIVE DATE.—The requirements of this section shall take effect upon the date of the enactment of this section.

"(d) DEFINITIONS.—In this section and section 417:

"(1) COMPLEX ATTACK.—The term 'complex attack' has the meaning given such term by the North Atlantic Treaty Organization, as follows: 'An attack conducted by multiple hostile elements which employ at least two distinct classes of weapon systems (i.e., indirect fire and direct fire, improvised explosive devices, and surface to air fire).'.

"(2) HIGH RISK, HIGH THREAT POST.—The term 'high risk, high threat post' has the meaning given such term in section 104.

"SEC. 417. SECURITY MANAGEMENT TRAINING FOR OFFICIALS ASSIGNED TO A HIGH RISK, HIGH THREAT POST. 22 USC 4867.

"(a) IN GENERAL.—Officials described in subsection (c) who are assigned to a high risk, high threat post shall receive security training described in subsection (b) on a mandatory basis in order to improve the ability of such officials to make security-related management decisions.

"(b) SECURITY TRAINING DESCRIBED.—Security training referred to in subsection (a) may include—

"(1) development of skills to better evaluate threats;

"(2) effective use of security resources to mitigate such threats; and

"(3) improved familiarity of available security resources.

"(c) OFFICIALS DESCRIBED.—Officials referred to in subsection (a) are the following:

"(1) Members of the Senior Foreign Service appointed under section 302(a)(1) or 303 of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(1) and 3943) or members of the Senior Executive Service (as such term is described in section 3132(a)(2) of title 5, United States Code).

"(2) Foreign Service officers appointed under section 302(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(1)) holding a position in classes FS–1 or FS–2.

"(3) Foreign Service Specialists appointed by the Secretary under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) holding a position in classes FS–1 or FS–2.

"(4) Individuals holding a position in grades GS–14 or GS–15.

"(5) Personal services contractors and other contractors serving in positions or capacities similar to the officials described in paragraphs (1) through (4).

"(d) EFFECTIVE DATE.—The requirements of this section shall take effect beginning on the date that is 1 year after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of contents of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after the item relating to section 415 the following new items:

"Sec. 416. Security training for personnel assigned to a high risk, high threat post.
"Sec. 417. Security management training for officials assigned to a high risk, high threat post.".

SEC. 122. SENSE OF CONGRESS REGARDING LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH RISK, HIGH THREAT POST.

(a) IN GENERAL.—It is the sense of Congress that diplomatic security personnel assigned permanently to or who are in long-term temporary duty status as designated by the Secretary at a high risk, high threat post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

(b) LANGUAGE TRAINING DESCRIBED.—Language training referred to in subsection (a) should prepare personnel described in such subsection to—

(1) speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

(2) read within an adequate range of speed and with almost complete comprehension on subjects germane to security.

Subtitle D—Expansion of the Marine Corps Security Guard Detachment Program

Consultation.
22 USC 4802 note.
Review.
Assessments.

SEC. 131. MARINE CORPS SECURITY GUARD PROGRAM.

(a) IN GENERAL.—Pursuant to the responsibility of the Secretary for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802; enacted as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99–399)), the Secretary, in consultation with the Secretary of

Defense, shall conduct an annual review of the Marine Corps Security Guard Program, including the following:

(1) An evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements. Evaluation.

(2) An assessment of whether the Marine Corps security guards are appropriately deployed among United States embassies, consulates, and other diplomatic facilities to respond to evolving security developments and potential threats to United States interests abroad.

(3) An assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 3 years, the Secretary, in consultation with the Secretary of Defense, shall submit to the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate an unclassified report, with a classified annex as necessary, that addresses the requirements specified in subsection (a).

TITLE II—OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS

SEC. 201. COMPETITIVE HIRING STATUS FOR FORMER EMPLOYEES OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION. Time period.

Notwithstanding any other provision of law, any employee of the Office of the Special Inspector General for Iraq Reconstruction who completes at least 12 months of continuous employment within the Office at any time prior to October 5, 2013, and was not terminated for cause shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

SEC. 202. CERTIFICATION OF INDEPENDENCE OF INFORMATION TECHNOLOGY SYSTEMS OF THE OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS. Deadlines.

Not later than 1 year after the date of the enactment of this Act and annually thereafter for 4 years, the Secretary shall submit to the appropriate congressional committees, with respect to the network, information systems, and files of the Office of Inspector General of the Department and Broadcasting Board of Governors managed by the Department, a certification that the Department has ensured the integrity and independence of such network, information systems, and files, including the prevention of access to such network, information systems, and files other than as authorized by the Inspector General or the Attorney General, or, for purposes of ensuring information and systems security pursuant

to applicable statute, the Chief Information Officer of the Department.

SEC. 203. PROTECTING THE INTEGRITY OF INTERNAL INVESTIGATIONS.

Subsection (c) of section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended by adding at the end the following new paragraph:

"(6) REQUIRED REPORTING OF ALLEGATIONS AND INVESTIGATIONS AND INSPECTOR GENERAL AUTHORITY.—

"(A) IN GENERAL.—The head of a bureau, post, or other office of the Department of State (in this paragraph referred to as a 'Department entity') shall submit to the Inspector General a report of any allegation of—

"(i) waste, fraud, or abuse in a Department program or operation;

"(ii) criminal or serious misconduct on the part of a Department employee at the FS–1, GS–15, or GM–15 level or higher;

"(iii) criminal misconduct on the part of a Department employee; and

"(iv) serious, noncriminal misconduct on the part of any Department employee who is authorized to carry a weapon, make arrests, or conduct searches, such as conduct that, if proved, would constitute perjury or material dishonesty, warrant suspension as discipline for a first offense, or result in loss of law enforcement authority.

"(B) DEADLINE.—The head of a Department entity shall submit to the Inspector General a report of an allegation described in subparagraph (A) not later than 5 business days after the date on which the head of such Department entity is made aware of such allegation.".

SEC. 204. REPORT ON INSPECTOR GENERAL INSPECTION AND AUDITING OF FOREIGN SERVICE POSTS AND BUREAUS AND OTHER OFFICES OF THE DEPARTMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the appropriate congressional committees a report on the requirement under section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) that the Inspector General inspect and audit, at least every 5 years, the administration of activities and operations of each Foreign Service post and each bureau or other office of the Department.

(b) CONSIDERATION OF MULTI-TIER SYSTEM.—The report required under subsection (a) shall assess the advisability and feasibility of implementing a multi-tier system for inspecting Foreign Service posts and bureaus and other offices of the Department under section 209(a)(1) of the Foreign Service Act of 1980 featuring more or less frequent inspections and audits based on risk, including security risk, as may be determined by the Inspector General.

SEC. 205. IMPLEMENTING GAO AND OIG RECOMMENDATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department has not implemented all of the recommendations made by the Government Accountability Office (GAO) and the Office of the Inspector General (OIG) related to embassy security and

that some recommendations may yield potentially significant cost savings to the Department.

(b) BRIEFING.—The Secretary shall provide a briefing to the appropriate congressional committees detailing the rationale for not implementing recommendations made by the GAO and OIG related to embassy security or those that may yield significant cost savings to the Department, if implemented.

SEC. 206. INSPECTOR GENERAL SALARY LIMITATIONS.

Section 412 of the Foreign Service Act of 1980 (22 U.S.C. 3972) is amended by inserting after subsection (a) the following new subsection:

"(b) The Inspector General of the United States Agency for International Development (USAID) shall limit the payment of special differentials to USAID Foreign Service criminal investigators to levels at which the aggregate of basic pay and special differential for any pay period would equal, for such criminal investigators, the bi-weekly pay limitations on premium pay regularly placed on other criminal investigators within the Federal law enforcement community. This provision shall be retroactive to January 1, 2013.". Effective date.

TITLE III—INTERNATIONAL ORGANIZATIONS

SEC. 301. OVERSIGHT OF AND ACCOUNTABILITY FOR PEACEKEEPER ABUSES. 22 USC 287 note.

(a) STRATEGY TO ENSURE REFORM AND ACCOUNTABILITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit, in unclassified form, to the appropriate congressional committees— Deadline.

(1) a United States strategy for combating sexual exploitation and abuse in United Nations peacekeeping operations; and

(2) an implementation plan for achieving the objectives set forth in the strategy described in paragraph (1). Implementation plan.

(b) OBJECTIVES.—The objectives of the strategy required under subsection (a) shall be the following:

(1) To dramatically reduce the incidence of sexual exploitation and abuse committed by civilian and military personnel assigned to United Nations peacekeeping operations.

(2) To ensure the introduction and implementation by the United Nations of improved training, oversight, and accountability mechanisms for United Nations peacekeeping operations and the personnel involved with such operations.

(3) To ensure swift justice for any such personnel who are found to have committed sexual exploitation or abuse.

(4) To assist the United Nations and troop- or police-contributing countries, as necessary and appropriate, to improve their ability to prevent, identify, and prosecute sexual exploitation or abuse by personnel involved in peacekeeping operations.

(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements and objectives:

(1) The amendment of the model memorandum of understanding and review of all current memorandums of understanding for troop- or police-contributing countries participating in United Nations peacekeeping operations to strengthen provisions relating to the investigation, repatriation, prosecution, and discipline of troops or police that are credibly alleged to have engaged in cases of misconduct.

(2) The establishment of onsite courts-martial, as appropriate, for the prosecution of crimes committed by military peacekeeping personnel, that is consistent with each peacekeeping operations' status of forces agreement with its host country.

(3) The exploration of appropriate arrangements to waive the immunity of civilian employees of the United Nations and its specialized agencies, funds, and programs to enable the prosecution of such employees who are credibly alleged to have engaged in sexual exploitation, abuse, or other crimes.

(4) The creation of a United Nations Security Council ombudsman office that—

(A) is authorized to conduct ongoing oversight of peacekeeping operations;

(B) reports directly to the Security Council on—

(i) offenses committed by peacekeeping personnel or United Nations civilian staff or volunteers; and

(ii) the actions taken in response to such offenses; and

(C) provides reports to the Security Council on the conduct of personnel in each peacekeeping operation not less frequently than annually and before the expiration or renewal of the mandate of any such peacekeeping operation.

(5) The provision of guidance from the United Nations on the establishment of a standing claims commission for each peacekeeping operation—

(A) to address any grievances by a host country's civilian population against United Nations personnel in cases of alleged abuses by peacekeeping personnel; and

(B) to provide means for the government of the country of which culpable United Nations peacekeeping or civilian personnel are nationals to compensate the victims of such crimes.

(6) The adoption of a United Nations policy and plan that increases the number of troop- or police-contributing countries that—

(A) obtain and maintain DNA samples from each national of such country who is a member of a United Nations military contingent or formed police unit, consistent with national laws, of such contingent or unit; and

(B) make such DNA samples available to investigators from the troop- or police-contributing country (except that such should not be made available to the United Nations) if allegations of sexual exploitation or abuse arise.

(7) The adoption of a United Nations policy that bars troop- or police-contributing countries that fail to fulfill their obligation to ensure good order and discipline among their troops from providing any further troops for peace operations or restricts peacekeeper reimbursements to such countries until

appropriate training, institutional reform, and oversight mechanisms to prevent such problems from recurring have been put in place.

(8) The implementation of appropriate risk reduction policies, including refusal by the United Nations to deploy uniformed personnel from any troop- or police-contributing country that does not adequately—

(A) investigate allegations of sexual exploitation or abuse involving nationals of such country; and

(B) ensure justice for those personnel determined to have been responsible for such sexual exploitation or abuse.

(d) IMPLEMENTATION.—The United States Permanent Representative to the United Nations shall use the voice, vote, and influence of the United States at the United Nations to advance the objectives of the strategy required by subsection (a).

(e) PEACEKEEPING TRAINING.—The United States should deny further United States peacekeeper training or related assistance, except for training specifically designed to reduce the incidence of sexual exploitation or abuse, or to assist in its identification or prosecution, to any troop- or police-contributing country that does not—

(1) implement and maintain effective measures to enhance the discovery of sexual exploitation and abuse offenses committed by peacekeeping personnel who are nationals of such country;

(2) adequately respond to complaints about such offenses by carrying out swift and effective disciplinary action against the personnel who are found to have committed such offenses; and

(3) provide detailed reporting to the ombudsman described in subsection (c)(4) (or other appropriate United Nations official) that describes the offenses committed by the nationals of such country and such country's responses to such offenses.

(f) ASSISTANCE.—The United States should develop support mechanisms to assist troop- or police-contributing countries, as necessary and appropriate—

(1) to improve their capacity to investigate allegations of sexual exploitation and abuse offenses committed by nationals of such countries while participating in a United Nations peacekeeping operation; and

(2) to appropriately hold accountable any individual who commits an act of sexual exploitation or abuse.

(g) HUMAN RIGHTS REPORTING.—In coordination with the ombudsman described in subsection (c)(4) (or other appropriate United Nations official), the Secretary shall identify, in the Department's annual country reports on human rights practices, the countries of origin of any peacekeeping personnel or units that— Coordination.

(1) are characterized by noteworthy patterns of sexual exploitation or abuse; or

(2) have failed to institute appropriate institutional and procedural reforms after being made aware of any such patterns.

SEC. 302. REIMBURSEMENT OF CONTRIBUTING COUNTRIES. 22 USC 287 note.

It is the policy of the United States that—

(1) the present formula for determining the troop reimbursement rate paid to troop- and police-contributing countries for United Nations peacekeeping operations should be clearly explained and made available to the public on the United Nations Department of Peacekeeping Operations website;

(2) regular audits of the nationally-determined pay and benefits given to personnel from troop- and police-contributing countries participating in United Nations peacekeeping operations should be conducted to help inform the reimbursement rate referred to in paragraph (1); and

(3) the survey mechanism developed by the United Nations Secretary General's Senior Advisory Group on Peacekeeping Operations for collecting troop- and police-contributing country data on common and extraordinary expenses associated with deploying personnel to peacekeeping operations should be coordinated with the audits described in paragraph (2) to ensure proper oversight and accountability.

22 USC 287 note.

SEC. 303. WITHHOLDING OF ASSISTANCE.

It is the policy of the United States that security assistance should not be provided to any unit of the security forces of a foreign country if such unit has engaged in a gross violation of human rights or in acts of sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation.

22 USC 287 note.

SEC. 304. UNITED NATIONS PEACEKEEPING ASSESSMENT FORMULA.

The Secretary shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to urge the United Nations to share the raw data used to calculate Member State peacekeeping assessment rates and to make available the formula for determining peacekeeping assessments.

President.
22 USC 287 note.

SEC. 305. REIMBURSEMENT OR APPLICATION OF CREDITS.

Notwithstanding any other provision of law, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek and timely obtain a commitment from the United Nations to make available to the United States any peacekeeping credits that are generated from a closed peacekeeping operation.

SEC. 306. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS RELATING TO PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Paragraph (1) of section 4(c) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(c)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) A description of all assistance from the United States to the United Nations to support peacekeeping operations that—

"(i) was provided during the previous fiscal year;

"(ii) is expected to be provided during the fiscal year; or

"(iii) is included in the annual budget request to Congress for the forthcoming fiscal year.";

(2) by amending subparagraph (D) to read as follows:

"(D) For assessed or voluntary contributions described in subparagraph (B)(iii) or (C)(iii) that exceed $100,000 in value, including in-kind contributions—

"(i) the total amount or estimated value of all such contributions to the United Nations and to each of its affiliated agencies and related bodies;

"(ii) the nature and estimated total value of all in-kind contributions in support of United Nations peacekeeping operations and other international peacekeeping operations, including—

"(I) logistics;

"(II) airlift;

"(III) arms and materiel;

"(IV) nonmilitary technology and equipment;

"(V) personnel; and

"(VI) training;

"(iii) the approximate percentage of all such contributions to the United Nations and to each such agency or body when compared with all contributions to the United Nations and to each such agency or body from any source; and

"(iv) for each such United States Government contribution to the United Nations and to each such agency or body—

"(I) the amount or value of the contribution;

"(II) a description of the contribution, including whether it is an assessed or voluntary contribution;

"(III) the purpose of the contribution;

"(IV) the department or agency of the United States Government responsible for the contribution; and

"(V) the United Nations or United Nations affiliated agency or related body that received the contribution."; and

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

"(E) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.".

(b) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting each report under section 4(c) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(c)), the Director of the Office of Management and Budget shall post a text-based, searchable version of any unclassified information described in paragraph (1)(D) of such section (as amended by subsection (a) of this section) on a publicly available website.

Web posting.
22 USC 287b note.

SEC. 307. WHISTLEBLOWER PROTECTIONS FOR UNITED NATIONS PERSONNEL.

President.
22 USC 287 note.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to—

(1) call for the removal of any official of the United Nations or of any United Nations agency, program, commission, or fund who the Secretary has determined has failed to uphold the highest standards of ethics and integrity established by the United Nations, including such standards specified in

United Nations Codes of Conduct and Codes of Ethics, or whose conduct, with respect to preventing sexual exploitation and abuse by United Nations peacekeepers, has resulted in the erosion of public confidence in the United Nations;

(2) ensure that best practices with regard to whistleblower protections are extended to all personnel serving the United Nations or serving any United Nations agency, program, commission, or fund, especially personnel participating in United Nations peacekeeping operations, United Nations police officers, United Nations staff, contractors, and victims of misconduct, wrongdoing, or criminal behavior involving United Nations personnel;

(3) ensure that the United Nations implements protective measures for whistleblowers who report significant allegations of misconduct, wrongdoing, or criminal behavior by personnel serving the United Nations or serving any United Nations agency, program, commission, or fund, especially personnel participating in United Nations peacekeeping operations, United Nations staff, or contractors, specifically by implementing best practices for the protection of such whistleblowers from retaliation, including—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to independent adjudicative bodies, including external arbitration; and

(E) results that eliminate the effects of proven retaliation;

(4) insist that the United Nations provides adequate redress to any whistleblower who has suffered from retribution in violation of the protective measures specified in paragraph (3), including reinstatement to any position from which such whistleblower was wrongfully removed, or reassignment to a comparable position at the same level of pay, plus any compensation for any arrearage in salary to which such whistleblower would have otherwise been entitled but for the wrongful retribution;

(5) call for public disclosure of the number and general description of—

(A) complaints submitted to the United Nations' Ethics Office, local Conduct and Discipline teams, or other entity designated to receive complaints from whistleblowers;

(B) determinations that probable cause exists to conduct an investigation, and specification of the entity conducting such investigation, including the Office of Internal Oversight Services, the Office of Audit and Investigations (for UNDP), the Office of Internal Audit (for UNICEF), and the Inspector General's Office (for UNHCR);

(C) dispositions of such investigations, including dismissal and referral for adjudication, specifying the adjudicating entity, such as the United Nations Dispute Tribunal; and

(D) results of adjudication, including disciplinary measures proscribed and whether such measures were effected, including information with respect to complaints regarding allegations of sexual exploitation and abuse by United

Nations peacekeepers, allegations of fraud in procurement and contracting, and all other allegations of misconduct, wrongdoing, or criminal behavior;

(6) insist that the full, unredacted text of any investigation or adjudication referred to in paragraph (5) are made available to Member States upon request; and

(7) call for an examination of the feasibility of establishing a stand-alone agency at the United Nations, independent of the Secretary General, to investigate all allegations of misconduct, wrongdoing, or criminal behavior, reporting to the Member States of the General Assembly, paid for from the United Nations regular budget, to replace existing investigative bodies, including the Office of Internal Oversight Services, the Office of Audit and Investigations, the Office of Internal Audit, and the offices of inspectors general of relevant United Nations agencies .

SEC. 308. ENCOURAGING EMPLOYMENT OF UNITED STATES CITIZENS AT THE UNITED NATIONS.

Section 181 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 276c–4) is amended to read as follows:

"SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

Deadlines. Reports. Assessments.

"Not later than 180 days after the date of the enactment of the Department of State Authorization Act, Fiscal Year 2017, and annually thereafter for 3 years, the Secretary of State shall submit to Congress a report that provides—

"(1) for each international organization that had a geographic distribution formula in effect on January 1, 1991, an assessment of whether that organization—

"(A) is taking good faith steps to increase the staffing of United States citizens, including, as appropriate, as assessment of any additional steps the organization could be taking to increase such staffing; and

"(B) has met the requirements of its geographic distribution formula; and

"(2) an assessment of United States representation among professional and senior-level positions at the United Nations, including—

"(A) an assessment of the proportion of United States citizens employed at the United Nations Secretariat and at all United Nations specialized agencies, funds, and programs relative to the total employment at the United Nations Secretariat and at all such agencies, funds, and programs;

"(B) an assessment of compliance by the United Nations Secretariat and such agencies, funds, and programs with any applicable geographic distribution formula; and

"(C) a description of any steps taken or planned to be taken by the United States to increase the staffing of United States citizens at the United Nations Secretariat and such agencies, funds and programs.".

22 USC 2414a note.

SEC. 309. STATEMENT OF POLICY ON MEMBER STATE'S VOTING PRACTICES AT THE UNITED NATIONS.

It is the policy of the United States to strongly consider a Member State's voting practices at the United Nations before entering into any agreements with the Member State.

22 USC 287 note.

SEC. 310. QUALIFICATIONS OF THE UNITED NATIONS SECRETARY GENERAL.

(a) SENSE OF CONGRESS.—The Secretary shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to urge each future candidate for the position of the United Nations Secretary General to circulate to the Member States of the General Assembly a description of his or her priorities and objectives for leading the organization and ensuring that it upholds the principles outlined by the United Nations Charter, including specific recommendations to improve strategic planning and enact far-reaching management, performance, and accountability reforms.

(b) PROPOSAL FOR UNITED NATIONS REFORM.—The descriptions referred to in subsection (a) shall include the following elements:

(1) A process for determining the goals, objectives, and benchmarks for the timely withdrawal of peacekeeping forces prior to the approval by the United Nations Security Council of a new or expanded peacekeeping operation.

(2) A proposal for ensuring that the numbers and qualifications of staff are clearly aligned with the specific needs of each United Nations agency, mission, and program, including measures to ensure that such agencies, missions, and programs have the flexibility needed to hire and release employees as workforce needs change over time.

(c) STATEMENT OF POLICY.—It is the policy of the United States to withhold support for any candidate for the position of United Nations Secretary General unless such candidate has produced a clear vision for leading the United Nations, including a robust reform agenda as described in subsection (b), and circulated such l to the Member States of the General Assembly.

SEC. 311. POLICY REGARDING THE UNITED NATIONS HUMAN RIGHTS COUNCIL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should use its voice, vote, and influence at the United Nations to work to ensure that—

(1) the United Nations Human Rights Council takes steps to remove permanent items on the United Nations Human Rights Council's agenda or program of work that target or single out a specific country or a specific territory or territories;

(2) the United Nations Human Rights Council does not include a Member State of the United Nations—

(A) subject to sanctions by the United Nations Security Council;

(B) under a United Nations Security Council-mandated investigation for human rights abuses;

(C) which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act

of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

(D) which the President has designated as a country of particular concern for religious freedom under section 402(b) of the International Religious Freedom Act of 1998; and

(3) the percentage of United States citizens employed at the senior level in each of the Research and Right to Development Division, the Human Rights Treaties Division, the Field Operations and Technical Cooperation Division, and the Human Rights Council and Special Procedures Division of the United Nations Human Rights Office of the High Commissioner during the most recently completed plenary session of the United Nations General Assembly is at least equivalent to the percentage of the total United States assessed contribution to the United Nations regular budget during such plenary session of the United Nations General Assembly.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for each of the following 5 years, the Secretary shall submit to the appropriate congressional committees a report that describes— Time period.

(1) the resolutions that were considered in the United Nations Human Rights Council during the previous 12 months;

(2) the steps that have been taken during that 12-month period to remove permanent items on the United Nations Human Rights Council's agenda or program of work that target or single out a specific country or a specific territory or territories;

(3) a detailed list of any country currently on, or running for a seat on, the United Nations Human Rights Council that meets any of the criteria described in subparagraph (A), (B), (C), or (D) of subsection (a)(3); and Lists.

(4) the current employment breakdown by nationality at each of the four major divisions of the United Nations Human Rights Office of the High Commissioner as specified in subsection (a)(4).

SEC. 312. ADDITIONAL REPORT ON OTHER UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS. 22 USC 287b–1.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions with a value greater than $100,000, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

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

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions

to each such agency or body from any source in such fiscal year.

(3) For each such United States Government contribution—

(A) the amount of each such contribution;

(B) a description of each such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for each such contribution;

(D) the purpose of each such contribution; and

(E) the United Nations or its affiliated agency or related body receiving the contribution.

Time period.

(c) SCOPE OF INITIAL REPORT.—The first report required under subsection (a) shall include the information required under this section for the previous 3 fiscal years.

Web posting.

(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of such report on a text-based, searchable, and publicly available Internet Web site.

SEC. 313. COMPARATIVE REPORT ON PEACEKEEPING OPERATIONS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the costs, strengths, and limitations of United States and United Nations peacekeeping operations, which shall include—

(1) a comparison of the costs of current United Nations peacekeeping operations and the estimated cost of comparable United States peacekeeping operations; and

Analysis.

(2) an analysis of the strengths and limitations of—

(A) a peacekeeping operation led by the United States; and

(B) a peacekeeping operation led by the United Nations.

TITLE IV—PERSONNEL AND ORGANIZATIONAL ISSUES

22 USC 3968a.

SEC. 401. LOCALLY-EMPLOYED STAFF WAGES.

Deadline.

(a) MARKET-RESPONSIVE STAFF WAGES.—Not later than 180 days after the date of enactment of this Act and periodically thereafter, the Secretary shall establish and implement a prevailing wage rates goal for positions in the local compensation plan, as described in section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968), at each diplomatic post that—

(1) is based on the specific recruiting and retention needs of each such post and local labor market conditions, as determined annually; and

(2) is not less than the 50th percentile of the prevailing wage for comparable employment in the labor market surrounding each such post.

(b) EXCEPTION.—The prevailing wage rate goal established under subsection (a) shall not apply if compliance with such subsection would be inconsistent with applicable United States law, the law in the locality of employment, or the public interest.

(c) RECORDKEEPING REQUIREMENT.—The analytical assumptions underlying the calculation of wage levels at each diplomatic post under subsection (a), and the data upon which such calculation is based—

(1) shall be filed electronically and retained for not less than 5 years; and Time period.

(2) shall be made available to the appropriate congressional committees upon request.

SEC. 402. EXPANSION OF CIVIL SERVICE OPPORTUNITIES.

It is the sense of Congress that the Department should—

(1) expand the Overseas Development Program from 20 positions to not fewer than 40 positions within 1 year of the date of the enactment of this Act;

(2) analyze the costs and benefits of further expansion of the Overseas Development Program; and

(3) expand the Overseas Development Program to more than 40 positions if the benefits identified in paragraph (2) outweigh the costs identified in such paragraph.

SEC. 403. PROMOTION TO THE SENIOR FOREIGN SERVICE.

Section 601(c) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)) is amended by adding at the end the following new paragraph:

"(6)(A) The promotion of any individual joining the Service on or after January 1, 2017, to the Senior Foreign Service shall be contingent upon such individual completing at least one tour in—

"(i) a global affairs bureau; or

"(ii) a global affairs position.

"(B) The requirements under subparagraph (A) shall not apply if the Secretary certifies that the individual proposed for promotion to the Senior Foreign Service— Certification.

"(i) has met all other requirements applicable to such promotion; and

"(ii) was unable to complete a tour in a global affairs bureau or global affairs position because there was not a reasonable opportunity for such individual to be assigned to such a position.

"(C) In this paragraph— Definitions.

"(i) the term 'global affairs bureau' means any bureau of the Department that is under the responsibility of—

"(I) the Under Secretary for Economic Growth, Energy, and Environment;

"(II) the Under Secretary for Arms Control and International Security Affairs;

"(III) the Under Secretary for Management;

"(IV) the Assistant Secretary for International Organization Affairs;

"(V) the Under Secretary for Public Diplomacy and Public Affairs; or

"(VI) the Under Secretary for Civilian, Security, Democracy, and Human Rights; and

"(ii) the term 'global affairs position' means any position funded with amounts appropriated to the Department under the heading 'Diplomatic Policy and Support'.".

SEC. 404. LATERAL ENTRY INTO THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Foreign Service should permit mid-career entry into the Foreign Service for qualified individuals who are willing to bring their outstanding talents and experiences to the work of the Foreign Service.

Deadline.

(b) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 3-year pilot program for lateral entry into the Foreign Service that—

(1) targets mid-career individuals from the civil service and private sector who have skills and experience that would be extremely valuable to the Foreign Service;

(2) is in full comportment with current Foreign Service intake procedures, including the requirement to pass the Foreign Service exam;

(3) offers participants in such pilot program placement in the Foreign Service at a grade level higher than FS–4 if such placement is warranted by the education and qualifying experience of such individuals;

(4) requires only one directed assignment in a position appropriate to such pilot program participant's grade level;

(5) includes, as part of the required initial training, a class or module that specifically prepares participants in such pilot program for life in the Foreign Service, including conveying to such participants essential elements of the practical knowledge that is normally acquired during a Foreign Service officer's initial assignments; and

(6) includes an annual assessment of the progress of such pilot program by a review board consisting of Department officials with appropriate expertise, including employees of the Foreign Service, in order to evaluate such pilot program's success.

(c) ANNUAL REPORTING.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for the duration of the pilot program described in subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the following:

(1) The cumulative number of accepted and unaccepted applicants to such pilot program.

(2) The cumulative number of pilot program participants placed into each Foreign Service cone.

(3) The grade level at which each pilot program participant entered the Foreign Service.

(4) Information about the first assignment to which each pilot program participant was directed.

(5) The structure and operation of such pilot program, including—

(A) the operation of such pilot program to date; and

(B) any observations and lessons learned about such pilot program that the Secretary considers relevant.

(d) LONGITUDINAL DATA.—The Secretary shall—

(1) collect and maintain data on the career progression of each pilot program participant for the length of each participant's Foreign Service career; and

(2) make the data described in paragraph (1) available to the appropriate congressional committees upon request.

SEC. 405. REEMPLOYMENT OF ANNUITANTS AND WORKFORCE RIGHTSIZING.

(a) WAIVER OF ANNUITY LIMITATIONS.—Subsection (g) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended—

(1) in paragraph (1)(B), by striking "to facilitate the" and all that follows through "Afghanistan,";

(2) by striking paragraph (2); and

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

(b) REPEAL OF SUNSET PROVISION.—Subsection (a) of section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended to read as follows:

"(a) AUTHORITY.—The Secretary of State may waive the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.". Waiver authority.

(c) RIGHTSIZING REPORT.—On the date on which the President's annual budget request is submitted to Congress each year through 2022, the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of all rightsizing recommendations made by the Office of Management, Policy, Rightsizing, and Innovation of the Department related to overseas staffing levels, including whether each such recommendation was accepted or rejected by the relevant chief of mission and regional bureau.

SEC. 406. INTEGRATION OF FOREIGN ECONOMIC POLICY. 22 USC 3299c.

(a) IN GENERAL.—The Secretary, in conjunction with the Under Secretary of Economic Growth, Energy, and the Environment, shall establish—

(1) foreign economic policy priorities for each regional bureau, including for individual countries, as appropriate; and

(2) policies and guidance for integrating such foreign economic policy priorities throughout the Department.

(b) DEPUTY ASSISTANT SECRETARY.—Within each regional bureau of the Department, the Secretary shall task an existing Deputy Assistant Secretary with appropriate training and background in economic and commercial affairs with the responsibility for economic matters and interests within the responsibilities of each such regional bureau, including the integration of the foreign economic policy priorities established pursuant to subsection (a).

(c) TRAINING.—The Secretary shall establish curriculum at the George P. Shultz National Foreign Affairs Training Center to develop the practical foreign economic policy expertise and skill sets of Foreign Service officers, including by making available distance-learning courses in commercial, economic, and business affairs, including in the following:

(1) The global business environment.

(2) The economics of development.

(3) Development and infrastructure finance.

(4) Current trade and investment agreements negotiations.

(5) Implementing existing multilateral and World Trade Organization agreements, and United States trade and investment agreements.

(6) Best practices for customs and export procedures.

(7) Market analysis and global supply chain management.

SEC. 407. TRAINING SUPPORT SERVICES.

Subparagraph (B) of section 704(a)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4024(a)(4)) is amended by striking "language instructors, linguists, and other academic and training specialists" and inserting "education and training specialists, including language instructors and linguists, and other specialists who perform work directly relating to the design, delivery, oversight, or coordination of training delivered by the institution".

SEC. 408. SPECIAL AGENTS.

(a) IN GENERAL.—Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, or authorities of the Department of State; or

"(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code), except as such jurisdiction relates to the premises of United States military missions and related residences;".

22 USC 2709 note.

(b) CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the investigative authority of any Federal department or agency other than the Department.

SEC. 409. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by striking "if continued service" and inserting the following: "if—

"(A) continued service";

(ii) in such subparagraph (A) (as so inserted and designated by clause (i) of this subparagraph), by inserting "or" after the semicolon at the end; and

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

"(B) the individual is serving in the uniformed services (as defined in section 4303 of title 38, United States Code) and the limited appointment expires in the course of such service;";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting a semicolon; and

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

Determination.

"(6) in exceptional circumstances if the Secretary determines the needs of the Service require the extension of—

Time period.

"(A) a limited noncareer appointment for a period not to exceed 1 year; or

"(B) a limited appointment of a career candidate for the minimum time needed to resolve a grievance, claim, investigation, or complaint not otherwise provided for in this section."; and

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

"(c)(1) Except as provided in paragraph (2) noncareer employees who have served for 5 consecutive years under a limited appointment under this section may be reappointed to a subsequent noncareer limited appointment if there is at least a 1-year break in service before such new appointment. Time period.

"(2) The Secretary may waive the 1-year break requirement under paragraph (1) in cases of special need.". Waiver.

SEC. 410. REPORT ON DIVERSITY RECRUITMENT, EMPLOYMENT, RETENTION, AND PROMOTION. 22 USC 2734b.

(a) IN GENERAL.—The Secretary should provide oversight to the employment, retention, and promotion of traditionally underrepresented minority groups.

(b) ADDITIONAL RECRUITMENT AND OUTREACH REQUIRED.—The Department should conduct recruitment activities that—

(1) develop and implement effective mechanisms to ensure that the Department is able effectively to recruit and retain highly qualified candidates from a wide diversity of institutions; and

(2) improve and expand recruitment and outreach programs at minority-serving institutions.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act and quadrennially thereafter, the Secretary shall submit to Congress a comprehensive report that describes the efforts, consistent with existing law, including procedures, effects, and results of the Department since the period covered by the prior such report, to promote equal opportunity and inclusion for all American employees in direct hire and personal service contractors status, particularly employees of the Foreign Service, including equal opportunity for all traditionally underrepresented minority groups.

SEC. 411. MARKET DATA FOR COST-OF-LIVING ADJUSTMENTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that examines the feasibility and cost effectiveness of using private sector market data to determine cost of living adjustments for Foreign Service officers and Federal Government civilians who are stationed abroad.

(b) CONTENT.—The report required under subsection (a) shall include— Lists.

(1) a list of at least four private sector providers of international cost-of-living data that the Secretary determines are qualified to provide such data;

(2) a list of cities in which the Department maintains diplomatic posts for which private sector cost-of-living data is not available;

(3) a comparison of—

(A) the cost of purchasing cost-of-living data from each provider listed in paragraph (1); and

(B) the cost (including Department labor costs) of producing such rates internally; and

(4) for countries in which the Department provides a cost-of-living allowance greater than zero and the World Bank estimates that the national price level of the country is less than the national price level of the United States, a comparison of cost-of-living allowances, excluding housing costs, of the private sector providers referred to in paragraph (1) to rates constructed by the Department's Office of Allowances.

Determination. Notification.

(c) WAIVER.—If the Secretary determines that compliance with subsection (b)(4) at a particular location is cost-prohibitive, the Secretary may waive the requirement under such subsection for such location if the Secretary submits to the appropriate congressional committees written notice and an explanation of the reasons for such waiver.

SEC. 412. TECHNICAL AMENDMENT TO FEDERAL WORKFORCE FLEXIBILITY ACT.

Chapter 57 of title 5, United States Code, is amended—

5 USC 5753.

(1) in subparagraph (A) of section 5753(a)(2), by inserting ", excluding members of the Foreign Service other than chiefs of mission and ambassadors at large" before the semicolon at the end; and

(2) in subparagraph (A) of section 5754(a)(2), by inserting ", excluding members of the Foreign Service other than chiefs of mission and ambassadors at large" before the semicolon at the end.

SEC. 413. RETENTION OF MID- AND SENIOR-LEVEL PROFESSIONALS FROM TRADITIONALLY UNDERREPRESENTED MINORITY GROUPS.

The Secretary should provide attention and oversight to the employment, retention, and promotion of traditionally underrepresented minority groups to promote a diverse representation among mid- and senior-level career professionals through programs such as—

(1) the International Career Advancement Program;

(2) Seminar XXI at the Massachusetts Institute of Technology's Center for International Studies; and

(3) other highly respected international leadership programs.

22 USC 2734c.

SEC. 414. EMPLOYEE ASSIGNMENT RESTRICTIONS.

(a) APPEAL OF ASSIGNMENT RESTRICTION.—The Secretary shall establish a right and process for employees to appeal any assignment restriction or preclusion.

(b) CERTIFICATION.—Upon full implementation of a right and process for employees to appeal an assignment restriction or preclusion under subsection (a), the Secretary shall submit to the appropriate congressional committee a report that—

(1) certifies that such process has been fully implemented;

(2) includes a detailed description of such process; and

Time period.

(3) details the number and nature of assignment restrictions and preclusions for the previous 3 years.

(c) NOTICE.—The Secretary shall—

Publication.

(1) publish in the Foreign Affairs Manual information relating to the right and process established pursuant to subsection (a); and

(2) include a reference to such publication in the report required under subsection (b).

(d) PROHIBITING DISCRIMINATION.—Paragraph (2) of section 502(a) of the Foreign Service Act of 1980 (22 U.S.C. 3982(a)) is amended—

(1) by inserting "or prohibited from being assigned to" after "assigned to"; and

(2) by striking "exclusively".

SEC. 415. SECURITY CLEARANCE SUSPENSIONS.

(a) IN GENERAL.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) by striking the section heading and inserting the following: "**SEPARATION FOR CAUSE; SUSPENSION**"; and

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

"(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Service when—

"(A) the member's security clearance is suspended; or

"(B) there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

"(2) Any member of the Service for whom a suspension is proposed under this subsection shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension; Notification.

"(B) a reasonable time to respond orally and in writing to the proposed suspension;

"(C) obtain at such member's own expense representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

"(3) Any member suspended under this subsection may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of title I.

"(4) If a grievance is filed pursuant to paragraph (3)—

"(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and Review. Determination.

"(B) the Board may not exercise the authority provided under section 1106(8).

"(5) In this subsection: Definitions.

"(A) The term 'reasonable time' means—

"(i) with respect to a member of the Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

"(ii) with respect to a member of the Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

"(B) The terms 'suspend' and 'suspension' mean placing a member of the Foreign Service in a temporary status without duties.".

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by striking the item relating to section 610 and inserting the following new item:

"Sec. 610. Separation for cause; Suspension.".

SEC. 416. SENSE OF CONGRESS ON THE INTEGRATION OF POLICIES RELATED TO THE PARTICIPATION OF WOMEN IN PREVENTING AND RESOLVING CONFLICTS.

It is the sense of Congress that—

(1) within each regional bureau of the Department, the Secretary should task an existing Deputy Assistant Secretary with the responsibility for overseeing the integration of policy priorities related to the importance of the participation of women in preventing and resolving conflicts; and

(2) the Director of the George P. Shultz National Foreign Affairs Training Center should incorporate at least one training session related to the importance of the participation of women in preventing and resolving conflicts into—

(A) the A–100 course attended by Foreign Service Officers; and

(B) with respect to Foreign Service Officers who have completed the A–100 course, at least one training course that will be completed not later than the date that is 1 year after the date of the enactment of this Act.

Deadline. Reports.

SEC. 417. FOREIGN SERVICE FAMILIES WORKFORCE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on workforce issues and challenges to career opportunities pertaining to tandem couples in the Foreign Service as well as couples with respect to which only one spouse is in the Foreign Service.

Deadline. Reports.

SEC. 418. SPECIAL ENVOYS, REPRESENTATIVES, ADVISORS, AND COORDINATORS OF THE DEPARTMENT.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on special envoys, representatives, advisors, and coordinators of the Department, that includes—

(1) a tabulation of the current names, ranks, positions, and responsibilities of all special envoy, representative, advisor, and coordinator positions at the Department, with a separate accounting of all such positions at the level of Assistant Secretary (or equivalent) or above; and

(2) for each position identified pursuant to paragraph (1)—

(A) the date on which such position was created;

(B) the mechanism by which such position was created, including the authority under which such position was created;

(C) such positions authorized under section (d) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a);

(D) a description of whether, and the extent to which, the responsibilities assigned to such position duplicate the responsibilities of other current officials within the Department, including other special envoys, representatives, advisors, and coordinators;

(E) which current official of the Department would be assigned the responsibilities of such position in the absence of such position;

(F) to which current official of the Department such position directly reports;

(G) the total number of staff assigned to support such position; and

(H) with the exception of positions created by statute, a detailed explanation of the necessity of such position to the effective conduct of the foreign affairs of the United States.

SEC. 419. COMBATING ANTI-SEMITISM.

Deadline. Briefings.

Not later than 180 days after the date of the enactment of this Act, the Special Envoy to Monitor and Combat Anti-Semitism of the Office to Monitor and Combat Anti-Semitism of the Department shall provide to the appropriate congressional committees a briefing on United States support to, and opportunities to coordinate with, American and European Jewish and other civil society organizations, focusing on youth, to combat anti-Semitism and other forms of religious, ethnic, or racial intolerance in Europe.

TITLE V—CONSULAR AUTHORITIES

SEC. 501. CODIFICATION OF ENHANCED CONSULAR IMMUNITIES.

Section 4 of the Diplomatic Relations Act (22 U.S.C. 254c) is amended—

(1) by striking "The President" and inserting the following: "(a) IN GENERAL.—The President"; and

(2) by adding at the end the following new subsection: "(b) CONSULAR IMMUNITY.—

"(1) IN GENERAL.—The Secretary of State, with the concurrence of the Attorney General, may, on the basis of reciprocity and under such terms and conditions as the Secretary may determine, specify privileges and immunities for a consular post, the members of a consular post, and their families which result in more favorable or less favorable treatment than is provided in the Vienna Convention on Consular Relations, of April 24, 1963 (T.I.A.S. 6820), entered into force for the United States on December 24, 1969.

"(2) CONSULTATION.—Before exercising the authority under paragraph (1), the Secretary of State shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the circumstances that may warrant the need for privileges and immunities providing more favorable or less favorable treatment than is provided in the Vienna Convention.".

SEC. 502. PASSPORTS MADE IN THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that all components of United States passports, including all passport security features, should be printed, manufactured, and assembled exclusively within the United States by United States companies and personnel, contractors, and subcontractors with appropriate security clearances.

(b) BRIEFINGS.—The Secretary, in coordination with the heads of other relevant Federal agencies, shall provide a briefing, which may be given in a classified environment if necessary, to the appropriate congressional committees that includes the following details:

Coordination. Costs.

(1) A list of all components of the United States passport made outside the United States.

List.

(2) The costs of all components of the United States passports made outside the United States.

(3) Comparable costs to produce and procure in the United States the items identified in paragraphs (1) and (2).

TITLE VI—WESTERN HEMISPHERE DRUG POLICY COMMISSION

SEC. 601. ESTABLISHMENT.

There is established an independent commission to be known as the "Western Hemisphere Drug Policy Commission" (in this title referred to as the "Commission").

SEC. 602. DUTIES.

Evaluations.

(a) REVIEW OF ILLICIT DRUG CONTROL POLICIES.—The Commission shall conduct a comprehensive review of United States foreign policy in the Western Hemisphere to reduce the illicit drug supply and drug abuse and reduce the damage associated with illicit drug markets and trafficking. The Commission shall also identify policy and program options to improve existing international counternarcotics policy. The review shall include the following topics:

(1) An evaluation of United States-funded international illicit drug control programs in the Western Hemisphere, including drug interdiction, crop eradication, alternative development, drug production surveys, police and justice sector training, demand reduction, and strategies to target drug kingpins.

(2) An evaluation of the impact of United States counternarcotics assistance programs in the Western Hemisphere, including the Colombia Strategic Development Initiative, the Merida Initiative, the Caribbean Basin Security Initiative and the Central America Regional Security Initiative, in curbing drug production, drug trafficking, and drug-related violence and improving citizen security.

(3) An evaluation of how the President's annual determination of major drug-transit and major illicit drug producing countries pursuant to section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1) serves United States interests with respect to United States international illicit drug control policies.

(4) An evaluation of whether the proper indicators of success are being used to evaluate United States international illicit drug control policy.

(5) An evaluation of United States efforts to stop illicit proceeds from drug trafficking organizations from entering the United States financial system.

(6) An evaluation of the links between the illegal narcotics trade in the Western Hemisphere and terrorist activities around the world.

(7) An evaluation of United States efforts to combat narcoterrorism in the Western Hemisphere.

(8) An evaluation of the financing of foreign terrorist organizations by drug trafficking organizations and an evaluation of United States efforts to stop such activities.

(9) An evaluation of alternative drug policy models in the Western Hemisphere.

(10) An evaluation of the impact of local drug consumption in Latin America and the Caribbean in promoting violence and insecurity.

(11) Recommendations on how best to improve United States counternarcotics policies in the Western Hemisphere. Recommendations.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS IN THE WESTERN HEMISPHERE.—In conducting the review required under subsection (a), the Commission is encouraged to consult with— Consultation.

(1) government, academic, and nongovernmental leaders, as well as leaders from international organizations, from throughout the United States, Latin America, and the Caribbean; and

(2) the Inter-American Drug Abuse Control Commission (CICAD).

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, the Secretary, and the Director of the Office of National Drug Control Policy a report that contains—

(A) a detailed statement of the recommendations, findings, and conclusions of the Commission under subsection (a); and

(B) summaries of the input and recommendations of the leaders and organizations with which the Commission consulted under subsection (b).

(2) PUBLIC AVAILABILITY.—The report required under this subsection shall be made available to the public.

SEC. 603. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 10 members to be appointed as follows:

(1) The majority leader and minority leader of the Senate shall each appoint two members.

(2) The Speaker and the minority leader of the House of Representatives shall each appoint two members.

(3) The President shall appoint two members. President.

(b) PROHIBITION.—

(1) IN GENERAL.—The Commission may not include—

(A) Members of Congress; or

(B) Federal, State, or local government officials.

(2) MEMBER OF CONGRESS.—In this subsection, the term "Member of Congress" includes a Delegate or Resident Commissioner to the Congress.

(c) APPOINTMENT OF INITIAL MEMBERS.—The initial members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act. Deadline.

(d) VACANCIES.—Any vacancies shall not affect the power and duties of the Commission, but shall be filled in the same manner as the original appointment. An appointment required by subsection (a) should be made within 90 days of a vacancy on the Commission. Deadline.

(e) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(f) INITIAL MEETING AND SELECTION OF CHAIRPERSON.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement a schedule for completion of the review and report required under section 362.

(2) CHAIRPERSON.—At the initial meeting, the Commission shall select a Chairperson from among its members.

(g) QUORUM.—Six members of the Commission shall constitute a quorum.

(h) COMPENSATION.—Members of the Commission—

(1) shall not be considered to be a Federal employee for any purpose by reason of service on the Commission; and

(2) shall serve without pay.

(i) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

SEC. 604. POWERS.

(a) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(b) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines necessary to carry out its duties.

(c) OTHER RESOURCES.—

(1) DOCUMENTS, STATISTICAL DATA, AND OTHER SUCH INFORMATION.—

(A) IN GENERAL.—The Library of Congress, the Office of National Drug Control Policy, the Department, and any other Federal department or agency shall, in accordance with the protection of classified information, provide reasonable access to documents, statistical data, and other such information the Commission determines necessary to carry out its duties.

(B) OBTAINING INFORMATION.—The Chairperson of the Commission shall request the head of an agency described in subparagraph (A) for access to documents, statistical data, or other such information described in such subparagraph that is under the control of such agency in writing when necessary.

(2) OFFICE SPACE AND ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall make office space available for day-to-day activities of the Commission and for scheduled meetings of the Commission. Upon request, the Administrator shall provide, on a reimbursable basis, such administrative support as the Commission requests to fulfill its duties.

Reimbursement.

(d) AUTHORITY TO USE UNITED STATES MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) AUTHORITY TO CONTRACT.—

(1) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties under section 602.

(2) TERMINATION.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

SEC. 605. STAFF.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by a majority vote of the Commission. The Director shall be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule. Appointment.

(b) STAFF.—

(1) IN GENERAL.—With the approval of the Commission, the Director may appoint such personnel as the Director determines to be appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule.

(2) ADDITIONAL STAFF.—The Commission may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the personnel.

(e) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 606. SUNSET.

The Commission shall terminate on the date that is 60 days after the date on which the Commission submits its report to Congress pursuant to section 602(c).

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. FOREIGN RELATIONS EXCHANGE PROGRAMS.

(a) EXCHANGES AUTHORIZED.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS. 22 USC 2735.

"(a) AUTHORITY.—The Secretary may establish exchange programs under which officers or employees of the Department of State, including individuals appointed under title 5, United States

Code, and members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), may be assigned, for not more than 1 year, to a position with any foreign government or international entity that permits an employee to be assigned to a position with the Department of State.

"(b) SALARY AND BENEFITS.—

"(1) MEMBERS OF FOREIGN SERVICE.—During a period in which a member of the Foreign Service is participating in an exchange program authorized pursuant to subsection (a), such member shall be entitled to the salary and benefits to which such member would receive but for the assignment under this section.

"(2) NON-FOREIGN SERVICE EMPLOYEES OF DEPARTMENT.—An employee of the Department of State other than a member of the Foreign Service participating in an exchange program authorized pursuant to subsection (a) shall be treated in all respects as if detailed to an international organization pursuant to section 3343(c) of title 5, United States Code.

"(3) FOREIGN PARTICIPANTS.—The salary and benefits of an employee of a foreign government or international entity participating in an exchange program authorized pursuant to subsection (a) shall be paid by such government or entity during the period in which such employee is participating in such program, and shall not be reimbursed by the Department of State.

"(c) NON-RECIPROCAL ASSIGNMENT.—The Secretary may authorize a non-reciprocal assignment of personnel pursuant to this section, with or without reimbursement from the foreign government or international entity for all or part of the salary and other expenses payable during such assignment, if such is in the interests of the United States.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the appointment as an officer or employee of the United States of—

"(1) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

"(2) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, or any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States.".

SEC. 702. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2015" and inserting "October 1, 2020".

Time period.
22 USC 6553 note.

(b) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 2016. Any lapse in powers, authorities, or responsibilities of the United States Advisory Commission on Public Diplomacy from the period beginning on October 1, 2016, and ending on the date of the enactment of this Act, shall be deemed to have not so lapsed.

SEC. 703. BROADCASTING BOARD OF GOVERNORS.

(a) BROADCASTING TO ASIA.—Section 309 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6208) is amended—

(1) in subsection (a)(1), by striking "the following countries" and all that follows through the period at the end and inserting "Asia."; and

(2) in subsection (b)(1), by striking "the respective countries of".

(b) PROHIBITIONS.— 22 USC 1465b note.

(1) IN GENERAL.—Notwithstanding any other provision of law, any change to the Federal status of—

(A) the Cuba Service established pursuant to section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b; Public Law 98–111) is prohibited unless such section is explicitly repealed and such service is dissolved by an Act of Congress enacted on or after the date of the enactment of this Act; and

(B) the Television Marti Service established by section 244(a) of Television Broadcasting to Cuba Act (22 U.S.C. 1465cc; Public Law 101–246) is prohibited unless such section is explicitly repealed and such service is dissolved by an Act of Congress enacted on or after the date of the enactment of this Act.

(2) DEFINITION.—In this subsection, the term "change to the Federal status", with respect to a service referred to in subparagraph (A) or (B) of paragraph (1), includes any significant restructuring, privatization, subordination to a private or private-public entity, or merger with a private or public-private entity of such service.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Broadcasting Board of Governors should start broadcasting in the Sindhi language.

SEC. 704. REWARDS FOR JUSTICE.

(a) REWARDS AUTHORIZED.—

(1) IN GENERAL.—Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended in paragraphs (4) and (5) by striking "or (9)" each place it appears and inserting "(9), or (10)".

(2) REPORTS; DEFINITIONS.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(A) in subsection (g), by adding at the end the following new paragraph:

"(4) REPORTS ON REWARDS AUTHORIZED.—Not less than 15 days after a reward is authorized under this section, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary to protect intelligence sources and methods, detailing information about the reward, including the identity of the individual for whom the reward is being made, the amount of the reward, the acts with respect to which the reward is being made, and how the reward is being publicized."; and

(B) in subsection (k)(2), by striking "International Relations" and inserting "Foreign Affairs".

Applicability.
22 USC 2708 note.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) take effect on the date of the enactment of this Act and apply with respect to any reward authorized under section 36 of the State Department Basic Authorities Act of 1956 (as so amended) on or after such date.

(b) EXTRADITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the refusal by other countries to extradite or otherwise render to the United States fugitives who have been indicted or convicted within the United States for serious crimes, including murder, hijacking, and acts of domestic terrorism, is an impediment to justice, undermines international security, and deserves high level diplomatic efforts toward resolution.

Deadline.

(2) BRIEFING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall provide to Congress a briefing related to the issues raised in paragraph (1), including—

(A) the number of fugitives and others for whom the United States Government is seeking extradition or rendition, both in total and listed by country;

(B) the average length of time such extradition or rendition requests have been outstanding, both in general and by country;

(C) discussion of diplomatic and other efforts the United States has undertaken to secure the return of such fugitives;

(D) discussion of factors that have been barriers to the resolution of such cases; and

Time period.

(E) information on the number of United States citizens whose extradition has been sought by foreign governments during the past 5 years, both in total and listed by country, and a discussion of the outcome of such requests.

SEC. 705. EXTENSION OF PERIOD FOR REIMBURSEMENT OF SEIZED COMMERCIAL FISHERMEN.

Subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended by striking "2008" and inserting "2018".

SEC. 706. EXPANSION OF THE CHARLES B. RANGEL INTERNATIONAL AFFAIRS PROGRAM, THE THOMAS R. PICKERING FOREIGN AFFAIRS FELLOWSHIP PROGRAM, AND THE DONALD M. PAYNE INTERNATIONAL DEVELOPMENT FELLOWSHIP PROGRAM.

Effective date.

(a) ADDITIONAL FELLOWSHIPS AUTHORIZED.—Beginning in fiscal year 2017, the Secretary shall—

(1) increase by 10 the number of fellows selected for the Charles B. Rangel International Affairs Program;

(2) increase by 10 the number of fellows selected for the Thomas R. Pickering Foreign Affairs Fellowship Program; and

(3) increase by 5 the number of fellows selected for the Donald M. Payne International Development Fellowship Program.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the hiring of additional personnel at the Department beyond existing, projected hiring patterns.

SEC. 707. GAO REPORT ON DEPARTMENT CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A LEADING CYBER-THREAT ACTOR.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on any critical telecommunications equipment, technologies, or services obtained or used by the Department or its contractors or subcontrators that is—

(1) manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor; or

(2) from an entity that incorporates or utilizes information technology manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor.

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

(c) DEFINITIONS.—In this section:

(1) LEADING CYBER-THREAT ACTOR.—The term "leading cyber-threat actor" means a country identified as a leading threat actor in cyberspace in the report entitled "Worldwide Threat Assessment of the US Intelligence Community", dated February 9, 2016.

(2) CLOSELY LINKED.—The term "closely linked", with respect to a foreign supplier, contractor, or subcontrator and a leading cyber-threat actor, means the foreign supplier, contractor, or subcontractor—

(A) has ties to the military forces of such actor;

(B) has ties to the intelligence services of such actor;

(C) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor; or

(D) is incorporated or headquartered in the territory of such actor.

SEC. 708. IMPLEMENTATION PLAN FOR INFORMATION TECHNOLOGY AND KNOWLEDGE MANAGEMENT.

Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an implementation plan, including timelines and resources, required to—

(1) establish a hub for analytics, data science, strategy, and knowledge management at the Department; and

(2) migrate suitable information technology (as such term is defined in section 11101(6) of title 40 United States Code) to a cloud computing service or a cloud-based solution.

SEC. 709. RANSOMS TO FOREIGN TERRORIST ORGANIZATIONS.

Deadline. President. Consultation. Reports.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President, in consultation with the Secretary, shall transmit to the appropriate congressional committees a report covering the previous calendar providing the following details:

(1) Which foreign governments are believed to have facilitated, directly or indirectly, the payment of ransoms.

(2) Which foreign terrorist organizations received payments from foreign governments identified in paragraph (1).

(3) The amount of each such payment.

(4) The means of delivering such payments.

(5) A summary of the efforts of the United States to counter such payments.

Recommendations.

(6) Recommendations for improving coordination among the foreign allies of the United States to not pay ransoms.

Public information. Web posting.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, may include a classified annex, shall be made available to the public by posting the unclassified form of such report on the website of the Department, and may be included in any other report that is required to be made public.

SEC. 710. STRATEGY TO COMBAT TERRORIST USE OF SOCIAL MEDIA.

Deadline. President. Reports.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on United States strategy to combat terrorists' and terrorist organizations' use of social media consistent with the President's 2011 "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States".

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

Evaluation.

(1) An evaluation of what role social media plays in radicalization in the United States and elsewhere.

Analysis.

(2) An analysis of how terrorists and terrorist organizations are using social media, including trends.

(3) A summary of the Federal Government's efforts to disrupt and counter the use of social media by terrorists and terrorist organizations, an evaluation of the success of such efforts, and recommendations for improvement.

Analysis.

(4) An analysis of how social media is being used for counter-radicalization and counter-propaganda purposes, irrespective of whether or not such efforts are made by the Federal Government.

Assessment.

(5) An assessment of the value to law enforcement of social media posts by terrorists and terrorist organizations.

(6) An overview of social media training available to law enforcement and intelligence personnel that enables such personnel to understand and combat the use of social media by terrorists and terrorist organizations, as well as recommendations for improving or expanding existing training opportunities.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex in accordance with the protection of intelligence sources and methods.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on the Armed Services, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

SEC. 711. REPORT ON DEPARTMENT INFORMATION TECHNOLOGY ACQUISITION PRACTICES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing the Department's information technology acquisition practices.

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

(1) Agency chief investment officer authority enhancements, including reporting on incremental developments regarding whether information technology investments are delivering functionality every 6 months.

(2) Enhanced transparency and risk management, including the methodology for calculating risk.

(3) The frequency and status of agency-wide portfolio reviews to identify opportunities for information technology efficiency, effectiveness, duplication, and potential savings.

(4) Data center consolidation and optimization, including potential savings.

SEC. 712. PUBLIC AVAILABILITY OF REPORTS ON NOMINEES TO BE CHIEFS OF MISSION.

President. Web posting. 22 USC 3944 note.

Not later than 7 days after submitting the report required under section 304(a)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3944(a)(4)) to the Committee on Foreign Relations of the Senate, the President shall make the report available to the public, including by posting the report on the website of the Department in a conspicuous manner and location.

SEC. 713. RECRUITMENT AND RETENTION OF INDIVIDUALS WHO HAVE LIVED, WORKED, OR STUDIED IN PREDOMINANTLY MUSLIM COUNTRIES OR COMMUNITIES.

22 USC 2734d.

(a) FINDINGS.—Congress finds that successful engagement, including robust public diplomacy, with predominantly Muslim countries and communities is critical for achieving United States foreign policy objectives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department should recruit more employees that have a personal background in, and thorough understating of, the cultures, languages, and history of the Middle East and wider Muslim world.

(c) RECRUITMENT AND RETENTION OF CERTAIN INDIVIDUALS.—The Secretary shall make every effort to recruit and retain individuals that have lived, worked, or studied in predominantly Muslim countries or communities, including individuals who have studied at an Islamic institution of higher learning.

SEC. 714. SENSE OF CONGRESS REGARDING COVERAGE OF APPROPRIATE THERAPIES FOR DEPENDENTS WITH AUTISM SPECTRUM DISORDER (ASD).

(a) FINDING.—Congress finds that physical, occupational, speech, and applied behavioral analysis (ABA) therapies are evidenced-based interventions proven to bring about positive change

and assist in the long term development of children with autism spectrum disorder (ASD).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should endeavor to ensure coverage and access, for dependents with ASD of overseas employees, to the therapies described in subsection (a), including through telehealth, computer software programs, or alternative means if appropriate providers are not accessible due to such employees' placement overseas.

SEC. 715. REPEAL OF OBSOLETE REPORTS.

(a) REPEAL OF CERTAIN REPORTING REQUIREMENTS.—The following provisions of law are repealed:

(1) Section 12 of the Foreign Service Buildings Act, 1926 (Act of May 7, 1926, 22 U.S.C. 303).

(2) Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138, 22 U.S.C. 2778 note).

(b) OTHER REPORTING REFORM.—

(1) Section 613 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228, 22 U.S.C. 6901 note) is amended—

(A) by striking subsection (b);

(B) by striking "(a) POLICY.—"; and

(C) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively, and moving such subsections, as so redesignated, two ems to the left.

(2) Section 721 of Appendix G of the Consolidated Appropriations Act of 2000 (Public Law 106–113, 22 U.S.C. 287 note) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) Section 10 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446, 22 U.S.C. 2378b note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(4) Section 1207 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314, 22 U.S.C. 6901 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(5) Subsection (c) of section 601 of the Foreign Service Act of 1980 (22 U.S.C. 4001) is amended by striking paragraphs (4) and (5).

SEC. 716. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act.

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 1635:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Apr. 28, considered and passed Senate.
Dec. 5, considered and passed House, amended.
Dec. 9, Senate concurred in House amendment.

Public Law 114–324
114th Congress

An Act

To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

Dec. 16, 2016
[S. 2577]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Justice for All Reauthorization Act of 2016.
42 USC 13701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for All Reauthorization Act of 2016".

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) RESTITUTION DURING SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting ", that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution," after "supervision".

Termination dates.

(b) COLLECTION OF RESTITUTION FROM DEFENDANT'S ESTATE.—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: "The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual's estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (c) of this section shall continue until the estate receives a written release of that liability.".

(c) VICTIM INTERPRETERS.—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: ", including an interpreter for the victim".

(d) GAO STUDY.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

Determination.

(A) conduct a study to determine whether enhancing the restitution provisions under sections 3663 and 3663A of title 18, United States Code, to provide courts broader authority to award restitution for Federal offenses would

be beneficial to crime victims and what other factors Congress should consider in weighing such changes; and

(B) submit to Congress a report on the study conducted under subparagraph (A). Reports.

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall focus on the benefits to crime victims that would result if the restitution provisions under sections 3663 and 3663A of title 18, United States Code, were expanded—

(A) to apply to victims who have suffered harm, injury, or loss that would not have occurred but for the defendant's related conduct;

(B) in the case of an offense resulting in bodily injury resulting in the victim's death, to allow the court to use its discretion to award an appropriate sum to reflect the income lost by the victim's surviving family members or estate as a result of the victim's death;

(C) to require that the defendant pay to the victim an amount determined by the court to restore the victim to the position he or she would have been in had the defendant not committed the offense; and

(D) to require that the defendant compensate the victim for any injury, harm, or loss, including emotional distress, that occurred as a result of the offense.

SEC. 3. REDUCING THE RAPE KIT BACKLOG.

(a) IN GENERAL.—Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading "STATE AND LOCAL LAW ENFORCEMENT" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "DEPARTMENT OF JUSTICE" in fiscal years 2018, 2019, 2020, and 2021— Grants.

(1) not less than 75 percent of such amounts shall be provided for grants for activities described under paragraphs (1), (2), and (3) of section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)); and

(2) not less than 5 percent of such amounts shall be provided for grants for law enforcement agencies to conduct audits of their backlogged rape kits under section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)) to create and operate associated tracking systems and to prioritize testing in those cases in which the statute of limitation will soon expire.

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading "STATE AND LOCAL LAW ENFORCEMENT" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "DEPARTMENT OF JUSTICE", the Attorney General shall require recipients of the amounts to report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

Summaries.
Evaluations.

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and

(D) an evaluation of the effectiveness of the grant amounts in increasing capacity and reducing backlogs.

SEC. 4. SEXUAL ASSAULT NURSE EXAMINERS.

Section 304 of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a) is amended—

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

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

"(c) PREFERENCE.—

Certification.

"(1) IN GENERAL.—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

"(A) improve forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

"(B) engage in activities that will assist in the employment of full-time forensic nurse examiners to conduct activities under subsection (a); or

"(C) sustain or establish a training program for forensic nurse examiners.

Deadline.
Effective date.
Coordination.

"(2) DIRECTIVE TO THE ATTORNEY GENERAL.—Not later than the beginning of fiscal year 2018, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, and elder abuse. The Attorney General shall collaborate on this effort with nongovernmental organizations representing forensic nurses.".

Collaboration.

SEC. 5. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.

Section 8(e)(1)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(e)(1)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(iii) the program is not administered by the Office on Violence Against Women of the Department of Justice.".

SEC. 6. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT HOUSING PROTECTIONS.

Section 41411(b)(3)(B)(ii) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii)) is amended—

(1) in the first sentence, by inserting "or resident" after "any remaining tenant"; and

(2) in the second sentence, by inserting "or resident" after "tenant" each place it appears.

SEC. 7. STRENGTHENING THE PRISON RAPE ELIMINATION ACT.

The Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.) is amended—

(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)), by striking subparagraph (A) and inserting the following:

"(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; or Certification.

"(ii) demonstrate to the Attorney General, in such manner as the Attorney General shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national prison rape standards described in clause (i);"; and

(2) in section 8(e) (42 U.S.C. 15607(e))—

(A) by striking paragraph (2) and inserting the following:

"(2) ADOPTION OF NATIONAL STANDARDS.—

"(A) IN GENERAL.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive officer of the State submits to the Attorney General proof of compliance with this Act through— Grants.

"(i) a certification that the State has adopted, and is in full compliance with, the national standards described in subsection (a); or Certification.

"(ii) an assurance that the State intends to adopt and achieve full compliance with those national standards so as to ensure that a certification under clause (i) may be submitted in future years, which includes—

"(I) a commitment that not less than 5 percent of such amount shall be used for this purpose; or

"(II) a request that the Attorney General hold 5 percent of such amount in abeyance pursuant to the requirements of subparagraph (E).

"(B) RULES FOR CERTIFICATION.—

"(i) IN GENERAL.—A chief executive officer of a State who submits a certification under this paragraph shall also provide the Attorney General with— Lists. Audits.

"(I) a list of the prisons under the operational control of the executive branch of the State;

"(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

"(III) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year; and

Time period.

"(IV) a proposed schedule for completing an audit of all the prisons listed under subclause (I) during the following 3 audit years.

Effective date.
Certification.

"(ii) AUDIT APPEAL EXCEPTION.—Beginning on the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State may submit a certification that the State is in full compliance pursuant to subparagraph (A)(i) even if a prison under the operational control of the executive branch of the State has an audit appeal pending.

"(C) RULES FOR ASSURANCES.—

Lists.
Audits.

"(i) IN GENERAL.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii) shall also provide the Attorney General with—

"(I) a list of the prisons under the operational control of the executive branch of the State;

"(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

"(III) an explanation of any barriers the State faces to completing required audits;

"(IV) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year;

Time period.

"(V) a proposed schedule for completing an audit of all prisons under the operational control of the executive branch of the State during the following 3 audit years; and

"(VI) an explanation of the State's current degree of implementation of the national standards.

Expenditure plan.

"(ii) ADDITIONAL REQUIREMENT.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, before receiving the applicable funds described in subparagraph (A)(ii)(I), also provide the Attorney General with a proposed plan for the expenditure of the funds during the applicable grant period.

"(iii) ACCOUNTING OF FUNDS.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, in a manner consistent with the applicable grant reporting requirements, submit to the Attorney General a detailed accounting of how the funds described in subparagraph (A) were used.

"(D) SUNSET OF ASSURANCE OPTION.—

"(i) IN GENERAL.—On the date that is 3 years after the date of enactment of the Justice for All

Reauthorization Act of 2016, subclause (II) of subparagraph (A)(ii) shall cease to have effect.

"(ii) ADDITIONAL SUNSET.—On the date that is 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, clause (ii) of subparagraph (A) shall cease to have effect.

Time periods.

"(iii) EMERGENCY ASSURANCES.—

Certification. Audits. Effective date.

"(I) REQUEST.—Notwithstanding clause (ii), during the 2-year period beginning 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State who certifies that the State has audited not less than 90 percent of prisons under the operational control of the executive branch of the State may request that the Attorney General allow the chief executive officer to submit an emergency assurance in accordance with subparagraph (A)(ii) as in effect on the day before the date on which that subparagraph ceased to have effect under clause (ii) of this subparagraph.

Deadline.

"(II) GRANT OF REQUEST.—The Attorney General shall grant a request submitted under subclause (I) within 60 days upon a showing of good cause.

"(E) DISPOSITION OF FUNDS HELD IN ABEYANCE.—

Certification. Time period. Effective dates. Grants. Audits.

"(i) IN GENERAL.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) subsequently submits a certification under subparagraph (A)(i) during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General will release all funds held in abeyance under subparagraph (A)(ii)(II) to be used by the State in accordance with the conditions of the grant program for which the funds were provided.

"(ii) RELEASE OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, but does assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall release all of the funds of the State held in abeyance to be used in adopting and achieving full compliance with the national standards, if the State agrees to comply with the applicable requirements in clauses (ii) and (iii) of subparagraph (C).

"(iii) REDISTRIBUTION OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016 and does not assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited

at least once, the Attorney General shall redistribute the funds of the State held in abeyance to other States to be used in accordance with the conditions of the grant program for which the funds were provided.

Deadline. Web posting. State and local governments.

"(F) PUBLICATION OF AUDIT RESULTS.—Not later than 1 year after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall request from each State, and make available on an appropriate Internet website, all final audit reports completed to date for prisons under the operational control of the executive branch of each State. The Attorney General shall update such website annually with reports received from States under subparagraphs (B)(i) and (C)(i).

"(G) REPORT ON IMPLEMENTATION OF NATIONAL STANDARDS.—Not later than 2 years after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall issue a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status of implementation of the national standards and the steps the Department, in conjunction with the States and other key stakeholders, is taking to address any unresolved implementation issues."; and

(B) by adding at the end the following:

Certification. Determination.

"(8) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.".

SEC. 8. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking "$15,000,000 for each of fiscal years 2005 through 2009" and inserting "$5,000,000 for each of fiscal years 2017 through 2021".

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking "$42,100,000 for each of fiscal years 2005 through 2009" and inserting "$7,400,000 for fiscal year 2017 and $10,000,000 for each of fiscal years 2018 through 2021".

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking "fiscal years 2005 through 2009" and inserting "fiscal years 2017 through 2021".

SEC. 9. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

(a) GRANTS.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j) is amended—

Time period.

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after "bodies" the following: "and, except with regard to any medical examiner's office, or coroner's office in the State, is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using

an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801";

(2) in section 2803(a) (42 U.S.C. 3797l(a))—

(A) in paragraph (1)—

(i) by striking "Seventy-five percent" and inserting "Eighty-five percent"; and

(ii) by striking "75 percent" and inserting "85 percent";

(B) in paragraph (2), by striking "Twenty-five percent" and inserting "Fifteen percent"; and

(C) in paragraph (3), by striking "0.6 percent" and inserting "1 percent";

(3) in section 2804(a) (42 U.S.C. 3797m(a))—

(A) in paragraph (2)—

(i) by inserting "impression evidence," after "latent prints,"; and

(ii) by inserting "digital evidence, fire evidence," after "toxicology,";

(B) in paragraph (3), by inserting "and medicolegal death investigators" after "laboratory personnel"; and

(C) by inserting at the end the following:

"(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

"(5) To educate and train forensic pathologists.

"(6) To fund medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators."; and

(4) in section 2806(a) (42 U.S.C. 3797o(a))—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

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

"(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(J) $13,500,000 for fiscal year 2017;

"(K) $18,500,000 for fiscal year 2018;

"(L) $19,000,000 for fiscal year 2019;

"(M) $21,000,000 for fiscal year 2020; and

"(N) $23,000,000 for fiscal year 2021.".

SEC. 10. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking "$75,000,000 for each of fiscal years 2005 through 2009" and inserting:

"(1) $2,500,000 for fiscal year 2017;

"(2) $7,500,000 for fiscal year 2018;

"(3) $12,500,000 for fiscal year 2019;

"(4) $17,500,000 for fiscal year 2020; and

"(5) $22,500,000 for fiscal year 2021."; and

(2) in subsection (b), by inserting before the period at the end the following: ", or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422".

SEC. 11. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) by striking "under a sentence of" in each place it appears and inserting "sentenced to";

(2) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "death"; and

(B) in paragraph (3)(A), by striking "and the applicant did not—" and all that follows through "knowingly fail to request" and inserting "and the applicant did not knowingly fail to request";

(3) in subsection (b)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) order the Government to—

Inventory.

"(i) prepare an inventory of the evidence related to the case; and

Records.

"(ii) issue a copy of the inventory to the court, the applicant, and the Government.";

(4) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

Courts.

"(1) RESULTS.—

"(A) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

"(B) RESULTS EXCLUDE APPLICANT.—

"(i) IN GENERAL.—If a DNA profile is obtained through testing that excludes the applicant as the source and the DNA complies with the Federal Bureau of Investigation's requirements for the uploading of crime scene profiles to the National DNA Index System (referred to in this subsection as 'NDIS'), the court shall order that the law enforcement entity with direct or conveyed statutory jurisdiction that has access to the NDIS submit the DNA profile obtained from probative biological material from crime scene evidence

to determine whether the DNA profile matches a profile of a known individual or a profile from an unsolved crime.

"(ii) NDIS SEARCH.—The results of a search under clause (i) shall be simultaneously disclosed to the court, the applicant, and the Government."; and

(B) in paragraph (2), by striking "the National DNA Index System (referred to in this subsection as 'NDIS')" and inserting "NDIS"; and

(5) in subsection (g)(2)(B), by striking "death".

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A of title 18, United States Code, is amended—

(1) in subsection (a), by striking "under a sentence of" and inserting "sentenced to"; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 12. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING PROGRAM.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal years 2005 through 2009" and inserting "fiscal years 2017 through 2021"; and

(2) by striking paragraph (2) and inserting the following:

"(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction— Certification.

"(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

"(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended by striking "$5,000,000 for each of fiscal years 2005 through 2009"

and inserting "$10,000,000 for each of fiscal years 2017 through 2021".

SEC. 13. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

42 USC 14136f.

"SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

Consultation.

"(a) IN GENERAL.—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

"(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

"(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

"(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

"(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

"Sec. 414. Establishment of best practices for evidence retention.".

Effective Administration of Criminal Justice Act of 2016.
42 USC 3711 note.

SEC. 14. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the "Effective Administration of Criminal Justice Act of 2016".

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting "(A) IN GENERAL.—" before "To request a grant"; and

(2) by adding at the end the following:

Grants.

"(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

Consultation.

"(A) be designed in consultation with local governments, and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

"(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

"(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions;

"(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

"(E) be updated every 5 years, with annual progress reports that— Time periods. Reports.

"(i) address changing circumstances in the State, if any;

"(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

"(iii) provide an ongoing assessment of need; Assessment.

"(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

"(v) reflect how the plan influenced funding decisions in the previous year.

"(b) TECHNICAL ASSISTANCE.— Deadlines.

"(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6). The Attorney General may enter into agreements with 1 or more non-governmental organizations to provide technical assistance and training under this paragraph.

"(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

"(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and Public information.

"(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 through 2021, of the amounts appropriated to carry out this subpart, not less than $5,000,000 and not more than $10,000,000 shall be used to carry out this subsection.".

(c) APPLICABILITY.—The requirement to submit a strategic plan under section 501(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (b), shall apply to any application submitted under such section 501 for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act. Effective date. 42 USC 3752 note.

SEC. 15. OVERSIGHT AND ACCOUNTABILITY. Grants. 42 USC 3793c.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2016, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of Effective date. Determination.

grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

Time periods.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

Time periods.

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

Time periods.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

Time period.
Effective date.

(5) DEFINED TERM.—In this section, the term "unresolved audit finding" means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

Public information.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment. Estimate.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years. Time period.

(10) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine whether duplicate grants are awarded for the same purpose. Determination.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

SEC. 16. NEEDS ASSESSMENT OF FORENSIC LABORATORIES.

(a) STUDY AND REPORT.—Not later than October 1, 2018, the Attorney General shall conduct a study and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status and needs of the forensic science community.

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

(1) examine the status of current workload, backlog, personnel, equipment, and equipment needs of public crime laboratories and medical examiner and coroner offices;

(2) include an overview of academic forensic science resources and needs, from a broad forensic science perspective, including nontraditional crime laboratory disciplines such as forensic anthropology, forensic entomology, and others as determined appropriate by the Attorney General;

(3) consider—

(A) the National Institute of Justice study, Forensic Sciences: Review of Status and Needs, published in 1999;

(B) the Bureau of Justice Statistics census reports on Publicly Funded Forensic Crime Laboratories, published in 2002, 2005, 2009, and 2014;

(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

(4) provide Congress with a comprehensive view of the infrastructure, equipment, and personnel needs of the broad forensic science community; and

Public information.

(5) be made available to the public.

SEC. 17. CRIME VICTIM ASSISTANCE.

(a) AMENDMENT.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "victim services," before "demonstration projects".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the proposed rule entitled "VOCA Victim Assistance Program" published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg. 52877), is consistent with section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).

SEC. 18. IMPROVING THE RESTITUTION PROCESS.

Section 3612 of title 18, United States Code, is amended by adding at the end the following:

"(j) EVALUATION OF OFFICES OF THE UNITED STATES ATTORNEY AND DEPARTMENT COMPONENTS.—

"(1) IN GENERAL.—The Attorney General shall, as part of the regular evaluation process, evaluate each office of the United States attorney and each component of the Department of Justice on the performance of the office or the component, as the case may be, in seeking and recovering restitution for

victims under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution.

"(2) REQUIREMENT.—Following an evaluation under paragraph (1), each office of the United States attorney and each component of the Department of Justice shall work to improve the practices of the office or component, as the case may be, with respect to seeking and recovering restitution for victims under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution.

"(k) GAO REPORTS.—

"(1) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on restitution sought by the Attorney General under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution during the 3-year period preceding the report. Time period.

"(2) CONTENTS.—The report required under paragraph (1) shall include statistically valid estimates of— Estimates.

"(A) the number of cases in which a defendant was convicted and the Attorney General could seek restitution under this title or the Controlled Substances Act (21 U.S.C. 801 et seq.);

"(B) the number of cases in which the Attorney General sought restitution;

"(C) of the cases in which the Attorney General sought restitution, the number of times restitution was ordered by the district courts of the United States;

"(D) the amount of restitution ordered by the district courts of the United States;

"(E) the amount of restitution collected pursuant to the restitution orders described in subparagraph (D);

"(F) the percentage of restitution orders for which the full amount of restitution has not been collected; and

"(G) any other measurement the Comptroller General determines would assist in evaluating how to improve the restitution process in Federal criminal cases.

"(3) RECOMMENDATIONS.—The report required under paragraph (1) shall include recommendations on the best practices for—

"(A) requesting restitution in cases in which restitution may be sought under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution;

"(B) obtaining restitution orders from the district courts of the United States; and

"(C) collecting restitution ordered by the district courts of the United States.

"(4) REPORT.—Not later than 3 years after the date on which the report required under paragraph (1) is submitted, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the

Senate a report on the implementation by the Attorney General of the best practices recommended under paragraph (3).".

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 2577:

CONGRESSIONAL RECORD, Vol. 162 (2016):
June 16, considered and passed Senate.
Nov. 29, considered and passed House, amended.
Dec. 1, Senate concurred in House amendment.

Public Law 114–325
114th Congress

An Act

To reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

Dec. 16, 2016
[S. 2854]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016.
28 USC 509 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016".

SEC. 2. INVESTIGATION OF UNSOLVED CIVIL RIGHTS CRIMES.

The Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note) is amended—

(1) in section 2—

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

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

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

"(3) meet regularly with eligible entities to coordinate the sharing of information and to discuss the status of the Department's work under this Act; Coordination.

"(4) support the full accounting of all victims whose deaths or disappearances were the result of racially motivated crimes;

"(5) hold accountable under Federal and State law all individuals who were perpetrators of, or accomplices in, unsolved civil rights murders and such disappearances;

"(6) express the condolences of the authority to the communities affected by unsolved civil rights murders, and to the families of the victims of such murders and such disappearances;

"(7) keep families regularly informed about the status of the investigations of such murders and such disappearances of their loved ones; and

"(8) expeditiously comply with requests for information received pursuant to section 552 of title 5, United States Code, (commonly known as the 'Freedom of Information Act') and develop a singular, publicly accessible repository of these disclosed documents."; Compliance. Records. Public information.

(2) in section 3—

(A) in subsection (b)—

(i) in paragraph (1), by striking "1969" and inserting "1979";

(ii) in paragraph (2), by inserting before the period at the end the following: ", and eligible entities"; and

(iii) by adding after paragraph (2) the following:

"(3) REVIEW OF CLOSED CASES.—The Deputy Chief may, to the extent practicable, reopen and review any case involving a violation described in paragraph (1) that was closed prior to the date of the enactment of the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 without an in-person investigation or review conducted by an officer or employee of the Criminal Section of the Civil Rights Division of the Department of Justice or by an agent of the Federal Bureau of Investigation.

"(4) PUBLIC ENGAGEMENT.—

"(A) IN GENERAL.—The Department shall hold meetings with representatives of the Civil Rights Division, Federal Bureau of Investigation, the Community Relations Service, eligible entities, and where appropriate, state and local law enforcement to discuss the status of the Department's work under this Act.

"(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out this Act under section 6, there is authorized to be appropriated to the Attorney General $1,500,000 for fiscal year 2017 and each of the next 10 subsequent fiscal years to carry out this paragraph."; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "1969" and inserting "1979";

(II) in subparagraph (F), by striking "and" at the end;

(III) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(IV) by inserting after subparagraph (G) the following:

"(H) the number of cases referred by an eligible entity or a State or local law enforcement agency or prosecutor to the Department within the study period, the number of such cases that resulted in Federal charges being filed, the date the charges were filed, and if the Department declines to prosecute or participate in an investigation of a case so referred, the fact that it did so, and the outreach, collaboration, and support for investigations and prosecutions of violations of criminal civil rights statutes described in section 2(3), including murders and including disappearances described in section 2(4), within Federal, State, and local jurisdictions."; and

(ii) in paragraph (2), by inserting before the period at the end the following: "and a description of the activities conducted under subsection (b)(3)";

(3) in section 4(b)—

(A) in paragraph (1), by striking "1969" and inserting "1979"; and

(B) in paragraph (2), by inserting before the period at the end the following: ", and eligible entities";

(4) in section 5—

(A) in subsection (a), by striking "1969" and inserting "1979"; and

(B) in subsection (b), by striking "each of the fiscal years 2008 through 2017" and inserting "fiscal year 2017 and each of the 10 subsequent fiscal years"; and

(5) in section 6—

(A) in subsection (a)—

(i) by striking "each of the fiscal years 2008 through 2017" and inserting "fiscal year 2017 and each of the 10 subsequent fiscal years"; and

(ii) by striking "1969" and inserting "1979"; and

(B) by amending subsection (b) to read as follows:

"(b) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—Using funds appropriated under section 3(b)(4)(B), the Community Relations Service of the Department of Justice shall provide technical assistance by bringing together law enforcement agencies and communities to address tensions raised by Civil Rights era crimes.";

(6) in section 7—

(A) in the heading, by striking "**DEFINITION OF 'CRIMINAL CIVIL RIGHTS STATUTES'**" and inserting "**DEFINITIONS**";

(B) in paragraph (6), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses accordingly;

(C) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs accordingly;

(D) by striking "In this Act, the term" and inserting: "In this Act:

"(1) CRIMINAL CIVIL RIGHTS STATUTES.—The term"; and

(E) by inserting at the end the following:

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization whose primary purpose is to promote civil rights, an institution of higher education, or another entity, determined by the Attorney General to be appropriate."; and

Definition.

(7) by striking section 8.

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 2854:

CONGRESSIONAL RECORD, Vol. 162 (2016):
July 14, considered and passed Senate.
Dec. 7, considered and passed House, amended.
Dec. 9, Senate concurred in House amendment.

Public Law 114–326
114th Congress

An Act

Dec. 16, 2016
[S. 2971]

To authorize the National Urban Search and Rescue Response System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Urban Search and Rescue Response System Act of 2016.
42 USC 5121 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Urban Search and Rescue Response System Act of 2016".

SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

42 USC 5165f.

"SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

Applicability.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

"(3) HAZARD.—The term 'hazard' has the meaning given the term in section 602.

"(4) NONEMPLOYEE SYSTEM MEMBER.—The term 'nonemployee System member' means a System member not employed by a sponsoring agency or participating agency.

"(5) PARTICIPATING AGENCY.—The term 'participating agency' means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

"(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

"(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

"(8) SYSTEM MEMBER.—The term 'System member' means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

"(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

"(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

"(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

"(d) TASK FORCES.—

Contracts.

"(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

Determination. Criteria.

"(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

"(3) COMPOSITION.—

"(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, one or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

"(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

"(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management teams and other technical teams as the Administrator determines are necessary to administer the System.

"(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

"(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

"(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

"(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

"(g) COMPENSATION.—

"(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation,

the Administrator shall make payments to the sponsoring agency of a task force—

Reimbursement.

"(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

"(B) to make payments directly to a nonemployee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

"(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

"(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

"(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

"(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

"(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

"(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

"(2) ELECTION OF BENEFITS.—

"(A) IN GENERAL.—A System member (or, in the case of the death of the System member, the System member's dependent) who is entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

"(i) receive benefits under such subchapter; or

"(ii) receive benefits from the State or local government.

"(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury,

illness, disability, or death that is the reason for the benefits, or until such later date as the Secretary of Labor may allow for reasonable cause shown.

"(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

"(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

"(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

"(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

"(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply: Applicability.

"(1) SERVICE.—Service as a System member shall be considered to be 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

"(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review. Determination.

"(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member's qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

"(l) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement

with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

"(1) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

"(2) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

"(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

"(m) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

"(n) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

Deadline. Reports. Implementation plan.

"(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.".

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking "and" at the end;

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking "United States Code,"; and

(ii) by adding "and" at the end; and

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

"(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;".

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting ", a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act" before ", and a period"; and

(B) in paragraph (16), by inserting "System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under

section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act," after "Public Health Service,".

(c) TECHNICAL AMENDMENT.—Section 1086(d) of the National Defense Authorization Act for Fiscal Year 2013 is amended as follows (which amendments shall take effect as if enacted on January 2, 2013)— 42 USC 3791 note.

(1) in paragraph (1)—

(A) by striking "paragraph (1)" and inserting "paragraph (2)"; and

(B) in subparagraph (B) by striking "filed or" and inserting "filed (consistent with pre-existing effective dates) or"; and

(2) in paragraph (2)(A), by striking "amendments made by this Act" and inserting "amendments made to section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) by this Act".

Approved December 16, 2016.

LEGISLATIVE HISTORY—S. 2971:

SENATE REPORTS: No. 114–307 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 162 (2016):

Nov. 30, considered and passed Senate.

Dec. 7, considered and passed House, amended.

Dec. 9, Senate concurred in House amendment.

Public Law 114–327
114th Congress

An Act

Dec. 16, 2016
[H.R. 6452]

To implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ensuring Access to Pacific Fisheries Act. 16 USC 7701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Access to Pacific Fisheries Act".

TITLE I—NORTH PACIFIC FISHERIES

Subtitle A—North Pacific Fisheries Convention Implementation

16 USC 7701.

SEC. 101. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the North Pacific Fisheries Commission established in accordance with the North Pacific Fisheries Convention.

(2) COMMISSIONER.—The term "Commissioner" means a United States Commissioner appointed under section 102(a).

(3) CONVENTION AREA.—The term "Convention Area" means the area to which the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean applies under Article 4 of such Convention.

(4) COUNCIL.—The term "Council" means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), as the context requires.

(5) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

(6) FISHERIES RESOURCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "fisheries resources" means all fish, mollusks, crustaceans, and other marine species caught by a fishing vessel within the Convention Area, as well as any products thereof.

(B) EXCLUSIONS.—The term "fisheries resources" does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

(iii) marine mammals, marine reptiles, or seabirds; or

(iv) other marine species already covered by pre-existing international fisheries management instruments within the area of competence of such instruments.

(7) FISHING ACTIVITIES.—

(A) IN GENERAL.—The term "fishing activities" means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fisheries resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

(iv) the transshipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

(B) EXCLUSIONS.—The term "fishing activities" does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

(8) FISHING VESSEL.—The term "fishing vessel" means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

(9) HIGH SEAS.—The term "high seas" does not include an area that is within the exclusive economic zone of the United States or of any other country.

(10) NORTH PACIFIC FISHERIES CONVENTION.—The term "North Pacific Fisheries Convention" means the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force) for the United States, which was adopted at Tokyo on February 24, 2012.

(11) PERSON.—The term "person" means—

(A) any individual, whether or not a citizen or national of the United States;

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

(12) SECRETARY.—Except as otherwise specifically provided, the term "Secretary" means the Secretary of Commerce.

(13) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(14) STRADDLING STOCK.—The term "straddling stock" means a stock of fisheries resources that migrates between, or occurs in, the economic exclusion zone of one or more parties to the Convention and the Convention Area.

(15) TRANSSHIPMENT.—The term "transshipment" means the unloading of any fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

(16) 1982 CONVENTION.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

16 USC 7702.

SEC. 102. UNITED STATES PARTICIPATION IN THE NORTH PACIFIC FISHERIES CONVENTION.

(a) UNITED STATES COMMISSIONERS.—

(1) NUMBER OF COMMISSIONERS.—The United States shall be represented on the Commission by five United States Commissioners.

(2) SELECTION OF COMMISSIONERS.—The Commissioners shall be as follows:

(A) APPOINTMENT BY THE PRESIDENT.—

(i) IN GENERAL.—Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

(I) the Department of Commerce;

(II) the Department of State; or

(III) the Coast Guard.

(ii) SELECTION CRITERIA.—In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

(B) NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the North Pacific Fishery Management Council or a designee of such chairman.

(C) PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the Pacific Fishery Management Council or a designee of such chairperson.

(D) WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the Western Pacific Fishery Management Council or a designee of such chairperson.

Consultation.

(b) ALTERNATE COMMISSIONERS.—In the event of a vacancy in a position as a Commissioner appointed under subsection (a),

the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or an alternative Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 11 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing activities in the management area of the North Pacific Fishery Management Council.

(ii) A member engaging in commercial fishing activities in the management area of the Pacific Fishery Management Council.

(iii) A member engaging in commercial fishing activities in the management area of the Western Pacific Fishery Management Council.

(iv) Three members from the indigenous population of the North Pacific, including an Alaska Native, Native Hawaiian, or a native-born inhabitant of any State of the United States in the Pacific, and an individual from a Pacific Coast tribe.

(v) A member that is a marine fisheries scientist that is a resident of a State the adjacent exclusive economic zone for which is bounded by the Convention Area.

(vi) A member nominated by the Governor of the State of Alaska.

(vii) A member nominated by the Governor of the State of Hawaii.

(viii) A member nominated by the Governor of the State of Washington.

(ix) A member nominated by the Governor of the State of California.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee shall attend each meeting and shall examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

Notification.

(C) PROCEDURES.—

Determination.

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this subtitle, the North Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Publication.

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Notifications.

(v) COST SAVINGS.—In order to reduce the cost of Advisory Committee meetings, the Advisory Committee shall, to the extent practicable, utilize teleconferences and webinars for that purpose.

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fisheries resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(C) TRAVEL EXPENSES.—

(i) IN GENERAL.—The Secretary of State may pay the necessary travel expenses of members of the

Advisory Committee in carrying out the duties of the Advisory Committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(ii) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subparagraph.

SEC. 103. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE. 16 USC 7703.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to another appropriate authority, any communication received pursuant to paragraph (1); Consultation.

(3) with the concurrence of the Secretary, and in accordance with the Convention, object to the decisions of the Commission; and

(4) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments or agencies, or international intergovernmental organizations, in the conduct of scientific research and other programs under this subtitle.

SEC. 104. AUTHORITY OF THE SECRETARY OF COMMERCE. 16 USC 7704.

(a) PROMULGATION OF REGULATIONS.—

(1) AUTHORITY.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the North Pacific Fisheries Convention and this subtitle, including recommendations and decisions adopted by the Commission. Consultation.

(2) REGULATIONS OF STRADDLING STOCKS.—In the implementation of a measure adopted by the Commission that would govern a straddling stock under the authority of a Council, any regulation promulgated by the Secretary to implement such measure within the exclusive economic zone shall be approved by such Council.

(b) RULE OF CONSTRUCTION.—Regulations promulgated under subsection (a) shall be applicable only to a person or a fishing vessel that is or has engaged in fishing activities, or fisheries resources covered by the North Pacific Fisheries Convention under this subtitle. Applicability.

(c) ADDITIONAL AUTHORITY.—The Secretary may conduct, and may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(1) scientific, research, and other programs under this subtitle;

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the North Pacific Fisheries Convention;

(3) the collection, utilization, and disclosure of such information as may be necessary to implement the North Pacific Fisheries Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(4) the issuance of permits to owners and operators of United States vessels to engage in fishing activities in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid; and

(5) if recommended by the United States Commissioners, the assessment and collection of fees, not to exceed 3 percent of the ex-vessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this subtitle.

(d) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this subtitle, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567) and the amendments made by that Act, and Public Law 100–629 (102 Stat. 3286).

Deadlines.

(e) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this subtitle shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

16 USC 7705.

SEC. 105. ENFORCEMENT.

(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating—

(1) shall administer and enforce this subtitle and any regulations issued under this subtitle; and

(2) may request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this subtitle.

(b) SECRETARIAL ACTIONS.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this subtitle with respect to fishing activities or the conservation of fisheries resources in the Convention Area in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this subtitle. Any person that violates this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this subtitle.

(c) JURISDICTION OF THE COURTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the district courts of the United States shall have jurisdiction over any case or controversy arising under this subtitle, and any such court may at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

(2) HAWAII AND PACIFIC INSULAR AREAS.—In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18, United States Code.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this subtitle, and information submitted under any requirement of this subtitle that may be necessary to implement the Convention, including information submitted before the date of the enactment of this Act, shall be confidential and may not be disclosed, except—

(A) to a Federal employee who is responsible for administering, implementing, or enforcing this subtitle;

(B) to the Commission, in accordance with requirements in the North Pacific Fisheries Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State, Council, or marine fisheries commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this subtitle.

(2) USE OF INFORMATION.—

Regulations. Procedures.

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this subtitle.

(B) EXCEPTION.—The Secretary may release or make public information submitted under this subtitle if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this subtitle.

16 USC 7706.

SEC. 106. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate this subtitle or any regulation or permit issued under this subtitle;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this subtitle;

(3) to refuse to permit any officer authorized to enforce this subtitle to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this subtitle or any regulation promulgated or permit issued under this subtitle;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fisheries

resources taken or retained in violation of this subtitle or any regulation or permit referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this subtitle;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this subtitle, or any data collector employed by or under contract to any person to carry out responsibilities under this subtitle;

(10) to engage in fishing activities in violation of any regulation adopted pursuant to this subtitle;

(11) to fail to make, keep, or furnish any catch returns, statistical records, or other reports required by regulations adopted pursuant to this subtitle to be made, kept, or furnished;

(12) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(13) to import, in violation of any regulation adopted pursuant to this subtitle, any fisheries resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fisheries resources in any form not under regulation but under investigation by the Commission, during the period such fisheries resources have been denied entry in accordance with this subtitle;

(14) to make or submit any false record, account, or label for, or any false identification of, any fisheries resources that have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

SEC. 107. COOPERATION IN CARRYING OUT CONVENTION. 16 USC 7707.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with any Federal agency, any public or private institution or organization within the United States or abroad, and, through the Secretary of State, a duly authorized official of the government of any party to the North Pacific Fisheries Convention, in carrying out responsibilities under this subtitle.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—Each Federal agency may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the North Pacific Fisheries Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this subtitle, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the North Pacific Fisheries Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this subtitle shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

16 USC 7708.

SEC. 108. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam to the extent allowed under United States law.

16 USC 7709.

SEC. 109. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of countries fishing under the management authority of the North Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to or as soon as reasonably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.

16 USC 7710.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $300,000 for each of fiscal years 2017 through 2021 to carry out this subtitle and to pay the United States contribution to the Commission under Article 12 of the North Pacific Fisheries Convention.

Subtitle B—Miscellaneous

SEC. 121. FUNDING FOR TRAVEL EXPENSES.

(a) NORTH PACIFIC BERING SEA FISHERIES ADVISORY BODY.—Section 5 of the Act entitled "An Act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes", approved November 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is amended by adding at the end the following:

"(e) TRAVEL EXPENSES.—

"(1) IN GENERAL.—The Secretary of State may pay the necessary travel expenses of the members of the advisory body established pursuant to this section in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

"(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.".

(b) NORTH PACIFIC ANADROMOUS FISH COMMISSION.—

(1) UNITED STATES COMMISSIONERS.—Section 804 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003) is amended by adding at the end the following:

"(e) TRAVEL EXPENSES.—

"(1) IN GENERAL.—The Secretary may pay the necessary travel expenses of the United States Commissioners and Alternate United States Commissioners in carrying out the duties of the Commission in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

"(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.".

(2) ADVISORY PANEL.—Section 805 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5004) is amended by striking subsection (e) and inserting the following:

"(e) COMPENSATION.—The members of the Advisory Panel shall receive no compensation for their service as such members.

"(f) TRAVEL EXPENSES.—

"(1) IN GENERAL.—The Secretary may pay the necessary travel expenses of the members of the Advisory Panel in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

"(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.".

SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998.

Section 10 of the National Sea Grant College Program Reauthorization Act of 1998 (15 U.S.C. 1541) is amended by striking "the United States Coast Guard" each place it appears and inserting "another Federal agency".

TITLE II—IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH PACIFIC OCEAN

SEC. 201. DEFINITIONS. 16 USC 7801.

In this title:

(1) 1982 CONVENTION.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) COMMISSION.—The term "Commission" means the Commission of the South Pacific Regional Fisheries Management Organization established in accordance with the South Pacific Fishery Resources Convention.

(3) CONVENTION AREA.—The term "Convention Area" means the area to which the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean applies under Article 5 of such Convention.

(4) COUNCIL.—The term "Council" means the Western Pacific Regional Fishery Management Council.

(5) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

(6) FISHERY RESOURCES.—The term "fishery resources" means all fish, mollusks, crustaceans, and other marine species, and any products thereof, caught by a fishing vessel within the Convention Area, but excluding—

(A) sedentary species insofar as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;

(B) highly migratory species listed in Annex I of the 1982 Convention;

(C) anadromous and catadromous species; and

(D) marine mammals, marine reptiles and sea birds.

(7) FISHING.—The term "fishing"—

(A) except as provided in subparagraph (B), means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose;

(iii) transshipment and any operation at sea, in support of, or in preparation for, any activity described in this subparagraph; and

(iv) the use of any vessel, vehicle, aircraft, or hovercraft in relation to any activity described in this subparagraph; and

(B) does not include any operation related to emergencies involving the health and safety of crew members or the safety of a fishing vessel.

(8) FISHING VESSEL.—The term "fishing vessel" means any vessel used or intended to be used for fishing, including any fish processing vessel support ship, carrier vessel, or any other vessel directly engaged in fishing operations.

(9) PERSON.—The term "person" means any individual (whether or not a citizen or national of the United States); any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State); and any Federal, State, local, or foreign government or any entity of any such government.

(10) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(11) SOUTH PACIFIC FISHERY RESOURCES CONVENTION.—The term "South Pacific Fishery Resources Convention" means the Convention on the Conservation and Management of the High Seas Fishery Resources in the South Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force, for the United States), which was adopted at Auckland, New Zealand, on November 14, 2009, by the

International Consultations on the Proposed South Pacific Regional Fisheries Management Organization.

(12) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

SEC. 202. APPOINTMENT OR DESIGNATION OF UNITED STATES COMMISSIONERS. 16 USC 7802.

(a) APPOINTMENT.—

(1) IN GENERAL.—The United States shall be represented on the Commission by not more than 3 Commissioners. In making each appointment, the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fishery resources in the South Pacific Ocean. President.

(2) REPRESENTATION.—At least 1 of the Commissioners shall be—

(A) serving at the pleasure of the President, an officer or employee of—

(i) the Department of Commerce;

(ii) the Department of State; or

(iii) the Coast Guard; and

(B) the chairperson or designee of the Council.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a). Consultation.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or as an alternate Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 7 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing in the management area of the Council.

(ii) Two members from the indigenous population of the Pacific, including a Native Hawaiian and a native-born inhabitant of any State in the Pacific.

(iii) A member that is a marine fisheries scientist and a member of the Council's Scientific and Statistical Committee.

(iv) A member representing a non-governmental organization active in fishery issues in the Pacific.

(v) A member nominated by the Governor of the State of Hawaii.

(vi) A member designated by the Council.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee may attend each meeting and may examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

Notification.

(C) PROCEDURES.—

Determination.

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this title, the South Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Publication.

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Notifications.

(v) COST SAVINGS.—In order to reduce the cost of Advisory Committee meetings, the Advisory Committee shall, to the extent practicable, utilize teleconferences and webinars for that purpose.

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fishery resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such

administrative and technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS; EXPENSES.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

SEC. 203. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE. 16 USC 7803.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication pursuant to paragraph (1); and Consultation.

(3) with the concurrence of the Secretary, and in accordance with the South Pacific Fishery Resources Convention, object to decisions of the Commission.

SEC. 204. RESPONSIBILITY OF THE SECRETARY AND RULEMAKING AUTHORITY. 16 USC 7804.

(a) RESPONSIBILITIES.—The Secretary may—

(1) administer this title and any regulations issued under this title, except to the extent otherwise provided for in this title;

(2) issue permits to vessels subject to the jurisdiction of the United States, and to owners and operators of such vessels, to fish in the Convention Area, under such terms and conditions as the Secretary may prescribe; and

(3) if recommended by the United States Commissioners, assess and collect fees, not to exceed 3 percent of the ex-vessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this title.

(b) PROMULGATION OF REGULATIONS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary and appropriate to carry out the international obligations of the United States under the South Pacific Fishery Resources Convention and this title, including decisions adopted by the Commission. Consultation.

(2) APPLICABILITY.—Regulations promulgated under this subsection shall be applicable only to a person or fishing vessel that is or has engaged in fishing, and fishery resources covered by the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean under this title.

(c) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this title, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567) and the amendments made by that Act, and Public Law 100–629 (102 Stat. 3286).

Deadlines.

(d) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this title shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1) not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

16 USC 7805.

SEC. 205. ENFORCEMENT.

(a) RESPONSIBILITY.—This title, and any regulations or permits issued under this title, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce this title or any regulation promulgated under this title. Any officer so authorized may enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of this title.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made

a part of this title. Any person that violates this title shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by the same means as though sections 308 through 311 of that Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of this title.

(c) DISTRICT COURT JURISDICTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any actions arising under this section.

(2) HAWAII AND PACIFIC INSULAR AREAS.—Notwithstanding subsection (b), for the purpose of this section, for Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

SEC. 206. PROHIBITED ACTS. 16 USC 7806.

It is unlawful for any person—

(1) to violate any provision of this title or of any regulation promulgated or permit issued under this title;

(2) to use any fishing vessel to engage in fishing without a valid permit or after the revocation, or during the period of suspension, of an applicable permit pursuant to this title;

(3) to refuse to permit any officer authorized to enforce this title to board a fishing vessel subject to such person's control for the purposes of conducting any investigation or inspection in connection with the enforcement of this title;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this title or any regulation promulgated or permit issued under this title;

(5) to resist a lawful arrest for any act prohibited by this title or any regulation promulgated or permit issued under this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fishery resources taken or retained in violation of this title or any regulation or permit referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this title;

(8) to submit to the Secretary false information, regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel pursuant to the requirements of this title, or any data collector employed by the National Oceanic and Atmospheric Administration or under contract to any person to carry out responsibilities under this title;

(10) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(11) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(12) to import, in violation of any regulation promulgated under this title, any fishery resources in any form of those species subject to regulation pursuant to a decision of the Commission;

(13) to make or submit any false record, account, or label for, or any false identification of, any fishery resources that have been or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(14) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

16 USC 7807.

SEC. 207. COOPERATION IN CARRYING OUT THE CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States Government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the South Pacific Fishery Resources Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the South Pacific Fishery Resources Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the South Pacific Fishery Resources Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

16 USC 7808.

SEC. 208. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam,

and the Commonwealth of the Northern Mariana Islands to the extent allowed under United States law.

SEC. 209. EXCLUSIVE ECONOMIC ZONE NOTIFICATION. 16 USC 7809.

Masters of commercial fishing vessels of countries fishing under the management authority of the South Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, before or as soon as reasonably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS. 16 USC 7810.

(a) IN GENERAL.—There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $300,000 for each of fiscal years 2017 through 2021 to carry out this title and to pay the United States contribution to the Commission under Article 15 of the South Pacific Fisheries Convention.

(b) INTERNATIONAL COOPERATION AND ASSISTANCE.—

(1) IN GENERAL.—Subject to the limits of available appropriations and consistent with applicable law, the Secretary or the Secretary of State may provide appropriate assistance, including grants, to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the South Pacific Fisheries Convention.

(2) TRANSFER OF FUNDS.—Subject to the limits of available appropriations and consistent with other applicable law, the Secretary and the Secretary of State are authorized to transfer funds to any foreign government and any international, nongovernmental, or international organization, including the Commission, for purposes of carrying out the international responsibilities under paragraph (1).

TITLE III—WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

SEC. 301. RECOMMENDATIONS FOR AGENDA OF ANNUAL MEETINGS OF WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION.

(a) IN GENERAL.—The Western and Central Pacific Fisheries Convention Implementation Act is amended—

(1) in section 503 (16 U.S.C. 6902)—

(A) in subsection (a), by inserting "and commercial fishing" after "fish stocks"; and

(B) in subsection (d)(1), by adding at the end the following:

"(E) AGENDA RECOMMENDATIONS.—No later than 30 days before each annual meeting of the Commission, the Advisory Committee shall transmit to the United States Commissioners recommendations relating to the agenda of the annual meeting. The recommendations must be Deadline.

agreed to by a majority of the Advisory Committee members. The United States Commissioners shall consider such recommendations, along with additional views transmitted by Advisory Committee members, in the formulation of the United States position for the Commission meeting and during the negotiations at that meeting."; and

(2) by redesignating section 511 (16 U.S.C. 6910) as section 512, and inserting after section 510 the following:

16 USC 6909a.

"SEC. 511. UNITED STATES CONSERVATION, MANAGEMENT, AND ENFORCEMENT OBJECTIVES.

Consultation. Negotiations.

"The Secretary, in consultation with the Secretary of State, in the course of negotiations, shall seek—

"(1) to minimize any disadvantage to United States fishermen in relation to other members of the Commission;

Determination.

"(2) to maximize the opportunities for fishing vessels of the United States to harvest fish stocks on the high seas in the Convention area, recognizing that such harvests may be restricted if the Commission, based on the best available scientific information provided by the Scientific Committee, determines it is necessary to achieve the conservation objective set forth in Article 2 of the Convention;

"(3) to prevent any requirement for the transfer to other nations or foreign entities of the fishing capacity, fishing capacity rights, or fishing vessels of the United States or its territories, unless any such requirement is voluntary and market-based; and

"(4) to ensure that conservation and management measures take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries covered by the Western and Central Pacific Convention.".

(b) CONFORMING AMENDMENT.—Section 1(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is amended in the table of contents by striking the item relating to section 511 (121 Stat. 3576) and inserting the following:

"Sec. 511. United States conservation, management, and enforcement objectives.
"Sec. 512. Authorization of appropriations.".

TITLE IV—ILLEGAL, UNREGULATED, AND UNREPORTED FISHING

SEC. 401. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) APPLICATION OF ACT.—Section 606(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g(b)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) the Ensuring Access to Pacific Fisheries Act.".

(b) BIENNIAL REPORTS.—Section 607 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h) is amended

by inserting "on June 1 of that year" after "every 2 years thereafter,".

(c) IDENTIFICATION OF VESSELS.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended by striking "fishing vessels of that nation are engaged, or have" and inserting "any fishing vessel of that nation is engaged, or has".

(d) IDENTIFICATION OF NATIONS.—Section 610(a)(2)(A) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended by striking "calendar year" and inserting "3 years".

TITLE V—NORTHWEST ATLANTIC FISHERIES CONVENTION AMENDMENTS ACT

Northwest Atlantic Fisheries Convention Amendments Act.

SEC. 501. SHORT TITLE; REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

16 USC 5601 note.

(a) SHORT TITLE.—This title may be cited as the "Northwest Atlantic Fisheries Convention Amendments Act".

(b) REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.).

SEC. 502. REPRESENTATION OF THE UNITED STATES UNDER CONVENTION.

Section 202 (16 U.S.C. 5601) is amended—

(1) in subsection (a)(1), by striking "General Council and the Fisheries";

(2) in subsection (b)(1), by striking "at a meeting of the General Council or the Fisheries Commission";

(3) in subsection (b)(2), by striking ", at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated";

(4) in subsection (d)(1), by striking "at a meeting of the Scientific Council";

(5) in subsection (d)(2), by striking ", at any meeting of the Scientific Council for which the Alternate Representative is designated"; and

(6) in subsection (f)(1)(A), by striking "Magnuson Act" and inserting "Magnuson-Stevens Fishery Conservation and Management Act".

SEC. 503. REQUESTS FOR SCIENTIFIC ADVICE.

Section 203 (16 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) by striking "The Representatives may" and inserting "A Representative may";

(B) by striking "described in subsection (b)(1) or (2)" and inserting "described in paragraph (1) or (2) of subsection (b)"; and

(C) by striking "the Representatives have" and inserting "the Representative has";

(2) by striking "VII(1)" each place it appears and inserting "VII(10)(b)"; and

(3) in subsection (b)(2), by striking "VIII(2)" and inserting "VII(11)".

SEC. 504. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

Section 204 (16 U.S.C. 5603) is amended by striking "Fisheries Commission" each place it appears and inserting "Commission consistent with the procedures detailed in Articles XIV and XV of the Convention".

SEC. 505. INTERAGENCY COOPERATION.

Section 205(a) (16 U.S.C. 5604(a)) is amended to read as follows:

"(a) AUTHORITIES OF THE SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with—

"(1) any department, agency, or instrumentality of the United States;

"(2) a State;

"(3) a Council; or

"(4) a private institution or an organization.".

SEC. 506. PROHIBITED ACTS AND PENALTIES.

Section 207(a)(5) (16 U.S.C. 5606(a)(5)) is amended by striking "fish" and inserting "fishery resources".

SEC. 507. CONSULTATIVE COMMITTEE.

Section 208 (16 U.S.C. 5607) is amended—

(1) in subsection (b)(2), by striking "two" and inserting "2"; and

(2) in subsection (c), by striking "General Council or the Fisheries" each place it appears.

SEC. 508. DEFINITIONS.

Section 210 (16 U.S.C. 5609) is amended to read as follows:

"SEC. 210. DEFINITIONS.

"In this title:

"(1) 1982 CONVENTION.—The term '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982.

"(2) AUTHORIZED ENFORCEMENT OFFICER.—The term 'authorized enforcement officer' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

"(3) COMMISSION.—The term 'Commission' means the body provided for by Articles V, VI, XIII, XIV, and XV of the Convention.

"(4) COMMISSIONER.—The term 'Commissioner' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202.

"(5) CONVENTION.—The term 'Convention' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978, and as amended on September 28, 2007.

"(6) CONVENTION AREA.—The term 'Convention Area' means the waters of the Northwest Atlantic Ocean north of 35°00′ N and west of a line extending due north from 35°00′ N and 42°00′ W to 59°00′ N, thence due west to 44°00′ W, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10′ N.

"(7) COUNCIL.—The term 'Council' means the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council.

"(8) FISHERY RESOURCES.—

"(A) IN GENERAL.—The term 'fishery resources' means all fish, mollusks, and crustaceans, including any products thereof, within the Convention Area.

"(B) EXCLUSIONS.—The term 'fishery resources' does not include—

"(i) sedentary species over which coastal States may exercise sovereign rights consistent with Article 77 of the 1982 Convention; or

"(ii) insofar as they are managed under other international treaties, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention.

"(9) FISHING ACTIVITIES.—

"(A) IN GENERAL.—The term 'fishing activities' means harvesting or processing fishery resources, or transhipping of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fishery resources.

"(B) INCLUSIONS.—The term 'fishing activities' includes—

"(i) the actual or attempted searching for or catching or taking of fishery resources;

"(ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose; and

"(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

"(C) EXCLUSIONS.—The term 'fishing activities' does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

"(10) FISHING VESSEL.—

"(A) IN GENERAL.—The term 'fishing vessel' means a vessel that is or has been engaged in fishing activities.

"(B) INCLUSIONS.—The term 'fishing vessel' includes a fish processing vessel or a vessel engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities.

"(11) ORGANIZATION.—The term 'Organization' means the Northwest Atlantic Fisheries Organization provided for by Article V of the Convention.

"(12) PERSON.—The term 'person' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity

(whether or not organized or existing under the laws of any State).

"(13) REPRESENTATIVE.—The term 'Representative' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202.

"(14) SCIENTIFIC COUNCIL.—The term 'Scientific Council' means the Scientific Council provided for by Articles V, VI, and VII of the Convention.

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any other commonwealth, territory, or possession of the United States.

"(17) TRANSSHIPMENT.—The term 'transshipment' means the unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port.".

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

Section 211 (16 U.S.C. 5610) is amended—

(1) by striking "including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention" and inserting "including to pay the United States contribution to the Organization as provided in Article IX of the Convention"; and

(2) by striking "2012" and inserting "2021".

SEC. 510. QUOTA ALLOCATION PRACTICE.

Repeal.

Section 213 (16 U.S.C. 5612) is repealed.

TITLE VI—MISCELLANEOUS

SEC. 601. REPEAL OF NOAA OCEANS AND HUMAN HEALTH INITIATIVE REPORT.

Section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—" and indenting appropriately; and

(2) by striking subsection (b).

Approved December 16, 2016

LEGISLATIVE HISTORY—H.R. 6452:

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 8, considered and passed House.
Dec. 9, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Dec. 16, Presidential statement.

Public Law 114–328
114th Congress

An Act

Dec. 23, 2016
[S. 2943]

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2017".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Uniform Code of Military Justice Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Subtitle C—Naval Vessels and Shipyards

Subtitle D—Counterterrorism

Subtitle E—Miscellaneous Authorities and Limitations

Subtitle F—Studies and Reports

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES. 10 USC 101 note.

In this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Subtitle B—Army Programs

Subtitle C—Navy Programs

Subtitle D—Air Force Programs

Subtitle E—Defense-wide, Joint, and Multiservice Matters

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine

Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of AH–64E Apache helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60M AND HH–60M BLACK HAWK HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of UH–60M and HH–60M Black Hawk helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. DISTRIBUTED COMMON GROUND SYSTEM–ARMY INCREMENT 1.

(a) TRAINING FOR OPERATORS.—The Secretary of the Army shall take such actions as may be necessary to improve and tailor training for covered units in the versions of increment 1 that are in use on the date of the enactment of this Act.

(b) FIELDING OF CAPABILITY.—

(1) IN GENERAL.—The Secretary shall rapidly identify and field a capability for fixed and deployable multi-source ground processing systems for covered units.

(2) COMMERCIALLY AVAILABLE CAPABILITIES.—In carrying out paragraph (1), the Secretary shall procure commercially available off-the-shelf technologies that—

(A) meet essential tactical requirements for processing, analyzing, and displaying intelligence information;

(B) can integrate and communicate with covered units at the tactical unit level and at higher unit levels;

(C) are substantially easier for personnel to use than the Distributed Common Ground System–Army; and

(D) require less training than the Distributed Common Ground System–Army.

(c) LIMITATION ON THE AWARD OF CONTRACT.—The Secretary may not enter into a contract for the design, development, or procurement of any data architecture, data integration, or "cloud" capability, or any data analysis or data visualization and workflow

capability (including warfighting function tools relating to increment 1 of the Distributed Common Ground System–Army) for covered units unless the contract—

(1) is awarded not later than 180 days after the date of the enactment of this Act;

(2) is awarded in accordance with applicable law and regulations providing for the use of competitive procedures or procedures applicable to the procurement of commercial items including parts 12 and 15 of the Federal Acquisition Regulation;

(3) is a fixed-price contract; and

(4) provides that the technology to be procured under the contract will—

(A) begin initial fielding rapidly after the contract award;

(B) achieve initial operating capability not later than nine months after the date on which the contract is awarded; and

(C) achieve full operating capability not later than 18 months after the date on which the contract is awarded.

(d) WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the limitation in subsection (c) if the Secretary submits to the appropriate congressional committees a written statement declaring that such limitation would adversely affect ongoing operational activities.

(2) NONDELEGATION.—The Secretary of Defense may not delegate the waiver authority under paragraph (1).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED UNITS.—The term "covered units" means military units that use increment 1 of the Distributed Common Ground System–Army, including tactical units and operators at the division, brigade, and battalion levels, and tactical units below the battalion level.

SEC. 114. ASSESSMENT OF CERTAIN CAPABILITIES OF THE DEPARTMENT OF THE ARMY.

(a) ASSESSMENT.—The Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, shall conduct an assessment of the following capabilities with respect to the Department of the Army:

(1) The capacity of AH–64 Apache-equipped attack reconnaissance battalions to meet future needs.

(2) Air defense artillery capacity and responsiveness, including—

(A) the capacity of short-range air defense artillery to address existing and emerging threats, including threats posed by unmanned aerial systems, cruise missiles, and manned aircraft; and

(B) the potential for commercial off-the-shelf solutions.

(3) Chemical, biological, radiological, and nuclear capabilities and modernization needs.

(4) Field artillery capabilities, including—

(A) modernization needs;

(B) munitions inventory shortfalls; and

(C) changes in doctrine and war plans consistent with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians.

(5) Fuel distribution and water purification capacity and responsiveness.

(6) Watercraft and port-opening capabilities and responsiveness.

(7) Transportation capacity and responsiveness, particularly with respect to the transportation of fuel, water, and cargo.

(8) Military police capacity.

(9) Tactical mobility and tactical wheeled vehicle capacity, including heavy equipment prime movers.

(b) REPORT.—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) the assessment conducted under subsection (a);

(2) recommendations for reducing or eliminating shortfalls in responsiveness and capacity with respect to each of the capabilities described in such subsection; and

(3) an estimate of the costs of implementing such recommendations.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Navy Programs

SEC. 121. DETERMINATION OF VESSEL DELIVERY DATES.

(a) DETERMINATION OF VESSEL DELIVERY DATES.—

(1) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7300 the following new section:

"§ 7301. Determination of vessel delivery dates 10 USC 7301.

"(a) IN GENERAL.—The delivery of a covered vessel shall be deemed to occur on the date on which—

"(1) the Secretary of the Navy determines that the vessel is assembled and complete; and

"(2) custody of the vessel and all systems contained in the vessel transfers to the Navy.

"(b) INCLUSION IN BUDGET AND ACQUISITION REPORTS.—The delivery dates of covered vessels shall be included—

"(1) in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code); and

"(2) in any relevant Selected Acquisition Report submitted to Congress under section 2432 of this title.

"(c) COVERED VESSEL DEFINED.—In this section, the term 'covered vessel' means any vessel of the Navy that is under construction

on or after the date of the enactment of this section using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7300 the following new item:

10 USC 7291 prec.

"7301. Determination of vessel delivery dates.".

(b) CERTIFICATION.—

10 USC 7301 note.

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Navy shall certify to the congressional defense committees that the delivery dates of the following vessels have been adjusted in accordance with section 7301 of title 10, United States Code, as added by subsection (a):

(A) The U.S.S. John F. Kennedy (CVN–79).

(B) The U.S.S. Zumwalt (DDG–1000).

(C) The U.S.S. Michael Monsoor (DDG–1001).

(D) The U.S.S. Lyndon B. Johnson (DDG–1002).

(E) Any other vessel of the Navy that is under construction on the date of the enactment of this Act.

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

(A) an identification of each vessel for which the delivery date was adjusted; and

(B) the delivery date of each such vessel, as so adjusted.

SEC. 122. INCREMENTAL FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship designated LHA 8 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 123. LITTORAL COMBAT SHIP.

(a) REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.—

(1) IN GENERAL.—The Secretary of Defense shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for each fiscal year through fiscal year 2022 a report on Littoral Combat Ship mission packages.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to each Littoral Combat Ship mission package and increment, the following:

(A) A description of the status of and plans for development, production, and sustainment, including—

(i) projected unit costs compared to originally estimated unit costs for each system that comprises the mission package;

(ii) projected development costs, procurement costs, and 20-year sustainment costs compared to original estimates of such costs for each system that comprises the mission package;

(iii) demonstrated performance compared to required performance for each system that comprises the mission package and for the mission package as a whole;

(iv) problems relating to realized and potential costs, schedule, or performance; and

(v) any development plans, production plans, or sustainment and mitigation plans that may be implemented to address such problems.

(B) A description, including dates, of each developmental test, operational test, integrated test, and follow-on test event that is—

(i) completed in the fiscal year preceding the fiscal year covered by the report; and

(ii) expected to be completed in the fiscal year covered by the report and any of the following five fiscal years.

(C) The date on which initial operational capability is expected to be attained and a description of the performance level criteria that must be demonstrated to declare that such capability has been attained.

(D) A description of—

(i) the systems that attained initial operational capability in the fiscal year preceding the fiscal year covered by the report; and

(ii) the performance level demonstrated by such systems compared to the performance level required of such systems.

(E) The acquisition inventory objective for each system.

(F) An identification of—

(i) each location (including the city, State, and country) to which systems were delivered in the fiscal year preceding the fiscal year covered by the report; and

(ii) the quantity of systems delivered to each such location.

(G) An identification of—

(i) each location (including the city, State, and country) to which systems are projected to be delivered in the fiscal year covered by the report and any of the following five fiscal years; and

(ii) the quantity of systems projected to be delivered to each such location.

(b) CERTIFICATION OF LITTORAL COMBAT SHIP MISSION PACKAGE PROGRAM OF RECORD.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for fiscal year 2018 the certification described in paragraph (2).

(2) CERTIFICATION.—The certification described in this paragraph is a certification with respect to Littoral Combat

Ship mission packages that includes, as of the fiscal year covered by the certification, the program of record quantity for—

(A) surface warfare mission packages;

(B) anti-submarine warfare mission packages; and

(C) mine countermeasures mission packages.

(c) LIMITATIONS.—

(1) LIMITATION ON DEVIATION FROM ACQUISITION STRATEGY.—

(A) IN GENERAL.—The Secretary of Defense may not revise or deviate from revision three of the Littoral Combat Ship acquisition strategy, until the date on which the Secretary submits to the congressional defense committees the certification described in subparagraph (B).

(B) CERTIFICATION.—The certification described in this subparagraph is a certification that includes—

(i) the rationale of the Secretary for revising or deviating from revision three of the Littoral Combat Ship acquisition strategy;

(ii) a description of each such revision or deviation; and

(iii) the Littoral Combat Ship acquisition strategy that is in effect following the implementation of such revisions or deviations.

(2) LIMITATION ON SELECTION OF SINGLE CONTRACTOR.—The Secretary of Defense may not select only a single prime contractor to construct the Littoral Combat Ship or any successor frigate class ship unless such selection—

(A) is conducted using competitive procedures and for the limited purpose of awarding a contract or contracts for—

(i) an engineering change proposal for a frigate class ship; or

(ii) the construction of a frigate class ship; and

(B) occurs only after a frigate design has—

(i) reached sufficient maturity and completed a preliminary design review; or

(ii) demonstrated an equivalent level of design completeness.

(d) DEFINITIONS.—In this section:

(1) LITTORAL COMBAT SHIP MISSION PACKAGE.—The term "Littoral Combat Ship mission package" means a mission module for a Littoral Combat Ship combined with the crew detachment and support aircraft for such ship.

(2) MISSION MODULE.—The term "mission module" means the mission systems (including vehicles, communications, sensors, and weapons systems) combined with support equipment (including support containers and standard interfaces) and software (including software relating to the computing environment and multiple vehicle communications system of the mission package).

(3) REVISION THREE.—The term "revision three of the Littoral Combat Ship acquisition strategy" means the third revision of the Littoral Combat Ship acquisition strategy approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics on March 29, 2016.

(e) REPEAL OF QUARTERLY REPORTING REQUIREMENT.—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1657) is amended—

(1) by striking subsection (b); and

(2) by striking "(a) DESIGNATION REQUIRED.—".

SEC. 124. LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 for joint high speed vessels or expeditionary fast transports may be used to enter into or prepare to enter into a contract on a sole-source basis for the construction of such vessels or transports unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—The certification described in this subsection is a certification by the Secretary of the Navy that—

(1) awarding a contract for the construction of one or more joint high speed vessels or expeditionary fast transports on a sole-source basis is in the national security interests of the United States;

(2) the construction of the vessels or transports will not result in exceeding the requirement for the ship class, as described in the most recent Navy force structure assessment;

(3) the contract will be a fixed-price contract;

(4) the price of the contract will be fair and reasonable, as determined by the service acquisition executive of the Navy; and

(5) the contract will provide for the United States to have Government purpose rights in the data for the ship design.

(c) REPORT.—The report described in this subsection is a report that includes—

(1) an explanation of the rationale for awarding a contract for the construction of joint high speed vessels or expeditionary fast transports on a sole-source basis; and

(2) a description of—

(A) actions that may be carried out to ensure that, if additional ships in the class are procured after the award of the contract referred to in paragraph (1), the contracts for the ships shall be awarded using competitive procedures; and

(B) with respect to each such action, an implementation schedule and any associated cost savings, as compared to a contract awarded on a sole-source basis.

SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

(a) ADVANCED ARRESTING GEAR FOR U.S.S. ENTERPRISE.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. Enterprise (CVN–80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described in section 2432 of title 10, United States Code, for the most recently

concluded fiscal quarter for the Advanced Arresting Gear Program in accordance with subsection (c)(1).

(b) ADVANCED ARRESTING GEAR FOR U.S.S. JOHN F. KENNEDY.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. John F. Kennedy (CVN–79) may be obligated or expended unless—

(1) the decision to install advanced arresting gear on the vessel is determined by the milestone decision authority for the Program; and

(2) the milestone decision authority for the Program submits notification of such determination to the congressional defense committees.

(c) ADDITIONAL REQUIREMENTS.—

(1) TREATMENT OF BASELINE ESTIMATE.—The Secretary of Defense shall deem the Baseline Estimate for the Advanced Arresting Gear Program for fiscal year 2009 as the original Baseline Estimate for the Program.

(2) UNIT COST REPORTS AND CRITICAL COST GROWTH.—

(A) Subject to subparagraph (B), the Secretary shall carry out sections 2433 and 2433a of title 10, United States Code, with respect to the Advanced Arresting Gear Program, as if the Department had submitted a Selected Acquisition Report for the Program that included the Baseline Estimate for the Program for fiscal year 2009 as the original Baseline Estimate, except that the Secretary shall not carry out subparagraph (B) or subparagraph (C) of section 2433a(c)(1) of such title with respect to the Program.

(B) In carrying out the review required by section 2433a of such title, the Secretary shall not approve a contract, enter into a new contract, exercise an option under a contract, or otherwise extend the scope of a contract for advanced arresting gear for the U.S.S. Enterprise (CVN–80), except to the extent determined necessary by the milestone decision authority, on a non-delegable basis, to ensure that the Program can be restructured as intended by the Secretary without unnecessarily wasting resources.

(d) DEFINITIONS.—In this section:

(1) BASELINE ESTIMATE.—The term "Baseline Estimate" has the meaning given the term in section 2433(a)(2) of title 10, United States Code.

(2) MILESTON DECISION AUTHORITY.—The term "milestone decision authority" has the meaning given the term in section 2366b(g)(3) of title 10, United States Code.

(3) ORIGINAL BASELINE ESTIMATE.—The term "original Baseline Estimate" has the meaning given the term in section 2435(d)(1) of title 10, United States Code.

(4) SELECTED ACQUISITION REPORT.—The term "Selected Acquisition Report" means a Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF U.S.S. ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for

advance procurement or procurement for the U.S.S. Enterprise (CVN–80), not more than 25 percent may be obligated or expended until the date on which the Secretary of the Navy and the Chief of Naval Operations jointly submit to the congressional defense committees the report under subsection (b).

(b) INITIAL REPORT ON CVN–79 AND CVN–80.—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall jointly submit to the congressional defense committees a report that includes a description of actions that may be carried out (including de-scoping requirements, if necessary) to achieve a ship end cost of—

(1) not more than $12,000,000,000 for the CVN–80; and

(2) not more than $11,000,000,000 for the U.S.S. John F. Kennedy (CVN–79).

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

(1) IN GENERAL.—Together with the budget of the President for each fiscal year through fiscal year 2021 (as submitted to Congress under section 1105(a) of title 31, United States Code) the Secretary of the Navy and the Chief of Naval Operations shall submit a report on the efforts of the Navy to achieve the ship end costs described in subsection (b) for the CVN–79 and CVN–80.

(2) ELEMENTS.—The report under paragraph (1) shall include, with respect to the procurement of the CVN–79 and the CVN–80, the following:

(A) A description of the progress made toward achieving the ship end costs described in subsection (b), including realized cost savings.

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

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

(D) A schedule that includes—

(i) a plan for spending with phasing of key obligations and outlays;

(ii) decision points describing when savings may be realized; and

(iii) key events that must occur to execute initiatives and achieve savings.

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

(F) A description of risks that may result from achieving the procurement end costs specified in subsection (b).

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

SEC. 127. SENSE OF CONGRESS ON AIRCRAFT CARRIER PROCUREMENT SCHEDULES.

(a) FINDINGS.—Congress finds the following:

(1) In the Congressional Budget Office report titled "An Analysis of the Navy's Fiscal Year 2016 Shipbuilding Plan", the Office stated as follows: "To prevent the carrier force from declining to 10 ships in the 2040s, 1 short of its inventory

goal of 11, the Navy could accelerate purchases after 2018 to 1 every four years, rather than 1 every five years".

(2) In a report submitted to Congress on March 17, 2015, the Secretary of the Navy indicated the Department of the Navy has a requirement of 11 aircraft carriers.

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

(1) the plan of the Department of the Navy to schedule the procurement of one aircraft carrier every five years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements; and

(2) to accommodate the required aircraft carrier force structure, the Department of the Navy should—

(A) begin to program construction for the next aircraft carrier to be built after the U.S.S. Enterprise (CVN–80) in fiscal year 2022; and

(B) program the required advance procurement activities to accommodate the construction of such carrier.

SEC. 128. REPORT ON P–8 POSEIDON AIRCRAFT.

(a) REPORT REQUIRED.—Not later than October 1, 2017, the Secretary of the Navy shall submit to the congressional defense committees a report on potential upgrades to the capabilities of the P–8 Poseidon aircraft.

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the P–8 Poseidon aircraft, the following:

(1) A review of potential upgrades to the sensors onboard the aircraft, including upgrades to intelligence sensors, surveillance sensors, and reconnaissance sensors such as those being fielded on MQ–4 Global Hawk aircraft platforms.

(2) An assessment of the ability of the Navy to use long-range multispectral imaging systems onboard the aircraft that are similar to such systems being used onboard the MQ–4 Global Hawk aircraft.

SEC. 129. DESIGN AND CONSTRUCTION OF REPLACEMENT DOCK LANDING SHIP DESIGNATED LX(R) OR AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD–29.

(a) IN GENERAL.—The Secretary of the Navy may enter into a contract, beginning with the fiscal year 2017 program year, for the design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD–29 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) USE OF INCREMENTAL FUNDING.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 131. EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Air Force may carry out a program to transfer the primary mission equipment of the EC–130H Compass Call aircraft fleet to an aircraft platform that the Secretary determines—

(1) is more operationally effective and survivable than the existing EC–130H Compass Call aircraft platform; and

(2) meets the requirements of the combatant commands.

(b) LIMITATION.—

(1) Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for procurement may be obligated or expended on the program under subsection (a) until the date on which the Secretary of the Air Force determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

(2) The limitation in paragraph (1)—

(A) shall not apply to the development and procurement of the first two aircraft under the program; and

(B) shall not limit the authority of the Secretary to enter into a contract that may include an option for the future production of aircraft under the program if—

(i) the exercise of such option is at the discretion of the Secretary; and

(ii) such option is not exercised until the Secretary determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CERTAIN RETIRED C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659) is amended by striking subsection (d).

SEC. 133. REPEAL OF REQUIREMENT TO PRESERVE F–117 AIRCRAFT IN RECALLABLE CONDITION.

Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking subsection (b).

SEC. 134. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

(a) PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A–10 aircraft.

(b) ADDITIONAL LIMITATION ON RETIREMENT.—In addition to the prohibition in subsection (a), the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup aircraft inventory status any A–10 aircraft until a period of 90 days has elapsed following the date on which the Secretary submits

to the congressional defense committees the report under subsection (e)(2).

(c) PROHIBITION ON SIGNIFICANT REDUCTIONS IN MANNING LEVELS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to make significant reductions to manning levels with respect to any A–10 aircraft squadrons or divisions.

(d) MINIMUM INVENTORY REQUIREMENT.—The Secretary of the Air Force shall ensure the Air Force maintains a minimum of 171 A–10 aircraft designated as primary mission aircraft inventory until a period of 90 days has elapsed following the date on which the Secretary submits to the congressional defense committees the report under subsection (e)(2).

(e) REPORTS REQUIRED.—

(1) The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes—

(A) the results and findings of the initial operational test and evaluation of the F–35 aircraft program; and

(B) a comparison test and evaluation that examines the capabilities of the F–35A and A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller airborne missions.

(2) Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) the views of the Secretary with respect to the results of the initial operational test and evaluation of the F–35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary with respect to such results;

(B) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and

(C) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and forward air controller airborne missions.

(f) SPECIAL RULE.—

(1) Subject to paragraph (2), the Secretary of the Air Force may carry out the transition of the A–10 unit at Fort Wayne Air National Guard Base, Indiana, to an F–16 unit as described by the Secretary in the Force Structure Actions map submitted in support of the budget of the President for fiscal year 2017 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(2) Subsections (a) through (e) shall apply with respect to any A–10 aircraft affected by the transition described in paragraph (1).

SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN STORAGE STATUS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Air Force for fiscal year 2017 or any fiscal year thereafter may be obligated or expended to scrap, destroy, or otherwise dispose of any potential

donor A–10 aircraft until the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 134(e)(2).

(b) NOTIFICATION AND CERTIFICATION.—Not later than 45 days before taking any action to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group, the Secretary of the Air Force shall—

(1) notify the congressional defense committees of the intent of the Secretary to take such action; and

(2) certify that the A–10 aircraft subject to such action does not have serviceable wings or other components that could be used to prevent the permanent removal of any active inventory A–10 aircraft from flyable status.

(c) PLAN TO PREVENT REMOVAL A–10 AIRCRAFT FROM FLYABLE STATUS.—The Secretary of the Air Force shall—

(1) include with the materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2018 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a plan to prevent the permanent removal of any active inventory A–10 aircraft from flyable status due to unserviceable wings or any other required component during the period covered by the future years defense plan submitted to Congress under section 221 of title 10, United States Code; and

(2) carry out such plan to prevent the permanent removal of any active inventory A–10 aircraft from flyable status.

(d) POTENTIAL DONOR A–10 AIRCRAFT DEFINED.—In this section, the term "potential donor A–10 aircraft" means any A–10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group that has serviceable wings or other components that could be used to prevent any active inventory A–10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

SEC. 136. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT.

(a) PROHIBITION.—Except as provided by subsection (b) and in addition to the prohibition under section 144 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 758), none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any Joint Surveillance Target Attack Radar System aircraft.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to individual Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 137. ELIMINATION OF ANNUAL REPORT ON AIRCRAFT INVENTORY.

Section 231a of title 10, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 141. STANDARDIZATION OF 5.56MM RIFLE AMMUNITION.

(a) REPORT.—If, on the date that is 180 days after the date of the enactment of this Act, the Army and the Marine Corps are using in combat two different types of enhanced 5.56mm rifle ammunition, the Secretary of Defense shall, on such date, submit to the congressional defense committees a report explaining the reasons that the Army and the Marine Corps are using different types of such ammunition.

(b) STANDARDIZATION REQUIREMENT.—Except as provided in subsection (c), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Army and the Marine Corps are using in combat one standard type of enhanced 5.56mm rifle ammunition.

(c) EXCEPTION.—Subsection (b) shall not apply in a case in which the Secretary of Defense—

(1) determines that a state of emergency requires the Army and the Marine Corps to use in combat different types of enhanced 5.56mm rifle ammunition; and

(2) certifies to the congressional defense committees that such a determination has been made.

10 USC 2430 note.

SEC. 142. FIRE SUPPRESSANT AND FUEL CONTAINMENT STANDARDS FOR CERTAIN VEHICLES.

(a) GUIDANCE REQUIRED.—

(1) The Secretary of the Army shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Army.

(2) The Secretary of the Navy shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Marine Corps.

(b) ELEMENTS.—The guidance regarding fire suppressant and fuel containment standards issued pursuant to subsection (a) shall—

(1) meet the survivability requirements applicable to each class of covered vehicles;

(2) include standards for vehicle armor, vehicle fire suppression systems, and fuel containment technologies in covered vehicles; and

(3) balance cost, survivability, and mobility.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes—

(1) the policy guidance established pursuant to subsection (a), set forth separately for each class of covered vehicle; and

(2) any other information the Secretaries determine to be appropriate.

(d) COVERED VEHICLES.—In this section, the term "covered vehicles" means ground vehicles acquired on or after October 1, 2018, under a major defense acquisition program (as such term is defined in section 2430 of title 10, United States Code), including light tactical vehicles, medium tactical vehicles, heavy tactical vehicles, and ground combat vehicles.

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of cluster munitions until the date on which the Secretary of Defense submits the report required by subsection (c).

(b) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to the destruction of cluster munitions that the Secretary determines—

(1) are unserviceable as a result of an inspection, test, field incident, or other significant failure to meet performance or logistics requirements; or

(2) are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following elements:

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including an explanation of the process through which commanders may seek waivers to use such munitions.

(B) A 10-year projection of the requirements and inventory levels for all cluster munitions that takes into account future production of cluster munitions, any plans for demilitarization of such munitions, any plans for the recapitalization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will affect the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new cluster munitions that comply with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians that the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) CLUSTER MUNITIONS DEFINED.—In this section, the term "cluster munitions" includes systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that deploy payloads of explosive submunitions that detonate via target acquisition, impact, or altitude, or that self-destruct.

SEC. 144. REPORT ON DEPARTMENT OF DEFENSE MUNITIONS STRATEGY FOR THE COMBATANT COMMANDS.

(a) REPORT REQUIRED.—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the munitions strategy for the combatant commands for the six-year period beginning on January 1, 2017.

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

(1) For each year covered by the report, an identification of the munitions requirements of the combatant commands, including—

(A) plans, programming, and budgeting for each type of munition; and

(B) the inventory of each type of munition.

(2) An assessment of any gaps and shortfalls with respect to munitions determined to be essential to the ability of the combatant commands to fulfill mission requirements.

(3) An assessment of how current and planned munitions programs may affect operational concepts and capabilities of the combatant commands.

(4) An identification of limitations in relevant industrial bases and a description of necessary munitions investments.

(5) An assessment of how munitions capability and capacity may be affected by changes consistent with the memorandum of the Secretary of Defense dated June 19, 2008, regarding the policy of the Department of Defense on cluster munitions and unintended harm to civilians.

(6) Any other matters the Secretary determines appropriate.

SEC. 145. MODIFICATIONS TO REPORTING ON USE OF COMBAT MISSION REQUIREMENTS FUNDS.

Section 123 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4158; 10 U.S.C. 167 note) is amended—

(1) in the section heading, by striking "**QUARTERLY**" and inserting "**ANNUAL**";

(2) in the subsection heading of subsection (a), by striking "QUARTERLY" and inserting "ANNUAL"; and

(3) by striking "quarter" each place it appears and inserting "year".

SEC. 146. REPORT ON ALTERNATIVE MANAGEMENT STRUCTURES FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on potential alternative management structures for the F–35 joint strike fighter program.

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

(1) An analysis of potential alternative management structures for the F–35 joint strike fighter program, including—

(A) continuation of the joint program office for the program;

(B) the establishment of separate program offices for the program in the Department of the Air Force and the Department of the Navy;

(C) the establishment of separate program offices for each variant of the F–35A, F–35B, and F–35C;

(D) division of responsibilities for the program between a joint program office and the military departments; and

(E) such other alternative management structures as the Secretary determines to be appropriate.

(2) An evaluation of the benefits and drawbacks of each alternative management structure analyzed in the report with respect to—

(A) cost;

(B) alignment of responsibility and accountability; and

(C) the adequacy of representation from military departments and program partners.

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

SEC. 147. COMPTROLLER GENERAL REVIEW OF F–35 LIGHTNING II AIRCRAFT SUSTAINMENT SUPPORT.

(a) REVIEW.—Not later than September 30, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sustainment support structure for the F–35 Lightning II aircraft program.

(b) ELEMENTS.—The review under subsection (a) shall include, with respect to the F–35 Lightning II aircraft program, the following:

(1) The status of the sustainment support strategy for the program, including goals for personnel training, required infrastructure, and fleet readiness.

(2) Approaches, including performance-based logistics, considered in developing the sustainment support strategy for the program.

(3) Other information regarding sustainment and logistics support for the program that the Comptroller General determines to be of critical importance to the long-term viability of the program.

SEC. 148. BRIEFING ON ACQUISITION STRATEGY FOR GROUND MOBILITY VEHICLE.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Secretary of the Army, shall provide a briefing to the congressional defense committees on the acquisition strategy for the Ground Mobility Vehicle for use with the Global Response Force of the 82nd Airborne Division.

(b) ELEMENTS.—The briefing under subsection (a) shall include an assessment of the following:

(1) The feasability of acquiring the Ground Mobility Vehicle—

(A) as a commercially available off-the-shelf item (as such term is defined in section 104 of title 41, United States Code); or

(B) as a modified version of such an item.

(2) Whether acquiring the Ground Mobility Vehicle in a manner described in paragraph (1) would satisfy the requirements of the program and reduce the life-cycle cost of the program.

(3) Whether the acquisition strategy for the Ground Mobility Vehicle meets the focus areas specified in the most recent version of the Better Buying Power initiative of the Secretary of Defense.

(4) Whether including an active safety system in the Ground Mobility Vehicle, such as the electronic stability control system used on the joint light tactical vehicle, would reduce the risk of vehicle rollover.

SEC. 149. STUDY AND REPORT ON OPTIMAL MIX OF AIRCRAFT CAPABILITIES FOR THE ARMED FORCES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study to determine—

(A) an optimal mix of short-range fighter-class strike aircraft and long-range strike aircraft for the use of the Armed Forces during the covered period;

(B) an optimal mix of manned aerial platforms and unmanned aerial platforms for the use of the Armed Forces during such period; and

(C) an optimal mix of other aircraft and capabilities for the use of the Armed Forces during such period, including—

(i) long-range, medium-range, and short-range intelligence, surveillance, reconnaissance, or strike aircraft, or combination of such aircraft;

(ii) aircraft with varying observability characteristics;

(iii) land-based and sea-based aircraft;

(iv) advanced legacy fourth-generation aircraft platforms of proven design;

(v) next generation air superiority capabilities; and

(vi) advanced technology innovations.

(2) CONSIDERATIONS.—In making the determinations under paragraph (1), the Secretary shall consider defense strategy, critical assumptions, priorities, force size, and cost.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 14, 2017, the Secretary shall submit to the appropriate congressional committees a report that includes the following:

(A) The results of the study conducted under subsection (a).

(B) A discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(C) A description of the modeling and analysis techniques used for the study.

(D) A plan for fielding complementary aircraft and capabilities identified as an optimal mix in the study under subsection (a).

(E) A plan to meet objectives and fulfill the warfighting capability and capacity requirements of the combatant commands using the aircraft and capabilities described in subsection (a).

(2) FORM.—The report under paragraph (1) may be submitted in classified form, but shall include an unclassified executive summary.

(3) NONDUPLICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to any of the appropriate congressional committees by law, the Secretary may provide a list of such reports and notifications at the time of submitting the report required under such paragraph instead of including such information in such report.

(4) DEFINITIONS.—In this subsection:

(A) The term "appropriate congressional committees" means the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The term "covered period" means the period beginning on the date of the enactment of this Act and ending on January 1, 2030.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Subtitle B—Program Requirements, Restrictions, and Limitations

Subtitle C—Reports and Other Matters

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

10 USC 2358 note.

SEC. 211. LABORATORY QUALITY ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a program to be known as the "Laboratory Quality Enhancement Program" under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

(1) to review and make recommendations to the Secretary with respect to—

(A) existing policies and practices affecting the science and technology reinvention laboratories to improve the mission effectiveness of such laboratories; and

(B) new initiatives proposed by the science and technology reinvention laboratories;

(2) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and

(3) to conduct assessments or data analysis on such other issues as the Secretary determines to be appropriate.

(b) PANELS.—The panels described in this subsection are:

(1) A panel on personnel, workforce development, and talent management.

(2) A panel on facilities, equipment, and infrastructure.

(3) A panel on research strategy, technology transfer, and industry and university partnerships.

(4) A panel on governance and oversight processes.

(c) COMPOSITION OF PANELS.—(1) Each panel described in paragraphs (1) through (3) of subsection (b) may be composed of subject matter and technical management experts from—

(A) laboratories and research centers of the Army, Navy, and Air Force;

(B) appropriate Defense Agencies;

(C) the Office of the Assistant Secretary of Defense for Research and Engineering; and

(D) such other entities as the Secretary determines to be appropriate.

(2) The panel described in subsection (b)(4) shall be composed of—

(A) the Director of the Army Research Laboratory;

(B) the Director of the Air Force Research Laboratory;

(C) the Director of the Naval Research Laboratory;

(D) the Director of the Engineer Research and Development Center of the Army Corps of Engineers; and

(E) such other members as the Secretary determines to be appropriate.

(d) GOVERNANCE OF PANELS.—(1) The chairperson of each panel shall be selected by its members.

(2) Each panel, in coordination with the Assistant Secretary of Defense for Research and Engineering, shall transmit to the Science and Technology Executive Committee of the Department of Defense such information or findings on topics requiring decision or approval as the panel considers appropriate.

(e) DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.—Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), is amended by inserting before the period at the end the following: "through the Assistant Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals)".

(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term "science and technology reinvention laboratory" means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note), as amended.

SEC. 212. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.—Paragraph (1) of subsection (a) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking "not more than three percent" and inserting "not less than two percent and not more than four percent".

(b) ADDITIONAL MECHANISM TO PROVIDE FUNDS.—Such subsection is further amended by adding at the end the following new paragraph:

"(3) FEE.—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed four percent of costs.".

(c) MODIFICATION OF COST LIMIT COMPLIANCE FOR INFRASTRUCTURE PROJECTS.—Subsection (b)(4) of such section is amended by adding at the end the following new subparagraph:

"(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.".

(d) REPEAL OF SUNSET.—Such section is amended by striking subsection (d).

SEC. 213. MAKING PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is amended—

(1) in subsection (d), by striking "for each of fiscal years 2011 through 2023 may be used for any such fiscal year" and inserting "for a fiscal year may be used for such fiscal year"; and

(2) by striking subsection (f).

SEC. 214. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) NATIONAL DEFENSE UNIVERSITY.—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

"(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

(b) DEFENSE ACQUISITION UNIVERSITY.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

"(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

SEC. 215. MANUFACTURING ENGINEERING EDUCATION GRANT PROGRAM.

Section 2196 of title 10, United States Code, is amended to read as follows:

"§ 2196. Manufacturing engineering education program

"(a) ESTABLISHMENT OF MANUFACTURING ENGINEERING EDUCATION PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants or other awards to support—

"(A) the enhancement of existing programs in manufacturing engineering education to further a mission of the department; or

"(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

"(2) Grants and awards under this section may be made to industry, not-for-profit institutions, institutions of higher education, or to consortia of such institutions or industry.

"(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.

"(4) The Secretary shall ensure that the program is coordinated with Department programs associated with advanced manufacturing.

"(5) The program shall be known as the 'Manufacturing Engineering Education Program'.

"(b) GEOGRAPHICAL DISTRIBUTION OF GRANTS AND AWARDS.—In awarding grants and other awards under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of awards.

"(c) COVERED PROGRAMS.—A program of engineering education supported pursuant to this section shall meet the requirements of this section.

"(d) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education with an emphasis on the following components:

"(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

"(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, internships, cooperative work-study programs, and interactions with industrial facilities, consortia, or such other activities and organizations in the United States and foreign countries as the Secretary considers appropriate;

"(B) faculty development programs;

"(C) recruitment of educators highly qualified in manufacturing engineering to teach or develop manufacturing engineering courses;

"(D) presentation of seminars, workshops, and training for the development of specific manufacturing engineering skills;

"(E) activities involving interaction between students and industry, including programs for visiting scholars, personnel exchange, or industry executives;

"(F) development of new, or updating and modification of existing, manufacturing curriculum, course offerings, and education programs;

"(G) establishment of programs in manufacturing workforce training;

"(H) establishment of joint manufacturing engineering programs with defense laboratories and depots; and

"(I) expansion of manufacturing training and education programs and outreach for members of the armed forces, dependents and children of such members, veterans, and employees of the Department of Defense.

"(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

"(3) Faculty and student engagement with industry that is directly related to, and supportive of, the education of students in manufacturing engineering because of—

"(A) the increased understanding of manufacturing engineering challenges and potential solutions; and

"(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

"(e) PROPOSALS.—The Secretary of Defense shall solicit proposals for grants and other awards to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

"(f) MERIT COMPETITION.—Applications for awards shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

"(g) SELECTION CRITERIA.—The Secretary may select a proposal for an award pursuant to this section if the proposal, at a minimum, does each of the following:

"(1) Contains innovative approaches for improving engineering education in manufacturing technology.

"(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the award is to be made.

"(3) Provides for effective engagement with industry or government organizations that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

"(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

"(5) Is likely to attract superior students and promote careers in manufacturing engineering.

"(6) Proposes to involve fully qualified personnel who are experienced in manufacturing engineering education and technology.

"(7) Proposes a program that, within three years after the award is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

"(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

"(9) Trains students in advanced manufacturing and in relevant emerging technologies and production processes.

"(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning

given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).".

SEC. 216. NOTIFICATION REQUIREMENT FOR CERTAIN RAPID PROTOTYPING, EXPERIMENTATION, AND DEMONSTRATION ACTIVITIES.

(a) NOTICE REQUIRED.—The Secretary of the Navy shall not initiate a covered activity until a period of 10 business days has elapsed following the date on which the Secretary submits to the congressional defense committees the notice described in subsection (b) with respect to such activity.

(b) ELEMENTS OF NOTICE.—The notice described in this subsection is a written notice of the intention of the Secretary to initiate a covered activity. Each such notice shall include the following:

(1) A description of the activity.

(2) Estimated costs and funding sources for the activity, including a description of any cost-sharing or in-kind support arrangements with other participants.

(3) A description of any transition agreement, including the identity of any partner organization that may receive the results of the covered activity under such an agreement.

(4) Identification of major milestones and the anticipated date of completion of the activity.

(c) COVERED ACTIVITY.—In this section, the term "covered activity" means a rapid prototyping, experimentation, or demonstration activity carried out under program element 0603382N.

(d) SUNSET.—The requirements of this section shall terminate five years after the date of the enactment of this Act.

SEC. 217. INCREASED MICRO-PURCHASE THRESHOLD FOR RESEARCH PROGRAMS AND ENTITIES.

(a) INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 821(a), is further amended by adding at the end the following new section:

"§ 2339. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories

10 USC 2339.

"Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $10,000 for purposes of basic research programs and for the activities of the Department of Defense science and technology reinvention laboratories.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 821b, is further amended by adding at the end the following new item:

10 USC 2301 prec.

"2339. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.".

(b) INCREASED MICRO-PURCHASE THRESHOLD FOR UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES, AND NONPROFIT RESEARCH ORGANIZATIONS.—Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "(1) Except as provided in sections 2338 and 2339 of title 10 and paragraph (2) of this subsection, for purposes"; and

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

"(2) For purposes of this section, the micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31 by institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or related or affiliated nonprofit entities, or by nonprofit research organizations or independent research institutes is—

"(A) $10,000; or

"(B) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk assessment, or State law."; and

(2) in subsections (d) and (e), by striking "not greater than $3,000" and inserting "with a price not greater than the micro-purchase threshold".

50 USC 1527 note.

SEC. 218. IMPROVED BIOSAFETY FOR HANDLING OF SELECT AGENTS AND TOXINS.

(a) QUALITY CONTROL AND QUALITY ASSURANCE PROGRAM.—The Secretary of Defense, acting through the executive agent for the biological select agent and toxin biosafety program of the Department of Defense, shall carry out a program to implement certain quality control and quality assurance measures at each covered facility.

(b) QUALITY CONTROL AND QUALITY ASSURANCE MEASURES.—Subject to subsection (c), the quality control and quality assurance measures implemented at each covered facility under subsection (a) shall include the following:

(1) Designation of an external manager to oversee quality assurance and quality control.

(2) Environmental sampling and inspection.

(3) Production procedures that prohibit operations where live biological select agents and toxins are used in the same laboratory where viability testing is conducted.

(4) Production procedures that prohibit work on multiple organisms or multiple strains of one organism within the same biosafety cabinet.

(5) A video surveillance program that uses video monitoring as a tool to improve laboratory practices in accordance with regulatory requirements.

(6) Formal, recurring data reviews of production in an effort to identify data trends and nonconformance issues before such issues affect end products.

(7) Validated protocols for production processes to ensure that process deviations are adequately vetted prior to implementation.

(8) Maintenance and calibration procedures and schedules for all tools, equipment, and irradiators.

(c) WAIVER.—In carrying out the program under subsection (a), the Secretary may waive any of the quality control and quality assurance measures required under subsection (b) in the interest of national defense.

(d) STUDY AND REPORT REQUIRED.—

(1) STUDY.—The Secretary of Defense shall carry out a study to evaluate—

(A) the feasibility of consolidating covered facilities within a unified command to minimize risk;

(B) opportunities to partner with industry for the production of biological select agents and toxins and related services in lieu of maintaining such capabilities within the Department of the Army; and

(C) whether operations under the biological select agent and toxin production program should be transferred to another government or commercial laboratory that may be better suited to execute production for non-Department of Defense customers.

(2) REPORT.—Not later than February 1, 2017, the Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1).

(e) COMPTROLLER GENERAL REVIEW.—Not later than September 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report that includes the following:

(1) A review of—

(A) the actions taken by the Department of Defense to address the findings and recommendations of the report of the Department of the Army titled "Individual and Institutional Accountability for the Shipment of Viable Bacillus Anthracis from Dugway Proving Grounds", dated December 15, 2015, including any actions taken to address the culture of complacency in the biological select agent and toxin production program identified in such report; and

(B) the progress of the Secretary in carrying out the program under subsection (a).

(2) An analysis of the study and report under subsection (d).

(f) DEFINITIONS.—In this section:

(1) The term "biological select agent and toxin" means any agent or toxin identified under—

(A) section 331.3 of title 7, Code of Federal Regulations;

(B) section 121.3 or section 121.4 of title 9, Code of Federal Regulations; or

(C) section 73.3 or section 73.4 of title 42, Code of Federal Regulations.

(2) The term "covered facility" means any facility of the Department of Defense that produces biological select agents and toxins.

SEC. 219. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.

10 USC 2431 note.

(a) DESIGNATION OF SENIOR OFFICIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official already serving within the Department of Defense as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department.

(2) DEVELOPMENT OF STRATEGIC PLAN.—

(A) IN GENERAL.—The senior official designated under paragraph (1) shall develop a detailed strategic plan to develop, mature, and transition directed energy technologies to acquisition programs of record.

(B) ROADMAP.—Such strategic plan shall include a strategic roadmap for the development and fielding of directed energy weapons and key enabling capabilities for the Department, identifying and coordinating efforts across military departments to achieve overall joint mission effectiveness.

(3) ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—

(A) IN GENERAL.—To the degree practicable, the senior official designated under paragraph (1) shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) ADVICE FOR EXERCISES AND DEMONSTRATIONS.—The senior official designated under paragraph (1) shall, to the degree practicable, provide technical advice and support to entities in the Department of Defense and the military departments conducting exercises or demonstrations with the purpose of improving the capabilities of or operational viability of technical capabilities supporting directed energy weapons, including supporting military utility assessments of the relevant cost and benefits of directed energy weapon systems.

(5) SUPPORT FOR DEVELOPMENT OF REQUIREMENTS.—The senior official designated under paragraph (1) shall coordinate with the military departments, Defense Agencies, and the Joint Directed Energy Transition Office to define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(6) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the senior official designated under paragraph (1) has access to such information on programs and activities of the military departments and other defense agencies as the Secretary considers appropriate to coordinate departmental directed energy efforts.

(b) JOINT DIRECTED ENERGY TRANSITION OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the "Joint Directed Energy Transition Office" (in this subsection referred to as the "Office"), and shall report to the official designated under subsection (a)(1).

(2) ADDITIONAL FUNCTIONS.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall assist the senior official designated under paragraph (1) of subsection (a) in carrying out paragraphs (2) through (5) of such subsection.

(3) FUNDING.—The Secretary may make available such funds to the Office for basic research, applied research, advanced technology development, prototyping, studies and analyses, and organizational support as the Secretary considers appropriate to support the efficient and effective development of directed energy systems and technologies and transition of those systems and technologies into acquisition programs or operational use.

SEC. 220. RESTRUCTURING OF THE DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.

10 USC 3013 note.

(a) IN GENERAL.—Not later that April 1, 2017, the Secretary of the Army shall restructure versions of the distributed common ground system of the Army after Increment 1—

(1) by discontinuing development of new software code, excluding the configuration and testing of system interfaces to commercial, open source, and existing Government off the shelf (GOTS) software, of any component of the system for which there is commercial, open source, or Government off the shelf software that is capable of fulfilling at least 80 percent of the system requirements applicable to such component; and

(2) by conducting a review of the acquisition strategy of the program to ensure that procurement of commercial software is the preferred method of meeting program requirements for major system components.

(b) LIMITATION.—The Secretary of the Army shall not award any contract for the development of new component software capability for the distributed common ground system of the Army if such a capability is already a commercial item or open source, except for configuration of capabilities that are incidental to and necessary for the proper functioning of the system.

(c) REPORT REQUIRED.—

(1) REQUIREMENT.—Not later than March 1, 2018, the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Director, Operational Test and Evaluation, shall submit to the congressional defense committees a report on the Increment 2 of the distributed common ground system of the Army.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) The overall assessment of the system and each individual major component of the system.

(B) The status of alignment with the Intelligence Community Information Technology Enterprise (IC-ITE).

(C) The ease of use of Increment 2 as compared with Increment 1 for operators in deployed environments.

(D) The extent to which a common, synchronized view of all system data is globally available to all system users, at all times.

(E) The level of maturity of the technologies underlying core system components and application programming interfaces.

(F) The extent to which program operators can move data seamlessly between different components of the system.

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR THE COUNTERING WEAPONS OF MASS DESTRUCTION SYSTEM CONSTELLATION.

(a) LIMITATION.—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the countering weapons of mass destruction situational awareness information system commonly known as "Constellation" may be obligated or expended for research, development, or prototyping for such system until the report required by subsection (b)(4) has been delivered to the congressional defense committees.

(b) INDEPENDENT REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the requirements and implementation for research, development, and prototyping for the Constellation system prior to a Milestone A decision or other operational use.

(2) ELEMENTS OF INDEPENDENT REVIEW.—The independent review provided for under paragraph (1) shall include the following:

(A) A review of the major software components of the system and an explanation of the requirements of the Department of Defense with respect to each such component.

(B) A review of the requirements validated in the Information System Initial Capabilities Document (ISICD) and capability gaps identified for duplication and redundancy with other validated information technology requirements and capability gaps.

(C) Identification of elements and applications of the system that cannot be implemented using the existing technical infrastructure and tools of the Department of Defense or the infrastructure and tools in development.

(D) An overview of a security plan to achieve an accredited cross-domain solution system, including security milestones and proposed security architecture to mitigate both insider and outsider threats.

(E) Identification of the planned categories of end-users of the system, linked to organizations, mission requirements, and concept of operations, the expected total number of end-users, and the associated permissions granted to such users.

(3) ENTITY CONDUCTING INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary shall ensure that—

(A) the independent review and assessment provided for under paragraph (1) is conducted by a federally funded research and development center selected (or entered into an arrangement with) by the Secretary or such other entity as the Secretary considers appropriate; and

(B) such center or entity provides periodic updates to the congressional defense committees on such independent review and assessment prior to the completion of the independent review and assessment.

(4) REPORT ON INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary shall submit to the congressional defense committees a report containing—

(A) the findings of the center or entity selected (or entered into an arrangement with) under paragraph (3)(A) with respect to the independent review and assessment conducted by such center or entity pursuant to such paragraph; and

(B) an assessment of the need to continue Constellation research, development, and prototyping.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE INNOVATION UNIT EXPERIMENTAL.

(a) LIMITATION.—

(1) OPERATION AND MAINTENANCE.—Of the funds specified in subsection (c)(1), not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Of the funds specified in subsection (c)(2), not more than 25 percent may be obligated or expended until the date on which the Secretary submits to the congressional defense committees the report under subsection (b).

(b) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report on the Defense Innovation Unit Experimental. Such report shall include the following:

(1) The charter and mission statement of the Unit.

(2) A description of—

(A) the management and operations of the Unit, including—

(i) the governance structure of the Unit;

(ii) the process for coordinating and deconflicting the activities of the Unit with similar activities of the Small Business Innovation Research Program, military departments, Defense Agencies, and other departments and agencies of the Federal Government, including activities carried out by In-Q-Tel, the Defense Advanced Research Projects Agency, and Department of Defense laboratories;

(iii) the direct staffing requirements of the Unit, including a description of the desired skills and expertise of such staff at each location;

(iv) the number of civilian and military personnel provided by the military departments and Defense Agencies to support the Unit; and

(v) any planned expansion to new sites, the metrics used to identify such sites, and an explanation of how such expansion will provide access to innovations of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) that are not otherwise accessible; and

(B) policies and practices that will enable the Unit to best support Department of Defense missions, including—

(i) the metrics used to measure the effectiveness of the Unit;

(ii) how compliance with Department of Defense or Federal Government requirements could affect the

ability of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) to market products and obtain funding;

(iii) how to treat intellectual property that has been developed with little or no government funding;

(iv) detailed justification for the expansion of the mission of the Unit, including authority to use research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies and additional physical locations;

(v) a description of how existing Department of Defense agencies, services, entities, and other elements are authorized to better use streamlined acquisition procedures, research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies, including modification of guidance and procedures to permit effective and streamlined implementation of authorities provided by Congress for rapid execution;

(vi) an account of the successes and failures of contracts already awarded by the unit;

(vii) recommendations on practices, policies, and authorities that will permit increased public-private partnership in financing and funding of research and technology development efforts; and

(viii) a description of technology transition strategies to ensure that research and technology programs funded by the Unit will be effectively and efficiently transitioned into operational use or acquisition programs, including a description of the role of Defense laboratories in such technology transition efforts.

(3) Any other information the Secretary determines to be appropriate.

(c) FUNDS SPECIFIED.—The funds specified in this subsection are as follows:

(1) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Defense-wide, for the Defense Innovation Unit Experimental.

(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Defense-wide, for the Defense Innovation Unit Experimental.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

SEC. 224. ACQUISITION PROGRAM BASELINE AND ANNUAL REPORTS ON FOLLOW-ON MODERNIZATION PROGRAM FOR F–35 JOINT STRIKE FIGHTER.

(a) LIMITATION.—The Secretary of Defense may not award any follow-on modernization development contracts for the F–35 Joint Strike Fighter until the Secretary has submitted the report required by subsection (b)(1) in accordance with such subsection.

(b) ACQUISITION PROGRAM BASELINE.—

(1) IN GENERAL.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 Modernization.

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

(A) Cost estimates for development, production, and modification.

(B) Projected key schedule dates, including dates for the completion of—

(i) a capabilities development document;

(ii) an independent cost estimate;

(iii) an initial preliminary design review;

(iv) a development contract award; and

(v) a critical design review.

(C) Technical performance parameters.

(D) Technology readiness levels.

(E) Annual funding profiles for development and procurement.

(c) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the date on which the report required by subsection (b)(1) is submitted to the congressional defense committees in accordance with such subsection, the Comptroller General of the United States shall—

(1) review such report; and

(2) brief the congressional defense committees on the findings of the Comptroller General with respect to such review.

(d) ANNUAL REPORTS BY SECRETARY OF DEFENSE.—Not later than one year after the date on which the Secretary awards a development contract for follow-on modernization of the F–35 Joint Strike Fighter and not less frequently than once each year thereafter until March 31, 2023, the Secretary shall submit to the congressional defense committees a report on the cost, schedule, and performance progress against the baseline set forth in the report submitted pursuant to subsection (b)(1).

Subtitle C—Reports and Other Matters

SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED MICROELECTRONICS.

10 USC 2302 note.

(a) STRATEGY.—The Secretary of Defense shall develop a strategy to ensure that the Department of Defense has assured

access to trusted microelectronics by not later than September 30, 2019.

(b) ELEMENTS.—The strategy under subsection (a) shall include the following:

(1) Definitions of the various levels of trust required by classes of Department of Defense systems.

(2) Means of classifying systems of the Department of Defense based on the level of trust such systems are required to maintain with respect to microelectronics.

(3) Means by which trust in microelectronics can be assured.

(4) Means to increase the supplier base for assured microelectronics to ensure multiple supply pathways.

(5) An assessment of the microelectronics needs of the Department of Defense in future years, including the need for trusted, radiation-hardened microelectronics.

(6) An assessment of the microelectronic needs of the Department of Defense that may not be fulfilled by entities outside the Department of Defense.

(7) The resources required to assure access to trusted microelectronics, including infrastructure, workforce, and investments in science and technology.

(8) A research and development strategy to ensure that the Department of Defense can, to the maximum extent practicable, use state of the art commercial microelectronics capabilities or their equivalent, while satisfying the needs for trust.

(9) Recommendations for changes in authorities, regulations, and practices, including acquisition policies, financial management, public-private partnership policies, or in any other relevant areas, that would support the achievement of the goals of the strategy.

(c) SUBMISSION AND UPDATES.—(1) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the strategy developed under subsection (a). The strategy shall be submitted in unclassified form, but may include a classified annex.

(2) Not later than two years after submitting the strategy under paragraph (1) and not less frequently than once every two years thereafter until September 30, 2024, the Secretary shall update the strategy as the Secretary considers appropriate to support Department of Defense missions.

(d) DIRECTIVE REQUIRED.—Not later than September 30, 2019, the Secretary of Defense shall issue a directive for the Department of Defense describing how Department of Defense entities may access assured and trusted microelectronics supply chains for Department of Defense systems.

(e) REPORT AND CERTIFICATION.—Not later than September 30, 2020, the Secretary of the Defense shall submit to the congressional defense committees—

(1) a report on—

(A) the status of the implementation of the strategy developed under subsection (a);

(B) the actions being taken to achieve full implementation of such strategy, and a timeline for such implementation; and

(C) the status of the implementation of the directive required by subsection (d); and

(2) a certification of whether the Department of Defense has an assured means for accessing a sufficient supply of trusted microelectronics, as required by the strategy developed under subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term "assured" refers, with respect to microelectronics, to the ability of the Department of Defense to guarantee availability of microelectronics parts at the necessary volumes and with the performance characteristics required to meet the needs of the Department of Defense.

(2) The terms "trust" and "trusted" refer, with respect to microelectronics, to the ability of the Department of Defense to have confidence that the microelectronics function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMERCIAL INFORMATION TECHNOLOGY.

10 USC 2223 note.

(a) PILOT PROGRAM.—The Director of the Defense Information Systems Agency may carry out a pilot program to evaluate commercially available information technology tools to better understand the potential impact of such tools on networks and computing environments of the Department of Defense.

(b) ACTIVITIES.—Activities under the pilot program may include the following:

(1) Prototyping, experimentation, operational demonstration, military user assessments, and other means of obtaining quantitative and qualitative feedback on the commercial information technology products.

(2) Engagement with the commercial information technology industry to—

(A) forecast military requirements and technology needs; and

(B) support the development of market strategies and program requirements before finalizing acquisition decisions and strategies.

(3) Assessment of novel or innovative commercial technology for use by the Department of Defense.

(4) Assessment of novel or innovative contracting mechanisms to speed delivery of capabilities to the Armed Forces.

(5) Solicitation of operational user input to shape future information technology requirements of the Department of Defense.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for research, development, test, and evaluation, Defense-wide, for each of fiscal years 2017 through 2022, not more than $15,000,000 may be expended on the pilot program in any such fiscal year.

SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

10 USC 2358 note.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the secretaries of the military departments shall jointly carry out a

pilot program to demonstrate methods for the more effective development of technology and management of functions at eligible centers.

(2) ELIGIBLE CENTERS.—For purposes of the pilot program, the eligible centers are—

(A) the science and technology reinvention laboratories, as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note);

(B) the test and evaluation centers which are activities specified as part of the Major Range and Test Facility Base in Department of Defense Directive 3200.11; and

(C) the Defense Advanced Research Projects Agency.

(b) SELECTION.—

(1) IN GENERAL.—The secretaries described in subsection (a) shall ensure that participation in the pilot program includes—

(A) the Defense Advanced Research Projects Agency; and

(B) in accordance with paragraph (2)—

(i) five additional eligible centers described in subparagraph (A) of subsection (a)(2) from each of the military departments; and

(ii) five additional eligible centers described in subparagraph (B) of such subsection from each of the military departments.

(2) SELECTION PROCEDURES.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) seeking to participate in the pilot program shall submit to the appropriate reviewer an application therefor at such time, in such manner, and containing such information as the appropriate reviewer shall specify.

(B) Not later than 120 days after the date of the enactment of this Act, each appropriate reviewer shall—

(i) evaluate each application received under subparagraph (A); and

(ii) approve or disapprove of the application.

(C) If the head of an eligible center submits an application under subparagraph (A) in accordance with the requirements specified by the appropriate reviewer for purposes of such subparagraph and the appropriate reviewer neither approves nor disapproves such application pursuant to subparagraph (B)(ii) on or before the date that is 120 days after the date of the enactment of this Act, such eligible center shall be considered a participant in the pilot program.

(D) For purposes of this paragraph, the appropriate reviewer is—

(i) in the case of an eligible center described in subparagraph (A) of subsection (a)(2), the Laboratory Quality Enhancement Program; and

(ii) in the case of an eligible center described in subparagraph (B) of such subsection, the Director of the Test Resource Management Center.

(c) PARTICIPATION IN PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the head of each eligible center selected under subsection (b)(1) shall propose and implement alternative and innovative methods of

effective management and operations of eligible centers, rapid project delivery, support, experimentation, prototyping, and partnership with universities and private sector entities to—

(A) generate greater value and efficiencies in research and development activities;

(B) enable more efficient and effective operations of supporting activities, such as—

(i) facility management, construction, and repair;

(ii) business operations;

(iii) personnel management policies and practices; and

(iv) intramural and public outreach; and

(C) enable more rapid deployment of warfighter capabilities.

(2) IMPLEMENTATION.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Assistant Secretary concerned within 60 days of receiving a proposal from an eligible center selected under subsection (b)(1) by such Assistant Secretary.

(B) The Director of the Defense Advanced Research Projects Agency shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Chief Management Officer within 60 days of receiving a proposal from the Director.

(C) In this paragraph, the term "Assistant Secretary concerned" means—

(i) the Assistant Secretary of the Air Force for Acquisition, with respect to matters concerning the Air Force;

(ii) the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, with respect to matters concerning the Army; and

(iii) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to matters concerning the Navy.

(d) WAIVER AUTHORITY FOR DEMONSTRATION AND IMPLEMENTATION.—Until the termination of the pilot program under subsection (e), the head of an eligible center selected under subsection (b)(1) may waive any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would affect the implementation of a method proposed under subsection (c)(1), unless such implementation would be prohibited by a provision of a Federal statute or common law.

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

(f) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.

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

(A) Identification of the eligible centers participating in the pilot program.

(B) Identification of the eligible centers whose applications to participate in the pilot program were disapproved

under subsection (b), including justifications for such disapprovals.

(C) A description of the methods implemented pursuant to subsection (c).

(D) A description of the methods that were proposed pursuant to paragraph (1) of subsection (c) but disapproved under paragraph (2) of such subsection.

(E) An assessment of how methods implemented pursuant to subsection (c) have contributed to the objectives identified in subparagraphs (A), (B), and (C) of paragraph (1) of such subsection.

10 USC 113 note.

SEC. 234. PILOT PROGRAM ON MODERNIZATION AND FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program on the modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare systems.

(2) SELECTION.—If the Secretary carries out the pilot program under paragraph (1), the Electronic Warfare Executive Committee shall select from the list described in section 240(b)(4) a total of 10 electromagnetic spectrum warfare systems and electronic warfare systems across at least two military departments for modernization and fielding under the pilot program.

(b) TERMINATION.—The pilot program authorized by subsection (a) shall terminate on September 30, 2023.

(c) FUNDING.—For the purposes of this pilot program, funds authorized to be appropriated for electromagnetic spectrum warfare and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(d) DEFINITIONS.—In this section:

(1) The term "electromagnetic spectrum warfare" means electronic warfare that encompasses military communications and sensing operations that occur in the electromagnetic operational domain.

(2) The term "electronic warfare" means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy.

10 USC 2367 note.

SEC. 235. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on—

(1) permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with the parent organizations of such federally funded research and development centers; and

(2) appropriately protecting proprietary information from unauthorized disclosure or use by such centers.

(b) FFRDCS.—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

(c) FFRDC PERSONNEL.—Sensitive information may be disclosed to personnel of a federally funded research and development center under the pilot program only if such personnel and contractors agree to be subject to, and comply with, appropriate ethics standards and requirements applicable to Government personnel, including the Ethics in Government Act of 1978, section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and its parent organization agree to and acknowledge in the parent organization's contract with the Department of Defense that—

(1) sensitive information furnished to the federally funded research and development center will be accessed and used only for the purposes stated in the contract between the parent organization of the federally funded research and development center and the Department of Defense;

(2) the federally funded research and development center will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

(3) sensitive information furnished under the pilot program shall not be used by the federally funded research and development center or parent organization to compete against a third party for a Government or non-Government contract or funding, or to support other current or future research or technology development activities performed by the federally funded research and development center; and

(4) any personnel of a federally funded research and development center participating in the pilot program may not disclose or use any trade secrets or any nonpublic information accessed under the pilot program, unless specifically authorized by this section.

(e) DURATION.—(1) The pilot program may commence at any time after the review and issuance of policy guidance, updated appropriately, pertaining to the identification, mitigation, and prevention of potentially unfair competitive advantage conferred to federally funded research and development center personnel with access to sensitive information who serve as technical advisors to acquisition programs.

(2) The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

(f) ASSESSMENT.—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private-sector intellectual property in the course of such activities.

(g) SENSITIVE INFORMATION DEFINED.—In this section, the term "sensitive information" means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.

10 USC 2358 note.

SEC. 236. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall carry out a pilot program to enhance interaction between the Defense Advanced Research Projects Agency and the service academies to promote technology transition, education, and training in science, technology, engineering, and mathematics fields that are relevant to the Department of Defense.

(b) AWARDS OF FUNDS.—(1) In carrying out the pilot program, the Secretary, acting through the Director, shall provide funds to contractors and grantees of the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to develop research partnerships with the service academies to support more efficient and effective technology transition of research programs and products.

(2) It shall be the responsibility of the Director to ensure that such funds are used effectively and that sufficient efforts are made to build appropriate partnerships.

(c) SERVICE ACADEMY TECHNOLOGY TRANSITION NETWORKS.—In carrying out the pilot program, the Director shall prioritize the leveraging of—

(1) the technology transition networks that service academies maintain among their academic departments and resident research centers; and

(2) partnerships with Department of Defense laboratories, other Federal degree granting institutions, academia, and industry.

(d) TERMINATION.—The authority to carry out the pilot program shall terminate on September 30, 2020.

(e) SERVICE ACADEMIES DEFINED.—In this section, the term "service academies" means the following:

(1) The United States Military Academy.
(2) The United States Naval Academy.
(3) Th United States Air Force Academy.
(4) The United States Coast Guard Academy.
(5) The United States Merchant Marine Academy.

SEC. 237. INDEPENDENT REVIEW OF F/A–18 PHYSIOLOGICAL EPISODES AND CORRECTIVE ACTIONS.

(a) INDEPENDENT REVIEW REQUIRED.—The Secretary of the Navy shall conduct an independent review of the plans, programs, and research of the Department of the Navy with respect to—

(1) physiological events affecting aircrew of the F/A–18 Hornet and the F/A–18 Super Hornet aircraft during the covered period; and

(2) the efforts of the Navy and Marine Corps to prevent and mitigate the affects of such physiological events.

(b) CONDUCT OF REVIEW.—In conducting the review under subsection (a), the Secretary of the Navy shall—

(1) designate an appropriate senior official in the Office of the Secretary of the Navy to oversee the review; and

(2) consult experts from outside the Department of Defense in appropriate technical and medical fields.

(c) REVIEW ELEMENTS.—The review under subsection (a) shall include an evaluation of—

(1) any data of the Department of the Navy relating to the increased frequency of physiological events affecting aircrew of the F/A–18 Hornet and the F/A–18 Super Hornet aircraft during the covered period;

(2) aircraft mishaps potentially related to such physiological events;

(3) the cost and effectiveness of all material, operational, maintenance, and other measures carried out by the Department of the Navy to mitigate such physiological events during the covered period;

(4) material, operational, maintenance, or other measures that may reduce the rate of such physiological events in the future; and

(5) the performance of—

(A) the onboard oxygen generation system in the F/A–18 Super Hornet;

(B) the overall environmental control system in the F/A–18 Hornet and F/A–18 Super Hornet; and

(C) other relevant subsystems of the F/A–18 Hornet and F/A–18 Super Hornet, as determined by the Secretary.

(d) REPORT REQUIRED.—Not later than December 1, 2017, the Secretary of Navy shall submit to the congressional defense committees a report that includes the results of the review under subsection (a).

(e) COVERED PERIOD.—In this section, the term "covered period" means the period beginning on January 1, 2009, and ending on the date of the submission of the report under subsection (d).

SEC. 238. B–21 BOMBER DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) SUBMITTAL OF MATRICES.—Concurrent with the President's annual budget request submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2018, the Secretary of the Air Forces shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the B–21 bomber aircraft program.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) EMD GOALS.—A matrix that identifies, in six month increments, key milestones, development events, and specific performance goals for the EMD phase of the B–21 bomber aircraft program, which shall be subdivided, at a minimum, according to the following:

(A) Technology readiness levels of major components and key demonstration events.

(B) Design maturity.

(C) Software maturity.

(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) Manufacturing operations.

(F) System verification and key flight test events.

(G) Reliability.

(2) COST.—A matrix expressing, in six month increments, the total cost for the Air Force service cost position for the EMD phase and low initial rate of production lots of the B–21 bomber aircraft and a matrix expressing the total cost for the prime contractor's estimate for such EMD phase and production lots, both of which shall be phased over the entire EMD period and subdivided according to the costs of the following:

(A) Air vehicle.

(B) Propulsion.

(C) Mission systems.

(D) Vehicle subsystems.

(E) Air vehicle software.

(F) Systems engineering.

(G) Program management.

(H) System test and evaluation.

(I) Support and training systems.

(J) Contract fee.

(K) Engineering changes.

(L) Direct mission support, including Congressional General Reductions.

(M) Government testing.

(c) SEMIANNUAL UPDATE OF MATRICES.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of the Air Force submits the matrices required by subsection (a), concurrent with the submittal of each annual budget request to Congress under section 1105 of title 31, United States Code, thereafter, and not later than 180 days after each such submittal, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b).

(2) ELEMENTS.—Each update submitted under paragraph (1) shall detail progress made toward the goals identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) TREATMENT OF INITIAL MATRICES AS BASELINE.—The matrices submitted pursuant to subsection (a) shall be treated as the baseline for the full EMD phase and low rate initial production of the B–21 bomber aircraft program for purposes of the updates submitted pursuant to paragraph (1) of this subsection.

(d) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (d)(1), the Comptroller General shall review the sufficiency of such matrix and submit to the congressional defense committees an assessment of such matrix, including by identifying cost, schedule, or performance trends.

SEC. 239. STUDY ON HELICOPTER CRASH PREVENTION AND MITIGATION TECHNOLOGY.

(a) STUDY REQUIRED.—The Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

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

(1) Identification of technologies with the potential—

(A) to prevent helicopter crashes (such as collision avoidance technologies and battle space and terrain situational awareness technologies); and

(B) to improve survivability among individuals involved in such crashes (such as adaptive flight control technologies and improved energy absorbing technologies).

(2) A cost-benefit analysis of each technology identified under paragraph (1) that takes into account the cost of developing and deploying the technology compared to the potential of the technology to prevent casualties or injuries.

(3) A list that ranks the technologies identified under paragraph (1) based on—

(A) the results of the cost-benefit analysis under paragraph (2); and

(B) the readiness level of each technology.

(4) An analysis of helicopter crashes that—

(A) compares the casualty rates of cockpit occupants to the casualty rates of occupants of cargo compartments and troop seats; and

(B) identifies the root causes of the casualties described in subparagraph (A).

(c) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives (and the other congressional defense committees on request) a briefing that includes—

(1) the results of the study required under subsection (a); and

(2) the list described in subsection (b)(3).

SEC. 240. STRATEGY FOR IMPROVING ELECTRONIC AND ELECTROMAGNETIC SPECTRUM WARFARE CAPABILITIES.

(a) STRATEGY REQUIRED.—Not later than April 1, 2017, the Under Secretary of Defense for Acquisition, Technology and Logistics, acting through the Electronic Warfare Executive Committee, shall submit to the congressional defense committees a strategy on the electronic and electromagnetic spectrum warfare capabilities of the Department of Defense.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A strategy for advancing and accelerating research, development, test, and evaluation, and fielding, of electronic warfare capabilities to meet current and projected requirements, including intra-service ground and air interoperabilities, as well as recommendations for streamlining acquisition processes with respect to such capabilities.

(2) A methodology for synchronizing and overseeing electronic warfare strategies, operational concepts, and programs

across the Department of Defense, including electronic warfare programs that support or enable cyber operations.

(3) A description of the training and operational support required for fielding and sustaining current and planned investments in electronic warfare capabilities, including the requirements for conducting large-scale simulated exercises and training in contested electronic warfare environments.

(4) A comprehensive list of investments of the Department of Defense in electronic warfare capabilities, including the capabilities to be developed, procured, or sustained in—

(A) the budget of the President for fiscal year 2018 submitted to Congress under section 1105(a) of title 31, United States Code; and

(B) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year.

(5) A description of the threat environment for electromagnetic spectrum for current and future warfare needs.

(6) An assessment of progress on increasing interoperability between Services and Agencies, as well as increasing application of innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

(7) Specific attributes needed in future electronic and electromagnetic spectrum warfare capabilities, such as networking, adaptability, agility, multifunctionality, and miniaturization, and progress toward incorporating such attributes in new electronic warfare systems.

(8) Capability gaps with respect to asymmetric and near-peer adversaries identified pursuant to a capability gap assessment.

(9) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(10) Any other information the Secretary determines to be appropriate.

(c) FORM.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ELECTRONIC WARFARE EXECUTIVE COMMITTEE DEFINED.—In this section the term "Electronic Warfare Executive Committee" means the committee established on March 17, 2015, and chartered on August 11, 2015, by the Deputy Secretary of Defense to serve as the principal forum within the Department of Defense to inform, coordinate, and evaluate electronic warfare matters to maintain a strong technological advantage in United States capabilities.

SEC. 241. SENSE OF CONGRESS ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The term "fifth generation", with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by increasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that development and fielding of fifth generation airborne system systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.

(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.

(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.

Subsection (a) of section 2925 of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ", RESILIENCY, AND MISSION ASSURANCE" after "ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT";

(2) by striking paragraphs (2), (3), (4), (5), (6), (7), (8), and (10);

(3) by redesignating paragraphs (9) and (11) as paragraphs (3), and (4), respectively; and

(4) by inserting after paragraph (1), the following:

"(2) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).".

SEC. 312. WAIVER AUTHORITY FOR ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

42 USC 17142 note.

(a) IN GENERAL.—The Secretary of Defense may waive the requirement under section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) if the Secretary determines it is in the national security interest of the United States.

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 15 days after exercising the waiver authority under subsection (a).

SEC. 313. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

10 USC 2302 note.

(a) PILOT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, may carry out a pilot program to investigate the use of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution for the Department of Defense.

(b) USE OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, for enterprise information, not more than $250,000 may be obligated or expended to carry out the pilot program under subsection (a).

SEC. 314. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS DISPOSAL.

10 USC 4681 note prec.

In carrying out the disposal of munitions in the stockpile of conventional munitions awaiting demilitarization and disposal, the Secretary of the Army may use cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal by open burning, open detonation, direct contact combustion, and incineration.

SEC. 315. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high levels of energy intensity.

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

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high levels of energy intensity.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation of how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high levels of energy intensity, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term "high levels of energy intensity" means costs for the provision of energy by kilowatt of electricity or British thermal unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 316. SENSE OF CONGRESS ON FUNDING DECISIONS RELATING TO CLIMATE CHANGE.

It is the sense of Congress that—

(1) decisions relating to the funding of the Department of Defense for fiscal year 2017 should prioritize the support and enhancement of the combat capabilities of the Department, in addition to seeking efficiency and efficacy;

(2) funds should be allocated among the programs of the Department in the manner that best serves the national security interests of the United States; and

(3) decisions relating to energy efficiency, energy use, and climate change should adhere to the principles described in paragraphs (1) and (2).

Subtitle C—Logistics and Sustainment

SEC. 321. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING REFORM.

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

(1) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by inserting after section 10102 the following new section:

"§ 10102a. Deployment prioritization and readiness of Army components

10 USC 10102a.

"(a) DEPLOYMENT PRIORITIZATION.—The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army.

"(b) DEPLOYABILITY READINESS RATING.—The Secretary of the Army shall maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. The system shall ensure—

"(1) that the personnel readiness rating of a unit reflects—

"(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

"(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

"(2) that the equipment readiness assessment of a unit—

"(A) documents all equipment required for deployment;

"(B) reflects only that equipment that is directly possessed by the unit;

"(C) specifies the effect of substitute items; and

"(D) assesses the effect of missing components and sets on the readiness of major equipment items.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by inserting after the item relating to section 10102 the following new item:

10 USC 10101 prec.

"10102a. Deployment prioritization and readiness of Army components.".

(b) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—Sections 1121 and 1135 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 10105 note) are repealed.

SEC. 322. REVISION OF GUIDANCE RELATING TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

10 USC 2228 note.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight for the Department of Defense, shall revise guidance relating to corrosion control and prevention executives to—

(1) clarify the role of each such executive with respect to assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the annual report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note); and

(2) ensure that corrosion control and prevention executives emphasize the reduction of corrosion and the effects of corrosion on the military equipment and infrastructure of the Department

of Defense, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

(b) CORROSION CONTROL AND PREVENTION EXECUTIVE DEFINED.—In this section, the term "corrosion control and prevention executive" means the employee of a military department designated as the corrosion control and prevention executive of the department under section 903(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note).

10 USC 4551 note.

SEC. 323. PILOT PROGRAM FOR INCLUSION OF CERTAIN INDUSTRIAL PLANTS IN THE ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

During the five-year period beginning on the date of the enactment of this Act, the Secretary of Defense may treat a Government-owned, contractor-operated industrial plant of the Department of Defense as an eligible facility under section 4551(2) of title 10, United States Code.

SEC. 324. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

(a) SPECIAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—In addition to the authority to transfer funds provided under section 1001, the Secretary of Defense may transfer not more than $250,000,000 of authorizations made available to the Department of Defense in this Act for fiscal year 2017 to the Department of the Navy for the repair, recapitalization, and certification of dry docks at Government-owned, Government-operated shipyards of the Navy.

(b) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(2) EFFECT ON DOLLAR LIMIT.—A transfer of funds under this section shall not be counted toward the dollar limitation described in section 1001(a)(2).

SEC. 325. PRIVATE SECTOR PORT LOADING ASSESSMENT.

(a) ASSESSMENTS REQUIRED.—During the period beginning on the date of the enactment of this Act and ending on the date of the final briefing under subsection (c), the Secretary of the Navy shall conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

(b) ELEMENTS OF ASSESSMENTS.—Each assessment under subsection (a) shall include, with respect to each covered port, the following:

(1) Resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, for the fiscal year preceding the quarter covered by the assessment through the end of such quarter.

(2) Projected resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, through the end of the second fiscal year beginning after the quarter covered by the assessment.

(3) A description of the methods by which the Secretary communicates projected workloads to private sector entities engaged in ship maintenance activities and ship loading activities.

(4) A description of any processes that have been implemented to allow for timely feedback from private sector entities engaged in ship maintenance activities and ship loading activities.

(c) BRIEFINGS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter until September 30, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request)—

(1) a briefing on the results of the assessments conducted under subsection (a); and

(2) a chart depicting the information described in paragraphs (1) and (2) of subsection (b) with respect to each covered port.

(d) COVERED PORTS.—In this section, the term "covered ports" means port facilities used by the Department of Defense in each of the following locations:

(1) Mayport, Florida.
(2) Norfolk, Virginia.
(3) Pearl Harbor, Hawaii.
(4) Puget Sound, Washington.
(5) San Diego, California.

SEC. 326. STRATEGY ON REVITALIZING ARMY ORGANIC INDUSTRIAL BASE.

(a) STRATEGY.—Not later than October 1, 2017, the Secretary of Army shall submit to the congressional defense committees a strategy to revitalize the organic industrial base of the Army.

(b) ELEMENTS.—The strategy under subsection (a) shall include, with respect to the organic industrial base of the Army, the following:

(1) A plan to ensure the long-term viability of the organic industrial base.

(2) An assessment of legacy items of the Army that are sustained by the Defense Logistics Agency.

(3) A description of how the organic industrial base may be used to address diminishing manufacturing sources and material shortages.

(4) A description of critical capabilities that are required across the organic industrial base.

(5) An assessment of infrastructure across the organic industrial base.

(6) An assessment of manufacturing sources in the organic industrial base and the private sector.

(7) An explanation of how contracting may be used to meet organic industrial base requirements.

(8) An assessment of current and future workloads across the organic industrial base.

(9) An assessment of the processes used to identify critical capabilities for the organic industrial base and the methods used to determine workloads.

(10) An assessment of existing labor rates.

(11) A description of manufacturing skills that are needed to sustain readiness.

(12) A description of how public-private partnerships may be used to improve the organic industrial base.

(13) A description of how working capital funds may be used to improve the organic industrial base.

(14) An assessment of operating expenses and the potential for reducing or recovering such expenses.

(15) Identification of the tooling, equipment, and facilities upgrades necessary for a facility in the organic industrial base to manufacture the legacy items of the Defense Logistics Agency, including items described in section 333(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 792).

(16) An assessment of the suitability of manufacturing the legacy items of the Defense Logistics Agency in a facility in the organic industrial base.

(c) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term "legacy items" means manufactured items that are no longer produced by the private sector but continue to be used for weapons systems of the Department of Defense, but does not include information systems and information technology (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term "organic industrial base" means United States military facilities, including arsenals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing materiel, munitions, and hardware.

Subtitle D—Reports

SEC. 331. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

(a) DEADLINE FOR REPORT.—Subsection (a) of section 482 of title 10, United States Code, is amended by striking "Not later than 45 days after the end of each calendar-year quarter" and inserting "Not later than 30 days after the end of each calendar-year quarter".

(b) ELIMINATION OF REPORTING REQUIREMENTS RELATED TO PREPOSITIONED STOCKS AND NATIONAL GUARD CIVIL SUPPORT MISSION READINESS.—Such section is further amended—

(1) in subsection (a), by striking "subsections (b), (d), (e), (f), (g), (h), and (i)" and inserting "subsections (b), (d), (e), (f), and (g)";

(2) by striking subsections (d) and (e); and

(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

(c) INCLUSION OF INFORMATION ON CANNIBALIZATION RATES.—Such section, as amended by subsection (b), is further amended by inserting after subsection (g), as redesignated by paragraph (3) of such subsection (b), the following new subsection:

"(h) CANNIBALIZATION RATES.—Each report under this section shall include a separate unclassified report containing the information collected pursuant to section 117(c)(7) of this title.".

SEC. 332. REPORT ON AVERAGE TRAVEL COSTS OF MEMBERS OF THE RESERVE COMPONENTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the travel expenses of members of reserve components associated with performing active duty service, active service, full-time National Guard duty, active Guard and Reserve duty, and inactive-duty training, as such terms are defined in section 101(d) of title 10, United States Code. Such report shall include the average annual cost for all travel expenses for a member of a reserve component.

SEC. 333. REPORT ON HH–60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER PROGRAM.

(a) REPORT ON SUSTAINMENT PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and conduct depot-level maintenance and repair for all components of the HH–60 helicopter fleet until total force combat rescue units have been fully equipped with HH–60W Combat Rescue Helicopters.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of the plans of the Air Force—

(1) to modernize legacy HH–60G combat rescue helicopters;

(2) to maintain the training pipeline for the HH–60G aircrew and the maintenance force required to maintain full readiness through the end of fiscal year 2029; and

(3) to carry out depot-level maintenance and repair (as that term is defined in section 2460 of title 10, United States Code) to ensure the legacy HH–60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

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

Subtitle E—Other Matters

SEC. 341. AIR NAVIGATION MATTERS.

(a) EXPANSION OF DEFINITION OF STRUCTURES INTERFERING WITH AIR COMMERCE AND NATIONAL DEFENSE.—

(1) NOTICE.—Section 44718(a) of title 49, United States Code, is amended—

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

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

(C) by adding at the end the following:

"(3) the interests of national security, as determined by the Secretary of Defense.".

(2) STUDIES.—Section 44718(b) of title 49, United States Code, is amended to read as follows:

"(b) STUDIES.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air navigation facilities and equipment or the navigable airspace, or, after consultation with

the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

"(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

"(i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

"(ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

"(iii) the impact on existing public-use airports and aeronautical facilities;

"(iv) the impact on planned public-use airports and aeronautical facilities;

"(v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures; and

"(vi) other factors relevant to the efficient and effective use of navigable airspace; and

"(B) include the finding made by the Secretary of Defense under subsection (f).

"(2) REPORT.—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

"(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

"(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

"(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).".

(3) NATIONAL SECURITY FINDING; DEFINITIONS.—Section 44718 of title 49, United States Code, is amended by adding at the end the following:

"(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b), the Secretary of Defense shall—

"(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study would result in an unacceptable risk to the national security of the United States; and

"(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

"(g) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term 'adverse impact on military operations and readiness' has the meaning given the term in section 211.3

of title 32, Code of Federal Regulations, as in effect on January 6, 2014.

"(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term 'unacceptable risk to the national security of the United States' has the meaning given the term in section 211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014.".

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 44718 of title 49, United States Code, is amended in the section heading by inserting "**or national security**" after "**air commerce**".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44718 and inserting the following:

49 USC 44701 prec.

"44718. Structures interfering with air commerce or national security.".

(b) PERFORMANCE-BASED NAVIGATION.—Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

"(3) NOTIFICATIONS AND CONSULTATIONS.—Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

"(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

"(B) consider consultations or other engagement with the community in the which the airport is located to inform the public of the procedure.

"(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

"(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located.

"(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

"(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

"(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

"(C) HUMAN ENVIRONMENT DEFINED.—In this paragraph, the term 'human environment' has the meaning given such term in section 1508.14 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this paragraph).".

SEC. 342. CONTRACT WORKING DOGS.

(a) REQUIRED CONTRACT CLAUSE.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2410r.

"§ 2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life

"(a) IN GENERAL.—Each contract entered into by the Secretary of Defense for the provision of a contract working dog shall require that the dog be transferred to the 341st Training Squadron after the service life of the dog has terminated as described in subsection (b) for reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.

"(b) SERVICE LIFE.—The service life of a contract working dog has terminated and the dog is available for transfer to the 341st Training Squadron pursuant to a contract under subsection (a) only if the contracting officer concerned has determined that—

"(1) the final contractual obligation of the dog preceding such transfer is with the Department of Defense; and

"(2) the dog cannot be used by another department or agency of the Federal Government due to age, injury, or performance.

"(c) CONTRACT WORKING DOG.—In this section, the term 'contract working dog' means a dog—

"(1) that performs a service for the Department of Defense pursuant to a contract; and

"(2) that is trained and kenneled by an entity that provides such a dog pursuant to such a contract.".

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

10 USC 2381 prec.

"2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.".

(b) INCLUSION IN DEFINITION OF MILITARY ANIMAL.—Paragraph (1) of section 2583(h) of title 10, United States Code, is amended to read as follows:

"(1) A military working dog, which may include a contract working dog (as such term is defined in section 2410r) that has been transferred to the 341st Training Squadron.".

10 USC 2701 note.

SEC. 343. PLAN, FUNDING DOCUMENTS, AND MANAGEMENT REVIEW RELATING TO EXPLOSIVE ORDNANCE DISPOSAL.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to establish an explosive ordnance disposal program in the Department of Defense to ensure close and continuous coordination among the military departments on matters relating to explosive ordnance disposal.

(2) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The plan under paragraph (1) shall include provisions under which—

(A) the Secretary of Defense shall—

(i) assign responsibility for the coordination and integration of explosive ordnance disposal to a joint office or entity in the Office of the Secretary of Defense; and

(ii) designate the Secretary of the Navy (or a designee of the Secretary of the Navy) as the executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation activities and procurement activities of the military departments relating to explosive ordnance disposal; and

(B) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities and procurement activities to address such needs.

(b) ANNUAL EXPLOSIVE ORDNANCE DISPOSAL FUNDING DOCUMENTS.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2017, a consolidated funding display, in classified and unclassified form, that identifies the funding source for all explosive ordnance disposal activities within the Department of Defense.

(2) ELEMENTS.—The funding display under paragraph (1) for a fiscal year shall include a single program element from each military department for each of the following:

(A) Research, development, test, and evaluation.

(B) Procurement.

(C) Operation and maintenance.

(D) Any other program element used to fund explosive ordnance disposal activities (but not including any program element relating to military construction).

(c) MANAGEMENT REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall review and assess the effectiveness of current management structures in supporting the explosive ordnance disposal needs of the combatant commands and the military departments.

(2) ELEMENTS.—The review and assessment under paragraph (1) shall include the following:

(A) A review of the organizational structures and responsibilities within the Office of the Secretary of Defense that provide policy and oversight of the policies, programs, acquisition activities, and personnel of the military departments relating to explosive ordnance disposal.

(B) A review of the organizational structures and responsibilities within the military departments that—

(i) man, equip, and train explosive ordnance disposal forces; and

(ii) support such forces with manpower, technology, equipment, and readiness.

(C) A review of the organizational structures and responsibilities of the Secretary of the Navy as the executive agent for explosive ordnance disposal technology and training.

(D) Budget displays for each military department that support research, development, test, and evaluation; procurement; and operation and maintenance, relating to explosive ordnance disposal.

(E) An assessment of the adequacy of the organizational structures and responsibilities and the alignment of funding within the military departments in supporting the needs of the combatant commands and the military departments with respect to explosive ordnance disposal.

(d) BRIEFING.—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) details of the plan required under subsection (a);

(2) the results of the review and assessment under subsection (c);

(3) a description of any measures undertaken to improve joint coordination, oversight, and management of programs relating to explosive ordnance disposal;

(4) recommendations to the Secretary to improve the capabilities and readiness of explosive ordnance disposal forces; and

(5) an explanation of the advantages and disadvantages of assigning responsibility for the coordination and integration of explosive ordnance disposal to a single joint office or entity in the Office of the Secretary of Defense.

(e) DEFINITIONS.—In this section:

(1) EXPLOSIVE ORDNANCE.—The term "explosive ordnance" means any munition containing explosives, nuclear fission or fusion materials, or biological or chemical agents, including—

(A) bombs and warheads;

(B) guided and ballistic missiles;

(C) artillery, mortar, rocket, and small arms munitions;

(D) mines, torpedoes, and depth charges;

(E) demolition charges;

(F) pyrotechnics;

(G) clusters and dispensers;

(H) cartridge and propellant actuated devices;

(I) electro-explosive devices; and

(J) clandestine and improvised explosive devices.

(2) DISPOSAL.—The term "disposal" means, with respect to explosive ordnance, the detection, identification, field evaluation, defeat, disablement, or rendering safe, recovery and exploitation, and final disposition of the ordnance.

10 USC 2576a note.

SEC. 344. PROCESS FOR COMMUNICATING AVAILABILITY OF SURPLUS AMMUNITION.

(a) IN GENERAL.—The Secretary of Defense shall implement a formal process to provide Federal Government agencies outside the Department of Defense with information on the availability of surplus, serviceable ammunition from the Department of Defense for the purpose of reducing costs relating to the storage and disposal of such ammunition.

(b) IMPLEMENTATION DEADLINE.—The Secretary shall implement the process described in subsection (a) beginning not later than 180 days after the date of the enactment of this Act.

SEC. 345. MITIGATION OF RISKS POSED BY WINDOW COVERINGS WITH ACCESSIBLE CORDS IN CERTAIN MILITARY HOUSING UNITS.

10 USC 2821 note.

(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—Not later than three years after the date of enactment of this Act, the Secretary of Defense shall remove and replace disqualified window coverings from—

(1) military housing units owned by the Department of Defense in which children under the age of 9 may reside; and

(2) military housing units leased by the Department of Defense in which children under the age of 9 may reside if the lease for such units requires the Department to provide window coverings.

(b) PROHIBITION ON DISQUALIFIED WINDOW COVERINGS IN MILITARY HOUSING UNITS ACQUIRED OR CONSTRUCTED BY CONTRACT.—All contracts entered into by the Secretary of Defense after September 30, 2017, for the acquisition or construction of military family housing, including military family housing acquired or constructed pursuant to subchapter IV of chapter 169 of title 10, United States Code, shall prohibit the use of disqualified window coverings in such housing.

(c) DISQUALIFIED WINDOW COVERING DEFINED.—In this section, the term "disqualified window covering" means—

(1) a window covering with an accessible cord that exceeds 8 inches in length; or

(2) a window covering with an accessible continuous loop cord that does not have a cord tension device that prevents operation when the cord is not anchored to the wall.

SEC. 346. ACCESS TO MILITARY INSTALLATIONS BY TRANSPORTATION COMPANIES.

10 USC 113 note.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies under which covered drivers may be authorized to access military installations.

(b) ELEMENTS.—The policies established under subsection (a)—

(1) shall include the terms and conditions under which a covered driver may be authorized to access a military installation;

(2) may require a transportation company and a covered driver to enter into a written agreement with the Department of Defense as a precondition for obtaining authorization to access a military installation;

(3) shall be consistent across military installations, to the extent practicable;

(4) shall be designed to promote the expeditious entry of covered drivers onto military installations for purposes of providing commercial transportation services;

(5) shall place appropriate restrictions on entry into sensitive areas of military installations;

(6) shall be designed, to the extent practicable, to give covered drivers access to barracks areas, housing areas, temporary lodging facilities, hospitals, and community support facilities;

(7) shall require transportation companies—

(A) to track, in real-time, the location of the entry and exit of covered drivers onto and off of military installations; and

(B) to provide, on demand, the information described in subparagraph (A) to appropriate personnel and agencies of the Department; and

(8) shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department of Defense, and the families of such members and employees.

(c) CONFIDENTIALITY OF INFORMATION.—The Secretary shall ensure that any information provided to the Department by a transportation company under subsection (b)(7)—

(1) is treated as confidential and proprietary information of the company that is exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); and

(2) except as provided in subsection (b)(7), is not disclosed to any person or entity without the express written consent of the company unless disclosure of such information is required by a court order.

(d) DEFINITIONS.—In this section:

(1) TRANSPORTATION COMPANY.—The term "transportation company" means a corporation, partnership, sole proprietorship, or other entity outside of the Department of Defense that provides a commercial transportation service to a rider, including a company that uses a digital network to connect riders to covered drivers for the purpose of providing such transportation service.

(2) COVERED DRIVER.—The term "covered driver"—

(A) means an individual—

(i) who is an employee of a transportation company or who is affiliated with a transportation company; and

(ii) who provides a commercial transportation service to a rider; and

(B) includes a vehicle operated by such individual for the purpose of providing such service.

10 USC 1030 note prec.

SEC. 347. ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In providing members of the Armed Forces with access to high-speed wireless Internet and network connections at military installations outside the United States, the Secretary of Defense may provide such access without charge to the members and their dependents.

(b) CONTRACT AUTHORITY.—The Secretary may enter into contracts for the purpose of carrying out subsection (a).

SEC. 348. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for Operation and Maintenance, Defense-wide, for the Office of the Under Secretary of Defense for Intelligence, not more than 90 percent may be obligated or expended until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry

an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672 note).

SEC. 349. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to develop or field new camouflage uniforms, new utility uniforms, or new families of uniforms until the date that is one year after the date on which the Secretary of Defense submits to the congressional defense committees notice of the intent of the Secretary to develop or field such uniforms.

SEC. 350. PLAN FOR IMPROVED DEDICATED ADVERSARY AIR TRAINING ENTERPRISE OF THE AIR FORCE.

(a) IN GENERAL.—The Chief of Staff of the Air Force shall develop a plan for an improved dedicated adversary air training enterprise for the Air Force—

(1) to maximize warfighting effectiveness and synergies of the current and planned fourth and fifth generation combat air forces through optimized training and readiness;

(2) to harness intelligence analysis, emerging live-virtual-constructive training technologies, range infrastructure improvements, and results of experimentation and prototyping efforts in operational concept development;

(3) to challenge the combat air forces of the Air Force with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high fidelity replication of threat airborne and ground capabilities; and

(4) to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, allies, and friends, and employing the use of industry contracted services.

(b) ELEMENTS.—The plan under subsection (a) shall include, with respect to an improved dedicated adversary air training enterprise, the following:

(1) Goals and objectives.

(2) Concepts of operations.

(3) Timelines for the phased implementation of the enterprise.

(4) Analysis of readiness improvements that may result from the enterprise.

(5) Prioritized resource requirements.

(6) Such other matters as the Chief of Staff considers appropriate.

(c) WRITTEN PLAN AND BRIEFING.—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a written version of the plan developed under subsection (a); and

(2) a briefing on such plan.

SEC. 351. INDEPENDENT REVIEW AND ASSESSMENT OF THE READY AIRCREW PROGRAM OF THE AIR FORCE.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary of the Air Force shall enter into a contract with an independent entity with appropriate expertise—

(1) to conduct a review and assessment of—

(A) the assumptions underlying the annual continuation training requirements of the Air Force; and

(B) the overall effectiveness of the Ready Aircrew Program of the Air Force in managing aircrew training requirements; and

(2) to make recommendations for the improved management of such training requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the review and assessment conducted under subsection (a).

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

(A) For the aircrews of each type of combat aircraft and by mission type—

(i) the number of sorties required to reach minimum and optimal levels of proficiency, respectively;

(ii) the optimal mix of live and virtual training sorties; and

(iii) the optimal mix of experienced aircrews versus inexperienced aircrews.

(B) The availability of assets and infrastructure to support the achievement of aircrew proficiency levels and an explanation of any requirements relating to such assets and infrastructure.

(C) The accumulated flying hours or other measurements used to determine if an aircrew qualifies for designation as an experienced aircrew, and whether different measurements should be used.

(D) Any actions taken or planned to be taken to implement recommendations resulting from the independent review and assessment under subsection (a), including an estimate of the resources required to implement such recommendations.

(E) Any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit to the congressional defense committees a review of the report described in subsection (b). Such review shall include an assessment of—

(A) the extent to which the report addressed the elements described in paragraph (2) of such subsection;

(B) the adequacy and completeness of the assumptions reviewed to establish the annual training requirements of the Air Force;

(C) any actions the Air Force plans to carry out to incorporate the results of the report into annual training documents; and

(D) any other matters the Comptroller General determines are relevant.

(2) BRIEFING.—Not later than 60 days after the date on which the Secretary of the Air Force submits the report under subsection (b) and prior to submitting the review required under paragraph (1), the Comptroller General shall provide a briefing to the congressional defense committees on the preliminary results of the review conducted under such paragraph.

SEC. 352. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF THE DEPARTMENT OF DEFENSE.

10 USC 2641b note.

(a) STUDY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of the Department of Defense.

(b) REPORT REQUIRED.—Not later than 180 days after entering into a contract with a federally funded research and development center under subsection (a), the Secretary shall submit to the congressional defense committees a report summarizing the results of the study conducted under such subsection.

(c) ELEMENTS.—The report under subsection (b) shall include, with respect to the space-available travel system, the following:

(1) A determination of—

(A) the capacity of the system as of the date of the enactment of this Act;

(B) the projected capacity of the system for the 10-year period following such date of enactment; and

(C) the projected number of reserve retirees, active duty retirees, and dependents of such retirees that will exist by the end of such 10-year period.

(2) Estimates of system capacity based the projections described in paragraph (1).

(3) A discussion of the efficiency of the system and data regarding the use of available space with respect to each category of passengers eligible for space-available travel under existing regulations.

(4) A description of the effect on system capacity if eligibility for space-available travel is extended to—

(A) drilling reserve component personnel and dependents of such personnel on international flights;

(B) dependents of reserve component retirees who are less than 60 years of age;

(C) retirees who are less than 60 years of age on international flights;

(D) drilling reserve component personnel traveling to drilling locations; and

(E) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(5) A discussion of logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships experienced by travelers.

(6) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(7) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title;

(B) unremarried widows and widowers of active or reserve component members of the Armed Forces; and

(C) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(8) Such other factors relating to the efficiency and cost of the system as the Secretary determines to be appropriate.

(d) ADDITIONAL RESPONSIBILITIES.—In addition to carrying out subsections (a) through (c), the Secretary of Defense shall—

(1) analyze the methods used to prioritize among the categories of individuals eligible for space-available travel and make recommendations for—

(A) re-ordering the priority of such categories; and

(B) adding additional categories of eligible individuals; and

(2) collect data on travelers who request but do not obtain available travel spaces under the space-available travel system.

(e) DISABILITY RATED AS TOTAL DEFINED.—In this section, the term "disability rated as total" has the meaning given the term in section 1414(e)(3) of title 10, United States Code.

SEC. 353. EVALUATION OF MOTOR CARRIER SAFETY PERFORMANCE AND SAFETY TECHNOLOGY.

(a) IN GENERAL.—The Secretary of Defense shall evaluate the need for proven safety technology in vehicles transporting shipments under the Transportation Protective Services program of the United States Transportation Command, including—

(1) electronic logging devices;

(2) roll stability control;

(3) forward collision avoidance systems;

(4) lane departure warning systems; and

(5) speed limiters.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall—

(1) consider the need to avoid catastrophic accidents and exposure of security-sensitive materials; and

(2) take into the account the findings of the Government Accountability Office report numbered GAO–16–82 and titled "Defense Transportation; DoD Needs to Improve the Evaluation of Safety and Performance Information for Carriers Transporting Security-Sensitive Materials".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(1) The Army, 476,000.
(2) The Navy, 323,900.
(3) The Marine Corps, 185,000.
(4) The Air Force, 321,000.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 476,000.
"(2) For the Navy, 323,900.
"(3) For the Marine Corps, 185,000.
"(4) For the Air Force, 321,000.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 343,000.
(2) The Army Reserve, 199,000.
(3) The Navy Reserve, 58,000.
(4) The Marine Corps Reserve, 38,500.
(5) The Air National Guard of the United States, 105,700.
(6) The Air Force Reserve, 69,000.
(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which

are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve for any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2017, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 9,955.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,764.

(6) The Air Force Reserve, 2,955.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of September 30, 2017, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 25,507.

(2) For the Army Reserve, 7,570.

(3) For the Air National Guard of the United States, 22,103.

(4) For the Air Force Reserve, 10,061.

(b) VARIANCE.—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased—

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

SEC. 414. FISCAL YEAR 2017 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2017, may not exceed 420.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2017, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2017, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

Section 115 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "502(f)(2)" and inserting "502(f)(1)(B)"; and

(B) in subparagraph (C), by striking "502(f)(2)" and inserting "502(f)(1)(B)"; and

(2) in subsection (i)(7), by striking "502(f)(1)" and inserting "502(f)(1)(A)".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Subtitle B—Reserve Component Management

Subtitle C—General Service Authorities

Subtitle D—Member Whistleblower Protections and Correction of Military Records

Subtitle E—Military Justice and Legal Assistance Matters

Subtitle A—Officer Personnel Policy

10 USC 525 note.

SEC. 501. REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AND AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF SUCH GENERAL AND FLAG OFFICERS.

(a) REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS BY DECEMBER 31, 2022.—

(1) REQUIRED REDUCTION.—Except as otherwise provided by an Act enacted after the date of the enactment of this Act that expressly modifies the requirements of this paragraph, by not later than December 31, 2022, the Secretary of Defense shall reduce the number of general and flag officers on active duty by 110 from the aggregate authorized number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015.

(2) DISTRIBUTION OF AUTHORIZED POSITIONS.—Effective as of December 31, 2022, and reflecting the reduction required by paragraph (1), authorized general and flag officer positions shall be distributed among the Army, Navy, Air Force, Marine Corps, and joint pool as follows:

(A) The Army is authorized 220 positions in the general officer grades.

(B) The Navy is authorized 151 positions in the flag officer grades.

(C) The Air Force is authorized 187 positions in the general officer grades.

(D) The Marine Corps is authorized 62 positions in the general officer grades.

(E) The joint pool is authorized 232 positions in the general or flag officer grades, to be distributed as follows:

(i) 82 positions in the general officer grades from the Army.

(ii) 60 positions in the flag officer grades from the Navy.

(iii) 69 positions in the general officer grades from the Air Force.

(iv) 21 positions in the general officer grades from the Marine Corps.

(3) TEMPORARY ADDITIONAL JOINT POOL ALLOCATION.—In addition to the positions authorized by paragraph (2), the 30 general and flag officer positions designated for overseas contingency operations are authorized as an additional maximum temporary allocation to the joint pool.

(b) PLAN TO ACHIEVE REQUIRED REDUCTION AND DISTRIBUTION.—

(1) PLAN REQUIRED.—Utilizing the study conducted under subsection (c), the Secretary of Defense shall develop a plan to achieve, by the date specified in subsection (a)(1)—

(A) the reduction required by such subsection in the number of general and flag officers; and

(B) the distribution of authorized positions required by subsection (a)(2).

(2) SUBMISSION OF PLAN.—When the budget for the Department of Defense for fiscal year 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan developed under this subsection.

(3) PROGRESS REPORTS.—The Secretary of Defense shall include with the budget for the Department of Defense for each of fiscal years 2020, 2021, and 2022 a report describing and assessing the progress of the Secretary in implementing the plan developed under this subsection.

(c) STUDY FOR PURPOSES OF PLAN.—

(1) STUDY REQUIRED.—For purposes of complying with subsection (a) and preparing the plan required by subsection (b), the Secretary of Defense shall conduct a comprehensive and deliberate global manpower study of requirements for general and flag officers with the goal of identifying—

(A) the requirement justification for each general or flag officer position in terms of overall force structure, scope of responsibility, command and control requirements, and force readiness and execution;

(B) an additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions after the reductions required by subsection (a); and

(C) an appropriate redistribution of all general officer and flag officer positions within the reductions so identified.

(2) SUBMISSION OF STUDY RESULTS.—Not later than April 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of the study conducted under this subsection, including the justification for general and flag officer position to be retained and the reductions identified by general and flag officer position.

(3) INTERIM REPORT.—If practicable before the date specified in paragraph (2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report describing the progress made toward the completion of the study under this subsection, including—

(A) the specific general and flag officer positions that have been evaluated;

(B) the results of that evaluation; and

(C) recommendations for achieving the additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions to be identified under paragraph (1)(C) and recommendations for redistribution of general and flag officer positions that have been developed to that point.

(d) EXCLUSIONS.—

(1) RELATED TO JOINT DUTY ASSIGNMENTS.—For purposes of complying with subsection (a), the Secretary of Defense may exclude—

(A) a general or flag officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but not more than three officers on active duty from each Armed Force may be covered by the additional extension at the same time; and

(B) the number of officers required to serve in joint duty assignments for each Armed Force as authorized by the Secretary under section 526a(b) of title 10, United States Code, as added by subsection (h) of this section.

(2) RELATED TO RELIEF FROM CHIEF OF STAFF DUTY.—For purposes of complying with subsection (a), the Secretary of Defense may exclude an officer who continues to hold the grade of general or admiral under section 601(b)(5) of title 10, United States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps.

(3) RELATED TO RETIREMENT, SEPARATION, RELEASE, OR RELIEF.—For purposes of complying with subsection (a), the Secretary of Defense may exclude the following officers:

(A) An officer of an Armed Force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

(B) An officer of an Armed Force who has been relieved from a position designated under section 601(a) of title 10, United States Code, or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

(e) SECRETARIAL AUTHORITY TO GRANT EXCEPTIONS TO LIMITATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense may alter the reduction otherwise required by subsection (a)(1) in the number of general and flag officer or the distribution of authorized positions otherwise required by subsection (a)(2) in the interest of the national security of the United States.

(2) NOTICE TO CONGRESS OF EXCEPTIONS.—Not later than 30 days after authorizing a number of general or flag officers in excess of the number required as a result of the reduction required by subsection (a)(1) or altering the distribution of authorized positions under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives written notice of such exception, including a statement of the reason for such exception and the anticipated duration of the exception.

(f) ORDERLY TRANSITION FOR OFFICERS RECENTLY ASSIGNED TO POSITIONS TO BE ELIMINATED.—

(1) COVERED OFFICERS.—In order to provide an orderly transition for personnel in general or flag officer positions to be eliminated pursuant to the plan prepared under subsection (b), any general or flag officer who has not completed, as of December 31, 2022, at least 24 months in a position to be eliminated pursuant to the plan may remain in the position until the last day of the month that is 24 months after the month in which the officer assumed the duties of the position.

(2) REPORT TO CONGRESS ON COVERED OFFICERS.—The Secretary of Defense shall include in the annual report required by section 526(j) of title 10, United States Code, in 2020 a description of the positions in which an officer will remain pursuant to paragraph (1), including the latest date on which the officer may remain in such position pursuant to that paragraph.

(3) NOTICE TO CONGRESS ON DETACHMENT OF COVERED OFFICERS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the date on which each officer covered by paragraph (1) is detached from the officer's position pursuant to such paragraph.

(g) RELATION TO SUBSEQUENT GENERAL OR FLAG NOMINATIONS.—

(1) NOTICE TO SENATE WITH NOMINATION.—In order to help achieve the requirements of the plan required by subsection (b), effective 30 days after the commencement of the implementation of the plan, the Secretary of Defense shall include with each nomination of an officer to a grade above colonel or captain (in the case of the Navy) that is forwarded by the President to the Senate for appointment, by and with the advice and consent of the Senate, a certification to the Committee on Armed Services of the Senate that the appointment of the officer to the grade concerned will not interfere with achieving the reduction required by subsection (a)(1) in the number of general and flag officer positions or the distribution of authorized positions required by subsection (a)(2).

(2) IMPLEMENTATION.—Not later than 120 days after the date of the submission of the plan required by subsection (b), the Secretary of Defense shall revise applicable guidance of the Department of Defense on general and flag officer authorizations in order to ensure that—

(A) the achievement of the reductions required pursuant to subsection (a) is incorporated into the planning for the execution of promotions by the military departments and for the joint pool;

(B) to the extent practicable, the resulting grades for general and flag officer positions are uniformly applied to positions of similar duties and responsibilities across the military departments and the joint pool; and

(C) planning achieves a reduction in the headquarters functions and administrative and support activities and staffs of the Department of Defense and the military departments commensurate with the achievement of the reductions required pursuant to subsection (a).

(h) AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by inserting after section 526 the following new section:

10 USC 526a.

"§ 526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty

"(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2022, may not exceed the number specified for the armed force concerned as follows:

"(1) For the Army, 220.

"(2) For the Navy, 151.

"(3) For the Air Force, 187.

"(4) For the Marine Corps, 62.

"(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a).

"(2) MINIMUM NUMBER.—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 75.

"(B) For the Navy, 53.

"(C) For the Air Force, 68.

"(D) For the Marine Corps, 17.

"(c) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to—

"(1) an officer of an armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer; or

"(2) an officer of an armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

"(d) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—

"(1) IN GENERAL.—The limitations in subsection (a) do not apply to a general officer or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

"(2) DURATION OF EXCLUSION.—A general officer or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

"(e) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by the additional extension at the same time.

"(f) ACTIVE-DUTY BASELINE.—

"(1) NOTICE AND WAIT REQUIREMENTS.—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' for an armed force means the lower of—

"(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

"(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2023, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

"(g) JOINT DUTY ASSIGNMENT BASELINE.—

"(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' means the lower of—

"(A) the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1); or

"(B) the actual number of general officers and flag officers who, as of January 1, 2023, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

"(h) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

"(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).

"(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).".

(2) CONFORMING AMENDMENT.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2022. For provisions applicable to the number of such officers after that date, see section 526a of this title.".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended by inserting after the item relating to section 526 the following new item:

10 USC 521 prec.

"526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.".

SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.—

(1) IN GENERAL.—Section 155a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

10 USC 151 prec.

(b) LEGAL COUNSEL TO CJCS.—Section 156 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.

(d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.

10 USC 201 prec.

(e) JOINT 4-STAR POSITIONS.—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).

(f) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) CHIEF OF STAFF TO PRESIDENT.—

(1) IN GENERAL.—Section 720 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720. 10 USC 711 prec.

(h) ATTENDING PHYSICIAN TO CONGRESS.—

(1) IN GENERAL.—Section 722 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722. 10 USC 711 prec.

(i) PHYSICIAN TO WHITE HOUSE.—

(1) IN GENERAL.—Section 744 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744. 10 USC 741 prec.

(j) CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) CHIEFS OF BRANCHES OF THE ARMY.—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ", and while so serving, has the grade of lieutenant general".

(l) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "; GRADE";

(2) by striking "(1)"; and

(3) by striking paragraph (2).

(n) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.—

(1) IN GENERAL.—Section 3039 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039. 10 USC 3031 prec.

(o) CHIEF OF ARMY NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.

(p) ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.—

(1) IN GENERAL.—Section 3070 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "and assistant chiefs";

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3070. Army Medical Specialist Corps: organization; Chief".

10 USC 3061 prec.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item:

"3070. Army Medical Specialist Corps: organization; Chief.".

(q) JUDGE ADVOCATE GENERAL'S CORPS OF THE ARMY.—Section 3072 of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

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

(r) CHIEF OF VETERINARY CORPS OF THE ARMY.—

(1) IN GENERAL.—Section 3084 of title 10, United States Code, is amended by striking the second sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3084. Chief of Veterinary Corps".

10 USC 3061 prec.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3084 and inserting the following new item:

"3084. Chief of Veterinary Corps.".

(s) ARMY AIDES.—

(1) IN GENERAL.—Section 3543 of title 10, United States Code, is repealed.

10 USC 3531 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.

(t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking "a vice admiral of the Navy or a lieutenant general of the Marine Corps" and inserting "an officer of the Navy or the Marine Corps".

(u) CHIEF OF NAVAL RESEARCH.—Section 5022 of title 10, United States Code, is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(v) CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) DIRECTOR FOR EXPEDITIONARY WARFARE.—Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(x) SJA TO COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) BUREAU CHIEFS OF THE NAVY.—

(1) IN GENERAL.—Section 5133 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133. 10 USC 5131 prec.

(aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "not below the grade of rear admiral (lower half)"; and

(2) in subsection (c), by striking the first sentence.

(bb) BUREAU OF NAVAL PERSONNEL.—

(1) IN GENERAL.—Section 5141 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the first sentence; and

(B) in subsection (b), by striking the first sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5141 and inserting the following new item: 10 USC 5131 prec.

"5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.".

(cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "; GRADE";

(2) by striking "(1)"; and

(3) by striking paragraph (2).

(ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "; GRADE";

(2) by striking "(1)"; and

(3) by striking paragraph (2).

(ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking ", by and with the advice and consent of the Senate,"; and

(B) by striking the second sentence; and

(2) in each of subsections (b) and (c), by striking the second and last sentences.

(hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking "Subject to subsection (c), the Secretary" and inserting "The Secretary"; and

(2) by striking subsection (c).

(ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title

10, United States Code, is amended by striking "a lieutenant general" and inserting "an officer".

(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (d)(1), by striking the last sentence.

(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "; GRADE";

(2) by striking "(1)"; and

(3) by striking paragraph (2).

(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(2) by striking subsection (c).

(nn) CHIEF OF AIR FORCE NURSES.—

(1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking "POSITIONS OF CHIEF AND ASSISTANT CHIEF" and inserting "POSITION OF CHIEF"; and

(ii) by striking "and assistant chief";

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 8069. Air Force nurses: Chief; appointment".

10 USC 8061 prec.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:

"8069. Air Force nurses: Chief; appointment.".

(oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section 8081 of title 10, United States Code, is amended by striking the second sentence.

(pp) AIR FORCE AIDES.—

(1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.

10 USC 8531 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 of such title is amended by striking the item relating to section 8543.

(qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.

(rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by adding "and" at the end;

(B) in subparagraph (D), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (E); and

(2) by striking subsection (c).

(ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—

(1) by striking "general"; and

(2) by striking ", and shall hold the grade of lieutenant general while so serving,".

SEC. 503. NUMBER OF MARINE CORPS GENERAL OFFICERS.

(a) DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.—Section 525(a)(4) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "15" and inserting "17"; and

(2) in subparagraph (C), by striking "23" and inserting "22".

(b) GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(a)(4) of such title is amended by striking "61" and inserting "62".

(c) DEPUTY COMMANDANTS.—Section 5045 of such title is amended by striking "six" and inserting "seven".

SEC. 504. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.

Section 629(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

"(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.".

SEC. 505. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

"§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

10 USC 637a.

"(a) IN GENERAL.—The Secretary of the military department concerned may authorize an officer in a grade above grade O–4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational

specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

"(b) MILITARY SPECIALTIES.—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary authorizes the members to be eligible for continuation on active duty as provided in subsection (a).

"(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

"(d) REGULATIONS.—The Secretaries of the military departments shall carry out this section in accordance with regulations prescribed by the Secretary of Defense. The regulations shall specify the criteria to be used by the Secretaries of the military departments in designating military specialities for purposes of subsection (b).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after the item relating to section 637 the following new item:

10 USC 637 prec.

"637a. Continuation on active duty: officers in certain military specialties and career tracks.".

(b) CONFORMING AMENDMENTS.—The following provisions of title 10, United States Code, are amended by inserting "or 637a" after "637(b)":

(1) Section 633(a).
(2) Section 634(a).
(3) Section 635.
(4) Section 636(a).

SEC. 506. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR DISCHARGE.

Section 638a of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(4) Convening selection boards under section 611(b) of this title to consider for early retirement or discharge regular officers on the active-duty list in a grade below lieutenant colonel or commander—

"(A) who have served at least one year of active duty in the grade currently held; and

"(B) whose names are not on a list of officers recommended for promotion.";

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

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

"(e)(1) In the case of action under subsection (b)(4), the Secretary of the military department concerned shall specify the total number of officers described in that subsection that a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement or discharge. Officers who are eligible, or are within two years of becoming eligible, to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484)), if selected by the board, shall be retired or retained until

becoming eligible to retire under section 3911, 6323, or 8911 of this title, and those officers who are otherwise ineligible to retire under any provision of law shall, if selected by the board, be discharged.

"(2) In the case of action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all eligible officers described in that subsection, whether or not they are eligible to be retired under any provision of law, in a particular grade and competitive category; or

"(B) the names of all eligible officers described in that subsection in a particular grade and competitive category, whether or not they are eligible to be retired under any provision of law, who are also in particular year groups, specialties, or retirement categories, or any combination thereof, with that competitive category.

"(3) The number of officers specified under paragraph (1) may not be more than 30 percent of the number of officers considered.

"(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b)(4) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of officers for discharge under this subsection shall be based on the needs of the service.".

SEC. 507. MODIFICATION OF AUTHORITY TO DROP FROM ROLLS A COMMISSIONED OFFICER.

Section 1161(b) of title 10, United States Code, is amended by inserting "or the Secretary of Defense, or in the case of a commissioned officer of the Coast Guard, the Secretary of the department in which the Coast Guard is operating when it is not operating in the Navy," after "President".

SEC. 508. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking "December 31, 2018" and inserting "December 31, 2025".

(b) CONTINUATION ON ACTIVE DUTY.—Section 638a(a)(2) of title 10, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2025".

(c) VOLUNTARY SEPARATION PAY.—Section 1175a(k)(1) of such title is amended by striking "December 31, 2018" and inserting "December 31, 2025".

(d) SERVICE-IN-GRADE WAIVERS.—Section 1370(a)(2)(F) of such title is amended by striking "2018" and inserting "2025".

SEC. 509. PILOT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.

10 USC 503 note.

(a) PILOT PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out a pilot program to improve the ability of an Armed Force under the jurisdiction of the Secretary to recruit cyber professionals.

(b) ELEMENTS.—Under a pilot program established under this section, an individual who meets educational, physical, and other

requirements determined appropriate by the Secretary of the military department concerned may receive an original appointment as a commissioned officer in a cyber specialty.

(c) CONSULTATION.—In developing a pilot program for the Army or the Air Force under this section, the Secretary of the Army and the Secretary of the Air Force may consult with the Secretary of the Navy with respect to an existing, similar program carried out by the Secretary of the Navy.

(d) DURATION.—

(1) COMMENCEMENT.—The Secretary of a military department may commence a pilot program under this section on or after January 1, 2017.

(2) TERMINATION.—All pilot programs under this section shall terminate no later than December 31, 2022.

(e) STATUS REPORT.—Not later than January 1, 2020, each Secretary of a military department who conducts a pilot program under this section shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an evaluation of the success of the program in obtaining skilled cyber personnel for the Armed Forces.

SEC. 510. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 664 of title 10, United States Code, is amended by striking "assignment—" and all that follows and inserting "assignment shall be not less than two years.".

(b) REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCUPATIONAL SPECIALTIES.—Such section is further amended by striking subsection (c).

(c) EXCLUSIONS FROM TOUR LENGTH.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "the standards prescribed in subsection (a)" and inserting "the requirement in subsection (a)";

(2) in paragraph (1)(D), by striking "assignment—" and all that follows and inserting "assignment as prescribed by the Secretary of Defense in regulations.";

(3) by striking paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2); and

(5) in paragraph (2), as redesignated by paragraph (4) of this subsection, by striking "the applicable standard prescribed in subsection (a)" and inserting "the requirement in subsection (a)".

(d) REPEAL OF AVERAGE TOUR LENGTH REQUIREMENTS.—Such section is further amended by striking subsection (e).

(e) FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking "standards prescribed in subsection (a)" and inserting "the requirement in subsection (a)";

(2) by striking paragraphs (2) and (4);

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

(4) in paragraph (4), as redesignated by paragraph (3) of this subsection, by striking ", but not less than two years".

(f) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) by striking "(1)";

(2) by striking "accord" and inserting "award"; and

(3) by striking paragraph (2).

(g) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (f), (g), and (h), as amended by this section, as subsections (c), (d), (e), and (f), respectively;

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking "subsection (f)(3)" and inserting "subsection (d)(2)".

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking "subsection (g)" and inserting "subsection (e)";

(4) in subsection (e), as so redesignated and amended, by striking "subsection (f)(3)" and inserting "subsection (d)(2)"; and

(5) in subsection (f), as so redesignated and amended, by striking "paragraphs (1), (2), and (4) of subsection (f)" and inserting "subsection (d)(1)".

SEC. 510A. REVISION OF DEFINITIONS USED FOR JOINT OFFICER MANAGEMENT.

(a) DEFINITION OF JOINT MATTERS.—Paragraph (1) of section 668(a) of title 10, United States Code, is amended to read as follows:

"(1) In this chapter, the term 'joint matters' means matters related to any of the following:

"(A) The development or achievement of strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains, such as land, sea, or air, in space, or in the information environment, including matters relating to any of the following:

"(i) National military strategy.

"(ii) Strategic planning and contingency planning.

"(iii) Command and control, intelligence, fires, movement and maneuver, protection or sustainment of operations under unified command.

"(iv) National security planning with other departments and agencies of the United States.

"(v) Combined operations with military forces of allied nations.

"(B) Acquisition matters conducted by members of the armed forces and covered under chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems.

"(C) Other matters designated in regulation by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.".

(b) DEFINITION OF INTEGRATED FORCES.—Section 668(a)(2) of title 10, United States Code, is amended in the matter preceding subparagraph (A)—

(1) by striking "integrated military forces" and inserting "integrated forces"; and

(2) by striking "the planning or execution (or both) of operations involving" and inserting "achieving unified action with".

(c) DEFINITION OF JOINT DUTY ASSIGNMENT.—Section 668(b)(1) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) shall be limited to assignments in which—

"(i) the preponderance of the duties of the officer involve joint matters and

"(ii) the officer gains significant experience in joint matters; and".

(d) REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALITY.—Section 668 of title 10, United States Code, is amended by striking subsection (d).

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking "paragraph (3)(B) for a limited period of time" and inserting "paragraph (3) for not more than 90 days".

SEC. 512. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.

(a) IN GENERAL.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking "; and" and inserting "when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;";

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

"(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of sections 7511, 7512, and 7513 of title 5, and section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and"; and

(2) in subsection (g), by striking "Sections" and inserting "Except as provided in subsection (f), sections".

(b) DEFINITIONS.—Section 709 of title 32, United States Code, is further amended by adding at the end the following new subsection:

"(j) In this section:

"(1) The term 'military pay status' means a period of service where the amount of pay payable to a technician for that service is based on rates of military pay provided for under title 37.

"(2) The term 'fitness for duty in the reserve components' refers only to military-unique service requirements that attend to military service generally, including service in the reserve components or service on active duty.".

(c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 513. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, as amended by section 512(a)(2), is further amended—

(1) by inserting "(1)" after "(g)"; and

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

"(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).".

SEC. 514. EXTENSION OF REMOVAL OF RESTRICTIONS ON THE TRANSFER OF OFFICERS BETWEEN THE ACTIVE AND INACTIVE NATIONAL GUARD.

Section 512 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 752; 32 U.S.C. prec. 301 note) is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking "December 31, 2016" and inserting "December 31, 2019"; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking "December 31, 2016" and inserting "December 31, 2019".

SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE AIR FORCE RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND INSTRUCTION REGARDING PILOT TRAINING.

Section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 810) is amended by inserting "and fiscal year 2017" after "During fiscal year 2016".

SEC. 516. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking "the National Guard" and inserting "a reserve component of the armed forces"; and

(2) by striking "a National Guard officer" and inserting "a reserve component officer".

Subtitle C—General Service Authorities

SEC. 521. MATTERS RELATING TO PROVISION OF LEAVE FOR MEMBERS OF THE ARMED FORCES, INCLUDING PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.

(a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

"(i)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child is allowed up to twelve weeks of total leave, including up

to six weeks of medical convalescent leave, to be used in connection with such birth.

"(B) Under the regulations prescribed for purposes of this subsection, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the adoption of a child is allowed up to six weeks of total leave to be used in connection with such adoption.

"(2) Paragraph (1) applies to the following members:

"(A) A member on active duty.

"(B) A member of a reserve component performing active Guard and Reserve duty.

"(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

"(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'primary caregiver' for purposes of this subsection.

"(4) Notwithstanding paragraph (1)(A), a member may receive more than six weeks of medical convalescent leave in connection with the birth of a child, but only if the additional medical convalescent leave—

"(A) is specifically recommended, in writing, by the medical provider of the member to address a diagnosed medical condition; and

"(B) is approved by the commander of the member.

"(5) Any leave taken by a member under this subsection, including leave under paragraphs (1) and (4), may be taken only in one increment in connection with such birth or adoption.

"(6)(A) Any leave authorized by this subsection that is not taken within one year of such birth or adoption shall be forfeited.

"(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken by the time the member is separated from active duty shall be forfeited at that time.

"(7) The period of active duty of a member of a reserve component may not be extended in order to permit the member to take leave authorized by this subsection.

"(8) Under the regulations prescribed for purposes of this subsection, a member taking leave under paragraph (1) may, as a condition for taking such leave, be required—

"(A) to accept an extension of the member's current service obligation, if any, by one week for every week of leave taken under paragraph (1); or

"(B) to incur a reduction in the member's leave account by one week for every week of leave taken under paragraph (1).

"(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

"(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

"(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

"(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists

at the end of the member's period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

"(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 21 days of leave to be used in connection with such birth or adoption.

"(2) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'secondary caregiver' for purposes of this subsection.

"(3) Any leave taken by a member under this subsection may be taken only in one increment in connection with such birth or adoption.

"(4) Under the regulations prescribed for purposes of this subsection, paragraphs (6) through (10) of subsection (i) (other than paragraph (9)(B) of such subsection) shall apply to leave, and the taking of leave, authorized by this subsection.".

(b) PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.—

(1) PROHIBITION.—Chapter 40 of title 10, United States Code, is amended by inserting after section 704 the following new section:

"§ 704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law 10 USC 704a.

"No member or category of members of the armed forces may be authorized, granted, or assigned leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act of Congress enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of title 10, United States Code, is amended by inserting after the item relating to section 704 the following new item: 10 USC 701 prec.

"704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.".

SEC. 522. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

"§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement 10 USC 709a.

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

"(1) the leave is canceled in connection with the member's participation in a contingency operation; and

"(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

"(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

"(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

10 USC 701 prec.

"709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

SEC. 523. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—Section 1044d(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) the execution of the instrument is notarized by—

"(A) a military legal assistance counsel;

"(B) a person who is authorized to act as a notary under section 1044a of this title who—

"(i) is not an attorney; and

"(ii) is supervised by a military legal assistance counsel; or

"(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;"; and

(2) in paragraph (3), by striking "presiding attorney" and inserting "person notarizing the instrument in accordance with paragraph (2)".

(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—Section 1044a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).".

SEC. 524. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting ", or sexually assaulted," after "deployed overseas in support of a contingency operation"; and

(2) by inserting "or based on such sexual assault," after "while deployed,".

SEC. 525. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) REDUCTION OF TENURE.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "five years" and inserting "three years"; and

(2) in subsection (h), by striking "five years" and inserting "three years".

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date. 10 USC 1210 note.

SEC. 526. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND BENEFITS.

Section 1175a(j) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "or 12304" and inserting "12304, 12304a, or 12304b"; and

(B) by striking "502(f)(1)" and inserting "502(f)(1)(A)"; and

(2) in paragraph (3), by striking "502(f)(2)" and inserting "502(f)(1)(B)".

SEC. 527. CONSOLIDATION OF ARMY MARKETING AND PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING. 10 USC 3013 note.

(a) CONSOLIDATION OF ARMY MARKETING.—Not later than October 1, 2017, the Secretary of the Army shall consolidate into a single organization within the Department of the Army all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(b) PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.—

(1) PILOT PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall carry out a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

(2) CREDIT TOWARD ENLISTMENT GOALS.—Under the pilot program, a recruiter shall receive credit toward periodic enlistment goals for each enlistment regardless of the component in which the individual enlists.

(3) DURATION.—The Secretary shall carry out the pilot program for a period of not less than three years.

(c) BRIEFING AND REPORTS.—

(1) BRIEFING ON CONSOLIDATION PLAN.—Not later than March 1, 2017, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the Secretary's plan to carry out the Army marketing consolidation required by subsection (a).

(2) INTERIM REPORT ON PILOT PROGRAM.—

(A) IN GENERAL.—Not later than one year after the date on which the pilot program under subsection (b) commences, the Secretary shall submit to the congressional committees specified in paragraph (1) a report on the pilot program.

(B) ELEMENTS.—The report under subparagraph (A) shall include each of the following:

(i) An analysis of the effects that consolidated recruiting efforts has on the overall ability of recruiters to attract and place qualified candidates.

(ii) A determination of the extent to which consolidating recruiting efforts affects efficiency and recruiting costs.

(iii) An analysis of any challenges associated with a recruiter working to recruit individuals to enlist in a component in which the recruiter has not served.

(iv) An analysis of the satisfaction of recruiters and the component recruiting commands with the pilot program.

(3) FINAL REPORT ON PILOT PROGRAM.—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the congressional committees specified in paragraph (1) a final report on the pilot program. The final report shall include any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.

Subtitle D—Member Whistleblower Protections and Correction of Military Records

SEC. 531. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

(a) ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.—Paragraph (2) of section 1034(b) of title 10, United States Code, is amended to read as follows:

"(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including any of the following:

"(i) The threat to take any unfavorable action.

"(ii) The withholding, or threat to withhold, any favorable action.

"(iii) The making of, or threat to make, a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member's grade.

"(iv) The failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates against a member.

"(v) The conducting of a retaliatory investigation of a member.

"(B) In this paragraph, the term 'retaliatory investigation' means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member of the armed forces for making a protected communication.

"(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.".

(b) ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.—Section 1034 of title 10, United States Code, is amended—

(1) in subsection (c)(4)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

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

"(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that, more likely than not, a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate."; and

(2) in subsection (e)(1), by striking "subsection (c)(4)(E)" and inserting "subsection (c)(4)(F)".

(c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of section 1034(e) of title 10, United States Code, is amended to read as follows:

"(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

"(i) The member.

"(ii) The Secretary of Defense.

"(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(B) Each notice on an investigation under subparagraph (A) shall include the following:

"(i) A description of the current progress of the investigation.

"(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.".

(d) CORRECTION OF RECORDS.—Paragraph (2) of section 1034(g) of title 10, United States Code, is amended to read as follows:

"(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

"(A) shall review the report of the Inspector General;

"(B) may request the Inspector General to gather further evidence;

"(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

"(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.".

10 USC 1034 note.

(e) UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) USE.—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

SEC. 532. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "VIOLATIONS" and inserting "SUBSTANTIATED VIOLATIONS"; and

(2) in paragraph (1), by striking "there is sufficient basis" and all that follows and inserting "corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.".

(b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—

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

(A) by striking "the Secretary concerned determines under paragraph (1)" and inserting "the Inspector General determines"; and

(B) by striking "the Secretary shall" and inserting "the Secretary concerned shall";

(2) in subparagraph (A), by inserting ", including referring the report to the appropriate board for the correction of military records" before the semicolon; and

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

"(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General

of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports received by the Secretaries of the military departments and the Secretary of Homeland Security under section 1034(e) of title 10, United States Code, on or after that date. 10 USC 1034 note.

SEC. 533. AVAILABILITY OF CERTAIN CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD INFORMATION THROUGH THE INTERNET.

(a) BOARD FOR THE CORRECTION OF MILITARY RECORDS.—Section 1552 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

"(1) The number of claims considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

"(2) The number of claims submitted during the calendar quarter preceding the calender quarter in which such information is made available that relate to service by a claimant during a war or contingency operation, catalogued by each war or contingency operation.

"(3) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.".

(b) DISCHARGE REVIEW BOARD.—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

"(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

"(2) The number of claims submitted during the calendar quarter preceding the calender quarter in which such information is made available that relate to service by a claimant

during a war or contingency operation, catalogued by each war or contingency operation.

"(3) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.".

SEC. 534. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)"; and

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

"(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

"(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board's efforts, and shall provide the claimant copies of any records so obtained upon request of the claimant.

"(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.".

(b) PUBLICATION OF FINAL DECISIONS OF BOARDS.—Such section is further amended by adding at the end the following new paragraph:

"(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.".

10 USC 1552 note.

(c) TRAINING OF MEMBERS OF BOARDS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) UNIFORM CURRICULA.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552

of title 10, United States Code, at least once every five years during the member's tenure on the board.

(B) CURRENT MEMBERS.—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the "curriculum implementation date") shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) NEW MEMBERS.—Each individual who becomes a member of a board for the correction of military records after the curriculum implementation date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term "Secretary concerned" means a "Secretary concerned" as that term is used in section 1552 of title 10, United States Code.

SEC. 535. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) In addition to the requirements of paragraphs (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

"(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

"(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

"(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is

related to combat or military sexual trauma, as determined by the Secretary concerned.".

SEC. 536. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) REPORT REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) ELEMENTS.—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.—Subsection (c) of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended to read as follows:

"(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating

to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.".

(b) MODIFICATION OF TERM OF JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—

(1) EARLY RETIREMENT AUTHORIZED FOR ONE CURRENT JUDGE.—If the judge of the United States Court of Appeals for the Armed Forces who is the junior in seniority of the two judges of the court whose terms of office under section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), expire on July 31, 2021, chooses to retire one year early, that judge— 10 USC 942 note.

(A) may retire from service on the court effective August 1, 2020; and

(B) shall be treated, upon such retirement, for all purposes as having completed a term of service for which the judge was appointed as a judge of the court.

(2) STAGGERING OF FUTURE APPOINTMENTS.—Section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), is amended—

(A) by inserting "(A)" after "(2)";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

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

"(B) If at the time of the appointment of a judge the date that is otherwise applicable under subparagraph (A) for the expiration of the term of service of the judge is the same as the date for the expiration of the term of service of a judge already on the court, then the term of the judge being appointed shall expire on the first July 31 after such date on which no term of service of a judge already on the court will expire.".

(3) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (2) shall apply with respect to appointments to the United States Court of Appeals for the Armed Forces that are made on or after the date of the enactment of this Act. 10 USC 942 note.

(c) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of title 10, United States Code (article 142(b)(3) of the Uniform Code of Military Justice), is amended by striking "Not more than three of the judges of the court may be appointed from the same political party, and no" and by inserting "No".

(d) MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of title 10, United States Code (article 142(e)(2) of the Uniform Code of Military Justice), is amended by striking "equal to" and all that follows and inserting "equal to the difference between—

"(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

"(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.".

(e) REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of title 10, United States

Code (article 145 of the Uniform Code of Military Justice), is amended—

(1) in subsection (d), by striking "subsection (g)(1)(B)" and inserting "subsection (f)(1)(B)";

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

10 USC 827 note.

SEC. 542. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL AND PILOT PROGRAMS ON PROFESSIONAL MILITARY JUSTICE DEVELOPMENT FOR JUDGE ADVOCATES.

(a) PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—The Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; and

(2) a deliberate professional developmental process is in place to ensure effective prosecution and defense in all courts-martial.

(b) MILITARY JUSTICE EXPERIENCE DESIGNATORS OR SKILL IDENTIFIERS.—The Secretary concerned shall establish and use a system of military justice experience designators or skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with experience and skills identified through such experience designators or skill identifiers are assigned to develop less experienced judge advocates in the prosecution and defense in courts-martial under a program carried out pursuant to subsection (a).

(c) PILOT PROGRAMS ON PROFESSIONAL DEVELOPMENTAL PROCESS FOR JUDGE ADVOCATES.—

(1) PURPOSE.—The Secretary concerned shall carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional developmental process for judge advocates under the jurisdiction of the Secretary that leads to judge advocates with military justice expertise serving as military justice practitioners capable of prosecuting and defending complex cases in military courts-martial.

(2) ADDITIONAL MATTERS.—A pilot program may also assess such other matters related to professional military justice development for judge advocates as the Secretary concerned considers appropriate.

(3) DURATION.—Each pilot program shall be for a period of five years.

(4) REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs conducted under this section. The report shall include the following:

(A) A description and assessment of each pilot program.

(B) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

10 USC 1561 note.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

"(12) Information on each claim of retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force as follows:

"(A) A narrative description of each complaint.

"(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

"(C) The gender of the complainant.

"(D) The gender of the individual claimed to have committed the retaliation.

"(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

"(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

"(G) The official or office that received the complaint.

"(H) The organization that investigated or is investigating the complaint.

"(I) The current status of the investigation.

"(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

"(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).".

SEC. 544. EXTENSION OF THE REQUIREMENT FOR ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND COORDINATION WITH RELEASE OF FAMILY ADVOCACY PROGRAM REPORT.

Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

(1) in subsection (a), by striking "March 1, 2017" and inserting "March 1, 2021"; and

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

"(g) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY REPORT.—The Secretary of Defense shall ensure that the reports required under subsection (a) for a given year are delivered to the Committees on Armed Services of the Senate and House of Representatives simultaneously with the Family Advocacy Program report for that year regarding child abuse and domestic violence, as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017.".

10 USC 1561 note.

SEC. 545. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

10 USC 1561 note.

SEC. 546. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.

(a) TRAINING REGARDING NATURE AND CONSEQUENCES OF RETALIATION.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation receive training on the nature and consequences of retaliation, and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) COVERED PERSONNEL.—The personnel of the Department of Defense covered by subsection (a) are the following:

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

(3) Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.

(c) RETALIATION DEFINED.—In this section, the term "retaliation" has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

10 USC 1561 note.

SEC. 547. NOTIFICATION TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) NOTIFICATION REQUIRED.—

(1) MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS.—Under regulations prescribed by the Secretary of Defense, upon the conclusion of an investigation by an office, element, or personnel of the Department of Defense or of the Armed Forces of a complaint by a member of the Armed Forces of retaliation, the member shall be informed in writing of the results of the investigation, including whether the complaint was substantiated, unsubstantiated, or dismissed.

(2) MEMBERS OF COAST GUARD.—The Secretary of Homeland Security shall provide in a similar manner for notification in writing of the results of investigations by offices, elements, or personnel of the Department of Homeland Security or of the Coast Guard of complaints of retaliation made by members

of the Coast Guard when it is not operating as a service in the Navy.

(b) RETALIATION DEFINED.—In this section, the term "retaliation" has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 548. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS BY COMMANDING OFFICERS OF COMPLAINTS OF HARASSMENT.

(a) IN GENERAL.—Section 1561(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "(constituting a form of sex discrimination)"; and

(B) in subparagraph (B), by striking "the work environment" and inserting "the environment"; and

(2) in paragraph (3), by striking "in the workplace".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

10 USC 1561 note.

SEC. 549. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF AND RESPONSE TO HAZING IN THE ARMED FORCES.

10 USC 113 note.

(a) ANTI-HAZING DATABASE.—The Secretary of Defense shall provide for the establishment and use of a comprehensive and consistent data-collection system for the collection of reports, including anonymous reports, of incidents of hazing involving a member of the Armed Forces. The Secretary shall issue department-wide guidance regarding the availability and use of the database, including information on protected classes, such as race and religion, who are often the victims of hazing.

(b) IMPROVED TRAINING.—Each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall seek to improve training to assist members of the Armed Forces better recognize, prevent, and respond to hazing at all command levels.

(c) ANNUAL REPORTS ON HAZING.—

(1) REPORT REQUIRED.—Not later than January 31 of each year through January 31, 2021, each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of efforts during the previous year—

(A) to prevent and to respond to incidents of hazing involving members of the Armed Forces;

(B) to track and encourage reporting, including reporting anonymously, incidents of hazing in the Armed Force; and

(C) to ensure the consistent implementation of anti-hazing policies.

(2) ADDITIONAL ELEMENTS.—Each report required by this subsection also shall address the same elements originally addressed in the anti-hazing reports required by section 534

of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1726).

Subtitle F—National Commission on Military, National, and Public Service

SEC. 551. PURPOSE, SCOPE, AND DEFINITIONS.

(a) PURPOSE.—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as "the draft"); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) SCOPE OF REVIEW.—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) DEFINITIONS.—In this subtitle:

(1) The term "military service" means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term "national service" means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term "public service" means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 552. PRELIMINARY REPORT ON PURPOSE AND UTILITY OF REGISTRATION SYSTEM UNDER MILITARY SELECTIVE SERVICE ACT.

(a) REPORT REQUIRED.—To assist the Commission in carrying out its duties under this subtitle, the Secretary of Defense shall—

(1) submit, not later than July 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a report on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.); and

(2) provide a briefing on the results of the report.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including—

(A) the extent to which mandatory registration benefits military recruiting;

(B) the extent to which a national registration capability serves as a deterrent to potential enemies of the United States; and

(C) the extent to which expanding registration to include women would impact these benefits.

(2) An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department of Defense in the absence of a national registration capability.

(3) An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.

(4) An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.

(5) A detailed analysis of the Department's personnel needs in the event of an emergency requiring mass mobilization, including—

(A) a detailed timeline, along with the factors considered in arriving at this timeline, of when the Department would require—

(i) the first inductees to report for service;

(ii) the first 100,000 inductees to report for service; and

(iii) the first medical personnel to report for service; and

(B) an analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.

(6) A list of the assumptions used by the Department when conducting its analysis in preparing the report.

(c) COMPTROLLER GENERAL REVIEW.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House

of Representatives and to the Commission a review of the procedures used by the Department of Defense in evaluating selective service requirements.

SEC. 553. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the "Commission"). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The ranking minority member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The ranking minority member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(d) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to $15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available

to the Commission under the preceding sentence shall remain available until expended.

SEC. 554. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 555(d).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 555. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct a review of the military selective service process; and

(2) consider methods to increase participation in military, national, and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) PUBLIC AVAILABILITY.—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

(f) JUDICIAL REVIEW PRECLUDED.—Actions under this section of the President, the officials specified or designated under subsection (d), and the Commission shall not be subject to judicial review.

SEC. 556. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) STAFF.—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) PRIOR DUTIES WITHIN EXECUTIVE BRANCH.—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation

of recommendations for the military selective service process and military and public service in connection with that process.

(d) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 557. TERMINATION OF COMMISSION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

Subtitle G—Member Education, Training, Resilience, and Transition

SEC. 561. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) SCOPE OF PROGRAM.—Section 2015(a)(1) of title 10, United States Code, is amended by striking "incident to the performance of their military duties".

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Section 2015(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "is accredited by an accreditation body that" and all that follows and inserting "meets one of the requirements specified in paragraph (2).''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

"(A) is accredited by a nationally-recognized, third-party personnel certification program accreditor;

"(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

"(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

"(C) grants licenses that are recognized by the Federal Government or a State government; or

"(D) meets credential standards of a Federal agency.".

SEC. 562. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG, OPIOID, AND OTHER SUBSTANCE ABUSE COUNSELING AS PART OF REQUIRED PRESEPARATION COUNSELING.

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: "and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse".

SEC. 563. INCLUSION OF INFORMATION IN TRANSITION ASSISTANCE PROGRAM REGARDING EFFECT OF RECEIPT OF BOTH VETERAN DISABILITY COMPENSATION AND VOLUNTARY SEPARATION PAY.

Section 1144(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) Provide information regarding the required deduction, pursuant to subsection (h) of section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation pay received by the member under such section.".

SEC. 564. TRAINING UNDER TRANSITION ASSISTANCE PROGRAM ON CAREER AND EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 1144(b) of title 10, United States Code, as amended by section 563, is further amended by adding at the end the following new paragraph:

"(11) Acting through the Secretary of the department in which the Coast Guard is operating, provide information on career and employment opportunities available to members with transportation security cards issued under section 70105 of title 46.".

10 USC 1144 note.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall satisfy the requirements of subsection (b)(11) of such section (as added by subsection (a) of this section) by not later than 180 days after the date of the enactment of this Act.

SEC. 565. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM.

Section 10219(g) of title 10, United States Code, is amended by striking "October 1, 2017" and inserting "October 1, 2018".

SEC. 566. CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: "When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: "When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or

Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: "When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.".

(d) UNITED STATES MERCHANT MARINE ACADEMY.—Section 51302 of title 46, United States Code, is amended by adding at the end the following:

"(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS.—When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.".

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after January 1, 2018. 10 USC 4342 note.

SEC. 567. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST–AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

SEC. 568. MILITARY-TO-MARINER TRANSITION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall

jointly report to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate on steps the Departments of Defense and Homeland Security have taken or intend to take—

(1) to maximize the extent to which United States Armed Forces service, training, and qualifications are creditable toward meeting the laws and regulations governing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including steps to enhance interdepartmental coordination; and

(2) to promote better awareness among Armed Forces personnel who serve in vessel operating positions of the requirements for postservice use of Armed Forces training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulations, and the need to document such service in a manner suitable for post-service use.

(b) LIST OF TRAINING PROGRAMS.—The report under subsection (a) shall include a list of Army, Navy, and Coast Guard training programs open to Army, Navy, and Coast Guard vessel operators, respectively, that shows—

(1) which programs have been approved for credit toward merchant mariner credentials;

(2) which programs are under review for such approval;

(3) which programs are not relevant to the training needed for merchant mariner credentials; and

(4) which programs could become eligible for credit toward merchant mariner credentials with minor changes.

Subtitle H—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in division D, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act

for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

(a) EXTENSION.—Section 574(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following: 20 USC 7703b note.

(1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

SEC. 573. ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES REGARDING CHILD CUSTODY PROTECTIONS GUARANTEED BY THE SERVICEMEMBERS CIVIL RELIEF ACT. 50 USC 3938a.

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

SEC. 574. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.

(a) ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC VIOLENCE.—Not later than April 30, 2017, and annually thereafter through April 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the child abuse and domestic abuse incident data from the Department of Defense Family Advocacy Program central registry of child abuse and domestic abuse incidents for the preceding calendar year.

(b) CONTENTS.—The report shall contain each of the following:

(1) The number of incidents reported during the year covered by the report involving—

(A) spouse physical or sexual abuse;

(B) intimate partner physical or sexual abuse;

(C) child physical or sexual abuse; and

(D) child or domestic abuse resulting in a fatality.

(2) An analysis of the number of such incidents that met the criteria for substantiation.

(3) An analysis of—

(A) the types of abuse reported;

(B) for cases involving children as the reported victims of the abuse, the ages of the abused children; and

(C) other relevant characteristics of the reported victims.

(4) An analysis of the military status, sex, and pay grade of the alleged perpetrator of the child or domestic abuse.

(5) An analysis of the effectiveness of the Family Advocacy Program.

(c) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY PROGRAM REPORT.—The Secretary of Defense shall ensure that the sexual assault reports required to be submitted under section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) for a year are delivered to the Committees on Armed Services of the House of Representatives and the Senate simultaneously with the report for that year required under this section.

10 USC 1787 note.

SEC. 575. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in section 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(b)) for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term "child abuse" has the meaning given that term in section 226(c) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(c)).

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

(1) in subsection (a), by inserting " and to the agency or agencies provided for in subsection (e), if applicable" before the period;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

"(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

"(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

"(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.".

SEC. 576. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.

Section 1411 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929) is repealed.

SEC. 577. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

10 USC 1781 note.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp, or camp-like setting, of children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.

(b) APPLICATION FOR SUPPORT.—

(1) IN GENERAL.—Each organization seeking support pursuant to subsection (a) shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall specify for purposes of this section.

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

(A) A description of the program for which support is being sought, including the location of the setting or settings under the program, the duration of such setting or settings, any local partners participating in or contributing to the program, and the ratio of counselors, trained volunteers, or both to children at such setting or settings.

(B) An estimate of the number of children of military families to be supported using the support sought.

(C) A description of the type of activities that will be conducted using the support sought, including the manner in which activities are particularly supportive to children of military families described in subsection (a).

(D) A description of the outreach conducted or to be conducted by the organization to military families regarding the program.

(c) USE OF SUPPORT.—Support provided by the Secretary of Defense to an organization pursuant to subsection (a) shall be used by the organization to support attendance at a camp, or camp-like setting, of children of military families described in subsection (a).

SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT AND REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) ASSESSMENT AND REPORT REQUIRED.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

(2) REPORT.—Not later than December 31, 2017, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under this subsection.

(b) ELEMENTS.—The assessment and report under subsection (a) shall address the following:

(1) The differences between each Exceptional Family Member Program of the Armed Forces.

(2) The manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) The extent to which military family members are screened for potential coverage under an Exceptional Family Member Program and the manner of such screening.

(4) The degree to which conditions of military family members who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) The types of services provided to address the needs of military family members who qualify for coverage under an Exceptional Family Member Program.

(6) The extent to which the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to military families with special needs children.

(7) The extent to which the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to military family members with special needs.

(8) The necessity in the Department for an advisory panel on community support for military families members with special needs.

(9) The development and implementation of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.

(10) The implementation by each Armed Force of the recommendations in the Government Accountability Report entitled "Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs" (GAO–12–680).

SEC. 579. IMPACT AID AMENDMENTS.

20 USC 7703 note.

(a) MILITARY "BUILD TO LEASE" PROGRAM HOUSING.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114–95; 129 Stat. 2077)—

(1) for fiscal year 2016—

(A) shall be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802); and

(B) shall be applicable with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965 (Public Law 114–95; 129 Stat. 1802); and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(b) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) AMENDMENT.—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)) is amended to read as follows:

"(I) is a local educational agency—

"(aa) whose boundaries are the same as a Federal military installation; or

"(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

"(BB) that has no taxing authority;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

20 USC 7703 note.

(c) SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.—

20 USC 7703 note.

(1) REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) IN GENERAL.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure

requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(d) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

(1) AMENDMENTS.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (b) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting "received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and" before "has";

(ii) in item (aa), by striking "50" and inserting "35"; and

(iii) by striking item (bb) and inserting the following:

"(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);"; and

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking "clause (ii)" and inserting "clauses (ii), (iii), and (iv)"; and

(II) in subclause (II)—

(aa) by inserting "received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and" after "agency that";

(bb) by striking "50 percent" and inserting "35 percent";

(cc) by striking "subsection (a)(1) and not less than 5,000" and inserting the following: "subsection (a)(1) and—

"(aa) not less than 3,500"; and

(dd) by striking "subsection (a)(1)." and inserting the following: "subsection (a)(1); or

"(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).";

(ii) in clause (ii), by striking "shall be 1.35." and inserting the following: "shall be—

"(I) for fiscal year 2016, 1.35;

"(II) for each of fiscal years 2017 and 2018, 1.38;

"(III) for fiscal year 2019, 1.40;

"(IV) for fiscal year 2020, 1.42; and

"(V) for fiscal year 2021 and each fiscal year thereafter, 1.45."; and

(iii) by adding at the end the following:

"(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

"(I) for fiscal year 2016, .20;

"(II) for each of fiscal years 2017 and 2018, .22;

"(III) for each of fiscal years 2019 and 2020, .25; and

"(IV) for fiscal year 2021 and each fiscal year thereafter—

"(aa) .30 with respect to each of the first 7,000 children; and

"(bb) .25 with respect to the number of children that exceeds 7,000.

"(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

"(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

"(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.".

20 USC 7703 note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

20 USC 7703 note.

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) LOSS OF ELIGIBILITY.—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) PAYMENT AMOUNTS.—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

Subtitle I—Decorations and Awards

SEC. 581. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. "BUD" DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST .

(a) ADVANCEMENT.—Colonel George E. "Bud" Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of George E. "Bud" Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. "Bud" Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR ACTS OF VALOR DURING CERTAIN CONTINGENCY OPERATIONS.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in sections 3744, 6248, and 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award a medal specified in subsection (c) to a member or former member of the Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom's Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense on January 7, 2016.

(b) AWARD OF MEDAL OF HONOR.—If, pursuant to the review referred to in subsection (a), the President decides to award to a member or former member of the Armed Forces the Medal of Honor, the medal may only be awarded after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a letter identifying the intended recipient of the Medal of Honor and the rationale for awarding the Medal of Honor to such intended recipient.

(c) MEDALS.—The medals covered by subsection (a) are any of the following:

(1) The Medal of Honor under section 3741, 6241, or 8741 of title 10, United States Code.

(2) The Distinguished-Service Cross under section 3742 of such title.

(3) The Navy Cross under section 6242 of such title.

(4) The Air Force Cross under section 8742 of such title.

(5) The Silver Star under section 3746, 6244, or 8746 of such title.

(d) TERMINATION.—No medal may be awarded under the authority of this section after December 31, 2019.

SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE AND JAMES C. MCCLOUGHAN FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) GARY M. ROSE.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or

any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in paragraph (1) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

(b) JAMES C. MCCLOUGHAN.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to James C. McCloughan for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in paragraph (1) are the actions of James C. McCloughan during combat operations between May 13, 1969, and May 15, 1969, while serving as a Combat Medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam, for which he was previously awarded the Bronze Star Medal with "V" Device.

SEC. 584. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO FIRST LIEUTENANT MELVIN M. SPRUIELL FOR ACTS OF VALOR DURING WORLD WAR II.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to First Lieutenant Melvin M. Spruiell of the Army for the acts of valor during World War II described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of First Lieutenant Melvin M. Spruiell on June 10 and 11, 1944, as a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division.

SEC. 585. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant)

Joseph Verbis LaFleur while interned as a prisoner-of- war by Japan from December 30, 1941, to September 7, 1944.

SEC. 586. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS.

10 USC 3741 note.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Asian American and Native American Pacific Islander war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) COVERED VETERANS.—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are any former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATIONS BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) CONGRESSIONAL NOTIFICATION.—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be awarded a Medal of Honor and the rationale for such recommendation.

(g) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross, Navy Cross, or Air Force Cross has been awarded.

(h) DEFINITION.—In this section, the term "Native American Pacific Islander" means a Native Hawaiian or Native American Pacific Islander, as those terms are defined in section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c).

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

(a) REPEAL.—Section 9337 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

10 USC 9331 prec.

SEC. 592. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking "December 31, 2016" and inserting "December 31, 2019".

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2020, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) ELEMENTS.—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) The status of gender-neutral standards throughout the Entry Level Training continuum.

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

(3) Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.

(4) Attrition rates and the top three causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.

(5) Reclassification rates and the top three causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and the top five causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(8) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(9) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(10) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

(11) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) APPLICABILITY TO SOCOM.—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON FEASABILITY OF ELECTRONIC TRACKING OF OPERATIONAL ACTIVE-DUTY SERVICE PERFORMED BY MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.

Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasability of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The means assessed for purposes of the report shall include a tour calculator that specifies early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

SEC. 595. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

SEC. 596. BODY MASS INDEX TEST.

(a) REVIEW REQUIRED.—Each Secretary of a military department shall review—

(1) the current body mass index test procedure used by each Armed Force under the jurisdiction of that Secretary; and

(2) other methods to measure body fat with a more holistic health and wellness approach.

(b) ELEMENTS.—The review required under subsection (a) shall—

(1) address nutrition counseling;

(2) determine the best methods to be used by the Armed Forces to assess body fat percentages; and

(3) improve the accuracy of body fat measurements.

SEC. 597. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle B—Bonuses and Special and Incentive Pays

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

37 USC 203 note.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 604. REPORTS ON A NEW SINGLE-SALARY PAY SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) REPORT ON PLAN TO IMPLEMENT NEW PAY STRUCTURE.—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) The military pay tables as of January 1, 2017, reflecting the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

(2) A comprehensive description of the manner in which the Department of Defense would begin, by not later than January 1, 2018, to implement a transition between the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces as provided for by this section.

(b) REPORT ON ELEMENTS OF NEW PAY STRUCTURE.—Not later than January 1, 2018, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) A description and comparison of the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces, including new pay tables, that uses a single-salary pay system (as adjusted by the same cost-of-living adjustment that the Department of Defense uses worldwide for civilian employees) based on the assumptions in subsection (c).

(2) A proposal for such legislative and administrative action as the Secretary considers appropriate to implement the new pay structure, and to provide for a transition between the current pay structure and the new pay structure.

(3) A comprehensive schedule for the implementation of the new pay structure and for the transition between the current pay structure and the new pay structure, including all significant deadlines.

(c) NEW PAY STRUCTURE.—The new pay structure described pursuant to subsection (b)(1) shall assume the repeal of the basic

allowance for housing and basic allowance subsistence for members of the Armed Forces in favor of a single-salary pay system, and shall include the following:

(1) A statement of pay comparability with the civilian sector adequate to effectively recruit and retain a high-quality All-Volunteer Force.

(2) The level of pay necessary by grade and years of service to meet pay comparability as described in paragraph (1) in order to recruit and retain a high-quality All-Volunteer Force.

(3) Necessary modifications to the military retirement system, including the retired pay multiplier, to ensure that members of the Armed Forces under the pay structure are situated similarly to where they would otherwise be under the military retirement system that will take effect on January 1, 2018, by reason part I of subtitle D of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), and the amendments made by that part.

(d) COST CONTAINMENT.—The single-salary pay system under the new pay structure provided for by this section shall be a single-salary pay system that will result in no or minimal additional costs to the Government, both in terms of annual discretionary outlays and entitlements, when compared with the continuation of the current pay system for members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2016" and inserting "December 31, 2017":

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. AVIATION INCENTIVE PAY AND BONUS MATTERS.

(a) MAXIMUM INCENTIVE PAY AND BONUS AMOUNTS.—Paragraph (1) of section 334(c) of title 37, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed $1,000 per month; and

"(B) an aviation bonus under subsection (b) may not exceed $35,000 for each 12-month period of obligated service agreed to under subsection (d).".

(b) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS.—Such section is further amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS AMOUNTS.—

"(A) IN GENERAL.—The Secretary concerned shall determine the amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

"(B) BUDGET JUSTIFICATION DOCUMENTS.—The budget justification documents in support of the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105 of title 31) shall set forth for each uniformed service the following:

"(i) The amount requested for the payment of aviation bonuses under subsection (b) using amounts authorized to be appropriated for the fiscal year concerned by aircraft type category.

"(ii) The business case analysis supporting the amount so requested by aircraft type category.

"(iii) For each aircraft type category, whether or not the amount requested will permit the payment during the fiscal year concerned of the maximum amount of the aviation bonus authorized by paragraph (1)(B).

"(iv) If any amount requested is to address manning shortfalls, a description of any plans of the Secretary concerned to address such shortfalls by nonmonetary means.".

SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

Section 332(c)(1)(B) of title 37, United States Code, is amended by striking "$12,000" and inserting "$20,000".

SEC. 618. TECHNICAL AMENDMENTS RELATING TO 2008 CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.

(a) FAMILY CARE PLANS.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 991 note) is amended by inserting "or 351" after "section 310".

(b) DEPENDENTS' MEDICAL CARE.—Section 1079(g)(1) of title 10, United States Code, is amended by inserting "or 351" after "section 310".

(c) RETENTION ON ACTIVE DUTY DURING DISABILITY EVALUATION PROCESS.—Section 1218(d)(1) of title 10, United States Code, is amended by inserting "or 351" after "section 310".

(d) STORAGE SPACE.—Section 362(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2825 note) is amended by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310".

(e) STUDENT ASSISTANCE PROGRAMS.—Sections 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D)) are amended by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310".

(f) ARMED FORCES RETIREMENT HOME.—Section 1512(a)(3)(A) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting "or 351" after "section 310".

(g) VETERANS OF FOREIGN WARS MEMBERSHIP.—Section 230103(3) of title 36, United States Code, is amended by inserting "or 351" after "section 310".

(h) MILITARY PAY AND ALLOWANCES.—Title 37, United States Code, is amended—

(1) in section 212(a), by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310";

(2) in section 402a(b)(3)(B), by inserting "or 351" after "section 310";

(3) in section 481a(a), by inserting "or 351" after "section 310";

(4) in section 907(d)(1)(H), by inserting "or 351" after "section 310"; and

(5) in section 910(b)(2)(B), by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310".

(i) EXCLUSIONS FROM INCOME FOR PURPOSE OF SUPPLEMENTAL SECURITY INCOME.—Section 1612(b)(20) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310".

(j) EXCLUSIONS FROM INCOME FOR PURPOSE OF HEAD START PROGRAM.—Section 645(a)(3)(B)(i) of the Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended by inserting "or 351" after "section 310".

(k) EXCLUSIONS FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—Section 112(c)(5)(B) of the Internal Revenue Code of 1986 is amended by inserting ", or paragraph (1) or (3) of section 351(a)," after "section 310". 26 USC 112.

Subtitle C—Travel and Transportation Allowances

SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF MEMBERS OF THE RESERVES ATTENDING INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—

(1) by striking "The amount" and inserting the following: "(1) Except as provided by paragraph (2), the amount"; and

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

"(2) The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

"(A) resides—

"(i) in the same State as the training location; and

"(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

"(B) is required to commute to a training location—

"(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

"(ii) from a permanent residence located more than 75 miles from the training location.".

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

(a) IN GENERAL.—Paragraph (4)(C) of section 1409(b) of title 10, United States Code, is amended—

(1) in clause (i), by striking "and (iii)" and inserting ", (iii), (iv), and (v)"; and

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

"(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed service who serves as a cadet, midshipman, or member of the Senior Reserve Officers' Training Corps during the election period specified in clause (i) shall make the election described in subparagraph (B)—

"(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers' Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

"(II) not later than 30 days after such date or the end of such election period, whichever is later.

"(v) INACTIVE RESERVES.—A member of a reserve component who is not in an active status during the election period specified in clause (i) shall make the election described in subparagraph (B)—

"(I) on or after the date on which such member is transferred from an inactive status to an active status or active duty; and

"(II) not later than 30 days after such date or the end of such election period, whichever is later.".

10 USC 1409 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

5 USC 8432 note.

SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Effective as of the date of the enactment of this Act, paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) is repealed, and the amendment proposed to be made by that paragraph shall not be made or go into effect.

SEC. 633. CONTINUATION PAY FOR FULL THRIFT SAVINGS PLAN MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Subsection (a) of section 356 of title 37, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and"; and

(2) in paragraph (2), by striking "an additional 4 years" and inserting "not less than 3 additional years".

(b) PAYMENT AMOUNT.—Subsection (b) of such section is amended by striking all the matter preceding paragraph (1) and inserting the following:

"(b) PAYMENT AMOUNT.—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a regular component or a reserve component, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a regular component. The maximum amount the Secretary concerned may pay a member under this section is—".

(c) TIMING OF PAYMENT.—Subsection (d) of such section is amended to read as follows:

"(d) TIMING OF PAYMENT.—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service.".

(d) CONFORMING AND CLERICAL AMENDMENTS.—

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

"§ 356. Continuation pay: full TSP members with 8 to 12 years of service".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item: 37 USC 301 prec.

"356. Continuation pay: full TSP members with 8 to 12 years of service.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments providing for section 356 of title 37, United States Code, to which the amendments made by this section relate. 37 USC 356 note.

SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

(a) IN GENERAL.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking " 2½ percent" and inserting "the retired pay percentage (determined for the member under section 1409(b) of this title)".

10 USC 1413a note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

PART II—OTHER MATTERS

SEC. 641. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE AND RETIRED PAY COST-OF-LIVING ADJUSTMENTS, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) IN GENERAL.—Section 1408(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

(2) by inserting "(A)" after "(4)";

(3) in subparagraph (A), as designated by paragraph (2), by inserting "(as determined pursuant to subparagraph (B)" after "member is entitled"; and

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

"(B) For purposes of subparagraph (A), the total monthly retired pay to which a member is entitled shall be—

"(i) the amount of basic pay payable to the member for the member's pay grade and years of service at the time of the court order, as increased by

"(ii) each cost-of-living adjustment that occurs under section 1401a(b) of this title between the time of the court order and the time of the member's retirement using the adjustment provisions under that section applicable to the member upon retirement.".

10 USC 1408 note.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 642. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVORS OF RESERVE COMPONENT MEMBERS WHO DIE IN THE LINE OF DUTY DURING INACTIVE-DUTY TRAINING.

(a) TREATMENT OF INACTIVE-DUTY TRAINING IN SAME MANNER AS ACTIVE DUTY.—Section 1451(c)(1)(A) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by inserting "or 1448(f)" after "section 1448(d)"; and

(B) by inserting "or (iii)" after "clause (ii)"; and

(2) in clause (iii)—

(A) by striking "section 1448(f) of this title" and inserting "section 1448(f)(1)(A) of this title by reason of the death of a member or former member not in line of duty"; and

(B) by striking "active service" and inserting "service".

(b) CONSISTENT TREATMENT OF DEPENDENT CHILDREN.—Paragraph (2) of section 1448(f) of title 10, United States Code, is amended to read as follows:

"(2) DEPENDENT CHILDREN ANNUITY.—

"(A) ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a person described in paragraph (1), the Secretary concerned shall pay an annuity under this subchapter to the dependent children of that person under section 1450(a)(2) of this title as applicable.

"(B) OPTIONAL ANNUITY WHEN THERE IS AN ELIGIBLE SURVIVING SPOUSE.—The Secretary may pay an annuity under this subchapter to the dependent children of a person described in paragraph (1) under section 1450(a)(3) of this title, if applicable, instead of paying an annuity to the surviving spouse under paragraph (1), if the Secretary concerned, in consultation with the surviving spouse, determines it appropriate to provide an annuity for the dependent children under this paragraph instead of an annuity for the surviving spouse under paragraph (1).".

(c) DEEMED ELECTIONS.—Section 1448(f) of title 10, United States Code, is further amended by adding at the end the following new paragraph:

"(5) DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.—Paragraph (6) of subsection (d) shall apply in the case of a member described in paragraph (1) who dies after November 23, 2003, when no other annuity is payable on behalf of the member under this subchapter.".

(d) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—Section 1450(m)(1)(B) of title 10, United States Code, is amended by inserting "or (f)" after "subsection (d)".

(e) APPLICATION OF AMENDMENTS.— 10 USC 1448 note.

(1) PAYMENT.—No annuity benefit under subchapter II of chapter 73 of title 10, United States Code, shall accrue to any person by reason of the amendments made by this section for any period before the date of the enactment of this Act.

(2) ELECTIONS.—For any death that occurred before the date of the enactment of this Act with respect to which an annuity under such subchapter is being paid (or could be paid) to a surviving spouse, the Secretary concerned may, within six months of that date and in consultation with the surviving spouse, determine it appropriate to provide an annuity for the dependent children of the decedent under paragraph 1448(f)(2)(B) of title 10, United States Code, as added by subsection (b), instead of an annuity for the surviving spouse. Any such determination and resulting change in beneficiary shall be effective as of the first day of the first month following the date of the determination.

SEC. 643. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) AUTHORITY.—Subsection (d) of section 1452 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person's retired pay for any period cannot be made in the full amount required, there shall be deducted from the person's combat-related special compensation in lieu of deduction from the person's retired pay the amount that would otherwise have been deducted from the person's retired pay for that period.".

(b) CONFORMING AMENDMENTS TO SECTION 1452.—

(1) Subsection (d) of such section is further amended—

(A) in the subsection heading, by inserting "OR NOT SUFFICIENT" after "NOT PAID";

(B) in paragraph (1), by inserting before the period at the end the following: ", except to the extent that the required deduction is made pursuant to paragraph (2)"; and

(C) in paragraph (3), as redesignated by subsection (a)(1), by striking "Paragraph (1) does not" and inserting "Paragraphs (1) and (2) do not".

(2) Subsection (f)(1) of such section is amended by inserting "or combat-related special compensation" after "from retired pay".

(3) Subsection (g)(4) of such section is amended—

(A) in the paragraph heading, by inserting "OR CRSC" after "RETIRED PAY"; and

(B) by inserting "or combat-related special compensation" after "from the retired pay".

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.—

(1) Section 1449(b)(2) of such title is amended—

(A) in the paragraph heading, by inserting "OR CRSC" after "RETIRED PAY"; and

(B) by inserting "or combat-related special compensation" after "from retired pay".

(2) Section 1450(e) of such title is amended—

(A) in the subsection heading, by inserting "OR CRSC" after "RETIRED PAY"; and

(B) in paragraph (1), by inserting "or combat-related special compensation" after "from the retired pay".

SEC. 644. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS' GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.

(a) EXPANSION OF COVERAGE.—Subsection (a) of section 437 of title 37, United States Code, is amended—

(1) by inserting "(1)" before "In the case of";

(2) by striking "who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom" and inserting "who serves in a designated duty assignment"; and

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

"(2) In this subsection, the term 'designated duty assignment' means a permanent or temporary duty assignment outside the

United States or its possessions in support of a contingency operation in an area that—

"(A) has been designated a combat zone; or

"(B) is in direct support of an area that has been designated a combat zone.".

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking "theater of operations" and inserting "designated duty assignment".

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

"§ 437. Allowance to cover monthly premiums for Servicemembers' Group Life Insurance: members serving in a designated duty assignment".

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows: 37 USC 401 prec.

"437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in a designated duty assignment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act. 37 USC 437 note.

SEC. 645. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.

Section 602 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", in the opinion of a board of medical officers or physicians,"; and

(B) by striking "use or benefit" and all that follows through "any person designated" and inserting the following: "use or benefit to—

"(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;

"(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or

"(3) any person designated";

(2) in subsection (b)—

(A) by striking "The board shall consist" and inserting "An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting"; and

(B) by inserting "determines that the member is mentally incapable of managing the member's affairs. Any such board shall be" after "treatment of mental disorders,";

(3) in subsection (c), by striking "designated" and inserting "authorized to receive payments";

(4) in subsection (d), by inserting ", unless a court of competent jurisdiction orders payment of such fee, commission, or other charge" before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting "under subsection (a)(3)" after "who is designated"; and

(B) by striking "$1,000" and inserting "$25,000".

SEC. 646. EXTENSION OF AUTHORITY TO PAY SPECIAL SURVIVOR INDEMNITY ALLOWANCE UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)(I), by striking "fiscal year 2017" and inserting "each of fiscal years 2017 and 2018"; and

(2) in paragraph (6)—

(A) by striking "September 30, 2017" and inserting "May 31, 2018"; and

(B) by striking "October 1, 2017" both places it appears and inserting "June 1, 2018".

SEC. 647. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.

(a) REPEAL.—Section 328 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

37 USC 301 prec.

SEC. 648. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) ASSESSMENT ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available commercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives

a report setting forth the results of the assessment conducted pursuant to subsection (a), together with such recommendations as the Secretary considers appropriate for legislative or administration action in light of the results of the assessment.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

"(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by nonappropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

"(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.

"(C) If the Secretary determines that the reduced reliance on appropriated funding pursuant to subparagraph (A) is insufficient to maintain the benefits to the patrons of the defense commissary system, and if the Secretary converts the defense commissary system to a nonappropriated fund entity or instrumentality pursuant to paragraph (1) of section 2484(j) of this title, the Secretary shall transfer appropriated funds pursuant to paragraph (2) of such section to ensure the maintenance of such benefits.

"(4) On not less than a quarterly basis, the Secretary shall provide to the congressional defense committees a briefing on the defense commissary system, including—

"(A) an assessment of the savings the system provides patrons;

"(B) the status of implementing section 2484(i) of this title;

"(C) the status of implementing section 2484(j) of this title, including whether the system requires any appropriated funds pursuant to paragraph (2) of such section;

"(D) the status of carrying out a program for such system to sell private label merchandise; and

"(E) any other matters the Secretary considers appropriate.".

(b) AUTHORIZATION TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of such title is amended by adding at the end the following new sentence: "Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the variable pricing program implemented pursuant to section 2484(i) of this title.".

(c) VARIABLE PRICING PILOT PROGRAM.—Section 2484 of such title is amended by adding at the end the following new subsections:

"(i) VARIABLE PRICING PROGRAM.—(1) Notwithstanding subsection (e), and subject to subsection (k), the Secretary of Defense may establish a variable pricing program pursuant to which prices may be established in response to market conditions and customer demand, in accordance with the requirements of this subsection. Notwithstanding the amount of the uniform surcharge assessed in subsection (d), the Secretary may provide for an alternative surcharge of not more than five percent of sales proceeds under the variable pricing program to be made available for the purposes specified in subsection (h).

"(2) Subject to subsection (k), before establishing a variable pricing program under this subsection, the Secretary shall establish the following:

"(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

"(B) A baseline of overall savings to patrons achieved by commissary stores prior to the initiation of the variable pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods.

"(3) The Secretary shall ensure that the defense commissary system implements the variable pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the variable pricing program achieves overall savings to patrons that are consistent with the baseline savings established for the relevant region pursuant to such paragraph.

"(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) Subject to subsection (k), if the Secretary of Defense determines that the variable pricing program has met the benchmarks for success established pursuant to paragraph (2)(A) of subsection (i) and the savings requirements established pursuant to paragraph (3) of such subsection over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

"(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is likely to incur a loss in any fiscal year as a result of compliance with the savings requirement established in subsection (i), the Secretary shall authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

"(3)(A) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated

funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality.

"(B) The status and conversion of employees in a position identified by the Secretary under subparagraph (A) shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs, including with respect to requiring the consent of such employee to be so converted.

"(C) No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of a conversion made under this paragraph.

"(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED BENEFIT TO PATRONS.—(1) With respect to each action described in paragraph (2), the Secretary of Defense may not carry out such action until—

"(A) the Secretary provides to the congressional defense committees a briefing on such action, including a justification for such action; and

"(B) a period of 30 days has elapsed following such briefing.

"(2) The actions described in this paragraph are the following:

"(A) Establishing the representative market basket of goods pursuant to subsection (i)(2)(B).

"(B) Establishing the variable pricing program under subsection (i)(1).

"(C) Converting the defense commissary system to a nonappropriated fund entity or instrumentality under subsection (j)(1).".

(d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is amended—

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

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

"(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

"(A) to exploit synergies between the defense commissary system and the exchange system; and

"(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.

"(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements—

"(A) for products and services that are shared by the defense commissary system and the exchange system; and

"(B) for the acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

"(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

"(A) use funds appropriated pursuant to section 2483 of this title to reimburse a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity or instrumentality that is attributable to the defense commissary system; and

"(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or

instrumentality for the portion of the cost of a contract or agreement entered by the defense commissary system that is attributable to the nonappropriated fund entity or instrumentality.".

(e) AUTHORITY FOR EXPERT COMMERCIAL ADVICE.—Section 2485 of such title is amended by adding at the end the following new subsection:

"(i) EXPERT COMMERCIAL ADVICE.—The Secretary of Defense may enter into a contract with an entity to obtain expert commercial advice, commercial assistance, or other similar services not otherwise carried out by the Defense Commissary Agency, to implement section 2481(c), subsections (i) and (j) of section 2484, and section 2487(c) of this title.".

(f) CLARIFICATION OF REFERENCES TO "THE EXCHANGE SYSTEM".—Section 2481(a) of such title is amended by adding at the end the following new sentence: " Any reference in this chapter to 'the exchange system' shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.".

10 USC 2484 note.

(g) OPERATION OF DEFENSE COMMISSARY SYSTEM AS A NONAPPROPRIATED FUND ENTITY.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as added by subsection (c) of this section, the Secretary of Defense may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(h) CONFORMING CHANGE.—Section 2643(b) of such title is amended by adding at the end the following new sentence: "Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.".

10 USC 2485 note.

SEC. 662. ACCEPTANCE OF MILITARY STAR CARD AT COMMISSARIES.

(a) IN GENERAL.—The Secretary of Defense shall ensure that—

(1) commissary stores accept as payment the Military Star Card; and

(2) any financial liability of the United States relating to such acceptance as payment be assumed by the Army and Air Force Exchange Service.

(b) MILITARY STAR CARD DEFINED.—In this section, the term "Military Star Card" means a credit card administered under the Exchange Credit Program by the Army and Air Force Exchange Service.

Subtitle F—Other Matters

SEC. 671. RECOVERY OF AMOUNTS OWED TO THE UNITED STATES BY MEMBERS OF THE UNIFORMED SERVICES.

(a) STATUTE OF LIMITATIONS.—Section 1007(c)(3) of title 37, United States Code, is amended by adding at the end the following new subparagraphs:

"(C)(i) In accordance with clause (ii), if the indebtedness of a member of the uniformed services to the United States occurs, through no fault of the member, as a result of the overpayment of pay or allowances to the member or upon the settlement of the member's accounts, the Secretary concerned may not recover the indebtedness from the member, including a retired or former member, using deductions from the pay of the member, deductions from retired or separation pay, or any other collection method unless recovery of the indebtedness commences before the end of the 10-year period beginning on the date on which the indebtedness was incurred.

"(ii) Clause (i) applies with respect to indebtedness incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

"(D)(i) Not later than January 1 of each of 2017 through 2027, the Director of the Defense Finance and Accounting Service shall review all cases occurring during the 10-year period prior to the date of the review of indebtedness of a member of the uniformed services, including a retired or former member, to the United States in which—

"(I) the recovery of the indebtedness commenced after the end of the 10-year period beginning on the date on which the indebtedness was incurred; or

"(II) the Director did not otherwise notify the member of such indebtedness during such 10-year period.

"(ii) The Director shall submit to the congressional defense committees and the Committees on Veterans' Affairs of the House of Representatives and the Senate each review conducted under clause (i), including the amounts owed to the United States by the members included in such review.".

(b) REMISSION OR CANCELLATION OF INDEBTEDNESS OF RESERVES NOT ON ACTIVE DUTY.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking "on active duty as a member of the Army" and inserting "as a member of the Army, whether as a regular or a reserve in active status".

(2) NAVY.—Section 6161(a) of such title is amended by striking "on active duty as a member of the naval service" and inserting "as a member of the naval service, whether as a regular or a reserve in active status".

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking "on active duty as a member of the Air Force" and inserting "as a member of the Air Force, whether as a regular or a reserve in active status".

(4) COAST GUARD.—Section 461(1) of title 14, United States Code, is amended by striking "on active duty as a member of the Coast Guard" and inserting "as a member of the Coast Guard, whether as a regular or a reserve in active status".

10 USC 4837 note.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to debt incurred on or after October 7, 2001.

(c) BENEFITS PAID TO MEMBERS OF CALIFORNIA NATIONAL GUARD.—

(1) REVIEW OF CERTAIN BENEFITS PAID.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments that were paid to members of the National Guard of the State of California during the period beginning on January 1, 2004, and ending on December 31, 2015.

(B) EXCEPTION.—A review is not required under this paragraph for benefits paid as described in subparagraph (A) that were reviewed before the date of the enactment of this Act and in which fraud or other ineligibility was identified in connection with payment.

(C) CONDUCT OF REVIEW.—The Secretary shall establish a process to expedite the review required by this paragraph. The Secretary shall allocate appropriate personnel and other resources of the Department of Defense for the process, and for such other purposes as the Secretary considers appropriate, in order to achieve the completion of the review by the date specified in subparagraph (D).

(D) COMPLETION.—The review required by this paragraph shall be completed by not later than July 30, 2017.

(2) REVIEW.—

(A) IN GENERAL.—In conducting the review of benefits paid to members of the National Guard of the State of California pursuant to paragraph (1), the board of review concerned shall—

(i) carry out a complete review of all bonus pay and special pay contracts awarded to such members during the period described in paragraph (1)(A) for which the Department has reason to believe a recoupment of pay may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of pay for which members were eligible;

(ii) carry out a complete review of all student loan repayment contracts awarded to such members during the period for which the Department has reason to believe a recoupment of payment may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of payment for which members were eligible;

(iii) carry out a complete review of any other similar special payments paid to such members during the period for which the Department has reason to believe a recoupment of payments may be warranted in order to determine whether such members were eligible for payment and in such amount;

(iv) if any member is determined not to have been eligible for a bonus pay, special pay, student loan

repayment, or other special payment paid, determine whether waiver of recoupment is warranted; and

(v) if any bonus pay, special pay, student loan repayment, or other special payment paid to any such member during the period has been recouped, determine whether the recoupment was unwarranted.

(B) WAIVER OF RECOUPMENT.—For purposes of clause (iv) of subparagraph (A), the board of review shall determine that waiver of recoupment is warranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment otherwise subject to recoupment.

(C) PROPRIETY OF RECOUPMENT.—For purposes of clause (v) of subparagraph (A), the board of review shall determine that recoupment was unwarranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment recouped.

(D) STANDARD OF REVIEW.—In applying subparagraph (B) or (C) in making a determination under clause (iv) or (v) of subparagraph (A), as applicable, with respect to a member, the board of review shall evaluate the evidence in a light most favorable to the member.

(3) PARTICIPATION OF MEMBERS.—

(A) IN GENERAL.—A member subject to a determination under clause (iv) or (v) of paragraph (2)(A) may submit to the board of review concerned such documentary and other evidence as the member considers appropriate to assist the board of review in the determination.

(B) NOTICE.—The Secretary shall notify, in writing, each member subject to a determination under clause (iv) or (v) of paragraph (2)(A) of the review under paragraph (1) and the applicability of the determination process under such clause to such member. The notice shall be provided at a time designed to give each member a reasonable opportunity to submit documentary and other evidence as authorized by subparagraph (A). The notice shall provide each member the following:

(i) Notice of the opportunity for such member to submit evidence to assist the board of review.

(ii) A description of resources available to such member to submit such evidence.

(C) CONSIDERATION.—In making a determination under clause (iv) or (v) of paragraph (2)(A) with respect to a member, the board of review shall undertake a comprehensive review of any submissions made by the member pursuant to this paragraph.

(4) ACTIONS FOLLOWING REVIEW.—

(A) WAIVER OF RECOUPMENT.—Upon completion of a review pursuant to paragraph (2)(A)(iv) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recoupment of the bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be waived; and

(ii) the Secretary may waive recoupment of the pay, repayment, or other payment from the member.

(B) REPAYMENT OF AMOUNT RECOUPED.—Upon completion of a review pursuant to paragraph (2)(A)(v) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recouped bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be repaid the member; and

(ii) the Secretary may repay the member the amount so recouped.

(C) CONSUMER CREDIT AND RELATED MATTERS.—If the Secretary concerned waives recoupment of a bonus pay, special pay, student loan repayment, or other special payment paid a member pursuant to paragraph (4)(A)(ii), or repays a member an amount of a bonus pay, special pay, student loan repayment, or other special payment recouped pursuant to paragraph (4)(B)(ii), the Secretary shall—

(i) in the event the Secretary had previously notified a consumer reporting agency of the existence of the debt subject to the relief granted the member pursuant to this paragraph, notify such consumer reporting agency that such debt was never valid; and

(ii) if the member is experiencing or has experienced financial hardship as a result of the actions of the United States to obtain recoupment of such debt, assist the member, to the extent practicable, in addressing such financial hardship in accordance with such mechanisms as the Secretary shall develop for purposes of this clause.

(D) EFFECT OF CONSUMER CREDIT NOTIFICATION.—A consumer reporting agency notified of the invalidity of a debt pursuant to subparagraph (C)(i) may not, after the date of the notice, make any consumer report containing any information relating to the debt.

(E) DEFINITIONS.—In this paragraph, the terms "consumer reporting agency" and "consumer report" have the meaning given such terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(5) FUNDING.—Amounts for activities under this subsection, including for the conduct of the review required by paragraph

(1), for activities in connection with the review, for repayments pursuant to paragraph (4)(B), and for activities under paragraph (4)(C), shall be derived from amounts available for the National Guard of the United States for the State of California.

(6) SECRETARY OF DEFENSE REPORT.—

(A) IN GENERAL.—Not later than August 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted pursuant to paragraph (1).

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) The total amount of bonus pays, special pays, student loan repayments, and other special pays paid to members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(ii) The number of bonus pay and special pay contracts reviewed pursuant to paragraph (2)(A)(i), and the amounts of such pays paid under each such contract.

(iii) The number of student loan repayment contracts reviewed pursuant to paragraph (2)(A)(ii), and the amounts of such payments made pursuant to each such contract.

(iv) The number of other special pay payments reviewed pursuant to paragraph (2)(A)(iii), and the amounts of such payments made to each particular member so paid.

(v) The number of bonus pay and special pay contracts, student loan repayments, and other special pay payments that were determined pursuant to the review to be paid in error, and the total amount, if any, recouped from each member concerned.

(vi) Any additional fraud or other ineligibility identified in the course of the review in the payment of bonus pays, special pays, student loan repayments, and other special pays paid to the members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(7) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions of the National Guard of the State of California relating to the payment of bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) An assessment whether the National Guard of the State of California and the National Guard Bureau have established policies and procedures that will minimize the chance of improper payment of such

pays and repayments and of managerial abuse in the payment of such pays and repayments.

(ii) An assessment whether the procedures, processes, and resources of the Defense Finance and Accounting Service and the Defense Office of Hearings and Appeals were appropriate to identify and respond to fraud or other ineligibility in connection with the payment of such pays and repayments, and to do so in a timely manner.

(iii) Any recommendations the Comptroller General considers appropriate to streamline the procedures and processes for the waiver of recoupment of the payment of such pays and repayments by the United States when recoupment is unwarranted.

37 USC 474 note.

SEC. 672. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to an officer at the level of lieutenant general or vice admiral, or above. Such authority may not be delegated to an officer below that level.

(c) WAIVER OF COLLECTION OF RECEIPTS.—The Secretary concerned or an officer to whom the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers on long-term temporary duty assignments for the purpose of receiving the full per diem rate pursuant to subsection (a) if the Secretary concerned or officer, as described in subsection (b), personally certifies that requiring travelers to submit receipts for that purpose will negatively affect mission performance or create an undue administrative burden.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 37, United States Code.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Reform of TRICARE and Military Health System

Subtitle B—Other Health Care Benefits

Subtitle C—Health Care Administration

Subtitle D—Reports and Other Matters

Subtitle A—Reform of TRICARE and Military Health System

SEC. 701. TRICARE SELECT AND OTHER TRICARE REFORM.

(a) ESTABLISHMENT OF TRICARE SELECT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

10 USC 1075.

"§ 1075. TRICARE Select

"(a) ESTABLISHMENT.—(1) Not later than January 1, 2018, the Secretary of Defense shall establish a self-managed, preferred-provider network option under the TRICARE program. Such option shall be known as 'TRICARE Select'.

"(2) The Secretary shall establish TRICARE Select in all areas. Under TRICARE Select, eligible beneficiaries will not have restrictions on the freedom of choice of the beneficiary with respect to health care providers.

"(b) ENROLLMENT ELIGIBILITY.—(1) The beneficiary categories for purposes of eligibility to enroll in TRICARE Select and cost-sharing requirements applicable to such category are as follows:

"(A) An 'active-duty family member' category that consists of beneficiaries who are covered by section 1079 of this title (as dependents of active duty members).

"(B) A 'retired' category that consists of beneficiaries covered by subsection (c) of section 1086 of this title, other than Medicare-eligible beneficiaries described in subsection (d)(2) of such section.

"(C) A 'reserve and young adult' category that consists of beneficiaries who are covered by—

"(i) section 1076d of this title;

"(ii) section 1076e; or

"(iii) section 1110b.

"(2) A covered beneficiary who elects to participate in TRICARE Select shall enroll in such option under section 1099 of this title.

"(c) COST-SHARING REQUIREMENTS.—The cost-sharing requirements under TRICARE Select are as follows:

"(1) With respect to beneficiaries in the active-duty family member category or the retired category by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1).

"(2)(A) Except as provided by subsection (e), with respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category, the cost-sharing requirements shall be calculated as if the beneficiary were enrolled in TRICARE Extra or TRICARE Standard as if TRICARE Extra or TRICARE Standard, as the case may be, were still being carried out by the Secretary.

"(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

"(3) With respect to beneficiaries in the reserve and young adult category, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1) as if the beneficiary were in the active-duty family member category or the retired category, as applicable, except that the premiums calculated pursuant to section 1076d, 1076e, or 1110b of this title, as the case may be, shall apply instead of any enrollment fee required under this section.

"(d) COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES.—(1) Beneficiaries described in subsection (c)(1) enrolled in TRICARE Select shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

"TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	$0	$450 / $900
Annual deductible	E4 & below: $50 / $100 E5 & above: $150 / $300	$150 / $300 Network $300 / $600 out of network
Annual catastrophic cap	$1,000	$3,500
Outpatient visit civilian network	$15 primary care $25 specialty care Out of network: 20%	$25 primary care $40 specialty care 25% of out of network
ER visit civilian network	$40 network 20% out of network	$80 network 25% out of network
Urgent care civilian network	$20 network	$40 network

"TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
	20% out of network	25% out of network
Ambulatory surgery civilian network	$25 network 20% out of network	$95 network 25% out of network
Ambulance civilian network	$15	$60
Durable medical equipment civilian network	10% of negotiated fee	20% network
Inpatient visit civilian network	$60 per network admission 20% out of network	$175 per admission network 25% out of network
Inpatient skilled nursing/ rehab civilian	$25 per day network $50 per day out of network	$50 per day network Lesser of $300 per day or 20% of billed charges out of network

"(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1), and the amounts specified under paragraphs (1) and (2) of subsection (e), shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of $1. The remaining amount above such multiple of $1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

"(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

"(e) EXCEPTIONS TO CERTAIN COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR TO 2018.—(1) Subject to paragraph (4), and in accordance with subsection (d)(2), the Secretary shall establish an annual enrollment fee for beneficiaries described in subsection (c)(2)(B) in the retired category who enroll in TRICARE Select (other than such beneficiaries covered by paragraph (3)). Such enrollment fee shall be $150 for an individual and $300 for a family.

"(2) For the calendar year for which the Secretary first establishes the annual enrollment fee under paragraph (1), the Secretary shall adjust the catastrophic cap amount to be $3,500 for beneficiaries described in subsection (c)(2)(B) in the retired category

who are enrolled in TRICARE Select (other than such beneficiaries covered by paragraph (3)).

"(3) The enrollment fee established pursuant to paragraph (1) and the catastrophic cap adjusted under paragraph (2) for beneficiaries described in subsection (c)(2)(B) in the retired category shall not apply with respect to the following beneficiaries:

"(A) Retired members and the family members of such members covered by paragraph (1) of section 1086(c) of this title by reason of being retired under chapter 61 of this title or being a dependent of such a member.

"(B) Survivors covered by paragraph (2) of such section 1086(c).

"(4) The Secretary may not establish an annual enrollment fee under paragraph (1) until 90 days has elapsed following the date on which the Comptroller General of the United States is required to submit the review under paragraph (5).

"(5) Not later than February 1, 2020, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the following:

"(A) Whether health care coverage for covered beneficiaries has changed since the enactment of this section.

"(B) Whether covered beneficiaries are able to obtain appointments for health care according to the access standards established by the Secretary of Defense.

"(C) The percent of network providers that accept new patients under the TRICARE program.

"(D) The satisfaction of beneficiaries under TRICARE Select.

"(f) EXCEPTION TO COST-SHARING REQUIREMENTS FOR TRICARE FOR LIFE BENEFICIARIES.—A beneficiary enrolled in TRICARE for Life is subject to cost-sharing requirements pursuant to section 1086(d)(3) of this title and calculated as if the beneficiary were enrolled in TRICARE Standard as if TRICARE Standard were still being carried out by the Secretary.

"(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the availability of TRICARE Prime and TRICARE for Life or the cost-sharing requirements for TRICARE for Life under section 1086(d)(3) of this title.

"(h) DEFINITIONS.—In this section:

"(1) The terms 'active-duty family member category', 'retired category', and 'reserve and young adult category' mean the respective categories of TRICARE Select enrollment described in subsection (b).

"(2) The term 'network' means—

"(A) with respect to health care services, such services provided to beneficiaries by TRICARE-authorized civilian health care providers who have entered into a contract under this chapter with a contractor under the TRICARE program; and

"(B) with respect to providers, civilian health care providers who have agreed to accept a pre-negotiated rate as the total charge for services provided by the provider and to file claims for beneficiaries.

"(3) The term 'out-of-network' means, with respect to health care services, such services provided by TRICARE-authorized

civilian providers who have not entered into a contract under this chapter with a contractor under the TRICARE program.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1074n, the following new item:

10 USC 1071 prec.

"1075. TRICARE Select.".

(b) TRICARE PRIME COST SHARING.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1075, as added by subsection (a), the following new section:

10 USC 1075a.

"§ 1075a. TRICARE Prime: cost sharing

"(a) COST-SHARING REQUIREMENTS.—The cost-sharing requirements under TRICARE Prime are as follows:

"(1) There are no cost-sharing requirements for beneficiaries who are covered by section 1074(a) of this title.

"(2) With respect to beneficiaries in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title) by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (b)(1).

"(3)(A) With respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title), the cost-sharing requirements shall be calculated in accordance with the other provisions of this chapter without regard to subsection (b).

"(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

"(b) COST-SHARING AMOUNTS.—(1) Beneficiaries described in subsection (a)(2) enrolled in TRICARE Prime shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

"TRICARE Prime	**Active-Duty Family Member (Individual/Family)**	**Retired (Individual/Family)**
Annual Enrollment	$0	$350 / $700
Annual deductible	No	No

"TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual catastrophic cap	$1,000	$3,500
Outpatient visit civilian network	$0	$20 primary care
		$30 specialty care
ER visit civilian network	$0	$60 network
Urgent care civilian network	$0	$30 network
Ambulatory surgery civilian network	$0	$60 network
Ambulance civilian network	$0	$40
Durable medical equipment civilian network	$0	20% of negotiated fee, network
Inpatient visit civilian network	$0	$150 per admission
Inpatient skilled nursing/rehab civilian	$0	$30 per day network

"(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of $1. The remaining amount above such multiple of $1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

"(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

"(c) SPECIAL RULE FOR AMOUNTS WITHOUT REFERRALS.—Notwithstanding subsection (b)(1), the cost-sharing amount for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) of section 1075f(a) of this title (or a waiver pursuant to paragraph (2) of such section for such care) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is

10 USC 1071 prec.

amended by inserting after the item relating to section 1075, as added by subsection (a), the following new item:

"1075a. TRICARE Prime: cost sharing.".

(c) REFERRALS AND PREAUTHORIZATION FOR TRICARE PRIME.—Section 1095f of title 10, United States Code, is amended to read as follows:

"§ 1095f. TRICARE program: referrals and preauthorizations under TRICARE Prime

"(a) REFERRALS.—(1) Except as provided by paragraph (2), a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

"(2) The Secretary may waive the referral requirement in paragraph (1) in such circumstances as the Secretary may establish for purposes of this subsection.

"(3) The cost-sharing amounts for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) (or a waiver pursuant to paragraph (2) for such care) shall be determined under section 1075a(c) of this title.

"(b) PREAUTHORIZATION.—A beneficiary enrolled in TRICARE Prime shall be required to obtain preauthorization only with respect to a referral for the following:

"(1) Inpatient hospitalization.

"(2) Inpatient care at a skilled nursing facility.

"(3) Inpatient care at a rehabilitation facility.

"(c) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR CERTAIN REFERRALS.—The Secretary of Defense shall ensure that no contract for managed care support under the TRICARE program includes any requirement that a managed care support contractor require a primary care or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.".

(d) ENROLLMENT PERIODS.—

(1) ANNUAL PERIODS AND QUALIFYING EVENTS.—Section 1099(b) of title 10, United States Code, is amended by amending paragraph (1) to read as follows:

"(1) allow covered beneficiaries to elect to enroll in a health care plan, or modify a previous election, from eligible health care plans designated by the Secretary of Defense during—

"(A) an annual open enrollment period; and

"(B) any period based on a qualifying event experienced by the beneficiary, as determined appropriate by the Secretary; or".

10 USC 1099 note.

(2) APPLICATION.—The Secretary of Defense shall implement the initial annual open enrollment period pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), during 2018.

10 USC 1099 note.

(3) GRACE PERIOD DURING FIRST YEAR.—

(A) At any time during the one-year period beginning on the date on which the initial annual open enrollment period begins pursuant to section 1099(b)(1) of title 10,

United States Code, as amended by paragraph (1), a covered beneficiary may make an election, or modify such an election, described in such section.

(B) If during such one-year period an individual who is eligible to enroll in the TRICARE program, but does not elect to enroll in such program, receives health care services for an episode of care that would be covered under the TRICARE program if such individual were enrolled in the TRICARE program, the Secretary—

(i) shall pay the out-of-network fees only for the first episode of care and inform the individual of the opportunity to enroll in the TRICARE program; and

(ii) may not pay any costs relating to any subsequent episode of care if such individual is not enrolled in the TRICARE program.

(4) TRANSITION PLAN.—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the transition plan of the Department of Defense for implementing an annual enrollment period for TRICARE Prime and TRICARE Select pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1). Such plan shall include strategies to notify each beneficiary of the changes to the TRICARE options and the changes to the enrollment process.

(e) TERMINATION OF TRICARE STANDARD AND TRICARE EXTRA.—Beginning on January 1, 2018, the Secretary of Defense may not carry out TRICARE Standard and TRICARE Extra under the TRICARE program. The Secretary shall ensure that any individual who is covered under TRICARE Standard or TRICARE Extra as of December 31, 2017, enrolls in TRICARE Prime or TRICARE Select, as the case may be, as of January 1, 2018, for the individual to continue coverage under the TRICARE program. 10 USC 1073 note.

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than June 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to improve access to health care for TRICARE beneficiaries pursuant to the amendments made by this section.

(2) ELEMENTS.—The plan under paragraph (1) shall—

(A) ensure that at least 85 percent of the beneficiary population under TRICARE Select is covered by the network by January 1, 2018;

(B) ensure access standards for appointments for health care that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary;

(C) establish mechanisms for monitoring compliance with access standards;

(D) establish health care provider-to-beneficiary ratios;

(E) monitor on a monthly basis complaints by beneficiaries with respect to network adequacy and the availability of health care providers;

(F) establish requirements for mechanisms to monitor the responses to complaints by beneficiaries;

(G) establish mechanisms to evaluate the quality metrics of the network providers established under section 728;

(H) include any recommendations for legislative action the Secretary determines necessary to carry out the plan; and

(I) include any other elements the Secretary determines appropriate.

(g) GAO REVIEWS.—

(1) IMPLEMENTATION PLAN.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the implementation plan of the Secretary under paragraph (1) of subsection (f), including an assessment of the adequacy of the plan in meeting the elements specified in paragraph (2) of such subsection.

(2) NETWORK.—Not later than September 1, 2017, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the network established under TRICARE Extra, including the following:

(A) An identification of the percent of beneficiaries who are covered by the network.

(B) An assessment of the extent to which beneficiaries are able to obtain appointments under TRICARE Extra.

(C) The percent of network providers under TRICARE Extra that accept new patients under the TRICARE program.

(D) An assessment of the satisfaction of beneficiaries under TRICARE Extra.

10 USC 1073 note.

(h) PILOT PROGRAM ON INCORPORATION OF VALUE-BASED HEALTH CARE IN PURCHASED CARE COMPONENT OF TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall carry out a pilot program to demonstrate and assess the feasibility of incorporating value-based health care methodology in the purchased care component of the TRICARE program by reducing copayments or cost shares for targeted populations of covered beneficiaries in the receipt of high-value medications and services and the use of high-value providers under such purchased care component, including by exempting certain services from deductible requirements.

(2) REQUIREMENTS.—In carrying out the pilot program under paragraph (1), the Secretary shall—

(A) identify each high-value medication and service that is covered under the purchased care component of the TRICARE program for which a reduction or elimination of the copayment or cost share for such medication or service would encourage covered beneficiaries to use the medication or service;

(B) reduce or eliminate copayments or cost shares for covered beneficiaries to receive high-value medications and services;

(C) reduce or eliminate copayments or cost shares for covered beneficiaries to receive health care services from high-value providers;

(D) credit the amount of any reduction or elimination of a copayment or cost share under subparagraph (B) or (C) for a covered beneficiary towards meeting a deductible applicable to the covered beneficiary in the purchased care component of the TRICARE program to the same extent as if such reduction or elimination had not applied; and

(E) develop a process to reimburse high-value providers at rates higher than those rates for health care providers that are not high-value providers.

(3) REPORT ON VALUE-BASED HEALTH CARE METHODOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the following:

(A) A list of each high-value medication and service identified under paragraph (2)(A) for which the copayment or cost share amount will be reduced or eliminated under the pilot program to encourage covered beneficiaries to use such medications and services through the purchased care component of the TRICARE program.

(B) For each high-value medication and service identified under paragraph (2)(A), the amount of the copayment or cost share required under the purchased care component of the TRICARE program and the amount of any reduction or elimination of such copayment or cost share pursuant to the pilot program.

(C) A description of a plan to identify and communicate to covered beneficiaries, through multiple communication media—

(i) the list of high-value medications and services described in subparagraph (A); and

(ii) a list of high-value providers.

(D) A description of modifications, if any, to existing health care contracts that may be required to implement value-based health care methodology in the purchased care component of the TRICARE program under the pilot program and the estimated costs of those contract modifications.

(4) COMPTROLLER GENERAL PRELIMINARY REVIEW AND ASSESSMENT.—

(A) Not later than March 1, 2021, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the preliminary results of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes;

(IV) reduction of number of emergency room visits or hospitalizations; and

(V) enhancement of experience of care for covered beneficiaries.

(iii) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for beneficiaries as the Comptroller General considers appropriate.

(5) REVIEW AND ASSESSMENT OF PILOT PROGRAM.—

(A) Not later than January 1, 2023, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes; and

(IV) enhancement of experience of care for covered beneficiaries.

(iii) A cost-benefit analysis of the implementation of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(iv) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for covered beneficiaries as the Secretary considers appropriate.

(6) TERMINATION.—The Secretary may not carry out the pilot program after December 31, 2022.

10 USC 1073 note.

(i) DEFINITIONS.—In this section:

(1) The terms "uniformed services", "covered beneficiary", "TRICARE Extra", "TRICARE for Life", "TRICARE Prime", and "TRICARE Standard", have the meaning given those terms in section 1072 of title 10, United States Code, as amended by subsection (j).

(2) The term "TRICARE Select" means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of such title, as added by subsection (a).

(3) The term "chronic conditions" includes diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, and such other diseases or conditions as the Secretary considers appropriate.

(4) The term "high-value medications and services" means prescription medications and clinical services for the management of chronic conditions that the Secretary determines would improve health outcomes and create health value for covered beneficiaries (such as preventive care, primary and specialty care, diagnostic tests, procedures, and durable medical equipment).

(5) The term "high-value provider" means an individual or institutional health care provider that provides health care under the purchased care component of the TRICARE program and that consistently improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

(6) The term "value-based health care methodology" means a methodology for identifying specific prescription medications and clinical services provided under the TRICARE program for which reduction of copayments, cost shares, or both, would improve the management of specific chronic conditions because of the high value and clinical effectiveness of such medications and services for such chronic conditions.

(j) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 10, United States Code, is amended as follows:

(A) Section 1072 is amended—

(i) by striking paragraph (7) and inserting the following:

"(7) The term 'TRICARE program' means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and former members of the uniformed services and their dependents, including the following health plan options:

"(A) TRICARE Prime.

"(B) TRICARE Select.

"(C) TRICARE for Life."; and

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

"(11) The term 'TRICARE Extra' means the preferred-provider option of the TRICARE program made available prior to January 1, 2018, under which TRICARE Standard beneficiaries may obtain discounts on cost sharing as a result of using TRICARE network providers.

"(12) The term 'TRICARE Select' means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of this title.

"(13) The term 'TRICARE for Life' means the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of this title.

"(14) The term 'TRICARE Prime' means the managed care option of the TRICARE program.

"(15) The term 'TRICARE Standard' means the TRICARE program made available prior to January 1, 2018, covering—

"(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same

rates and conditions as apply to persons covered under that section.".

(B) Section 1076d is amended—

(i) in subsection (d)(1), by inserting after "coverage." the following: "Such premium shall apply instead of any enrollment fees required under section 1075 of this section."; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

"(2) The term 'TRICARE Reserve Select' means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).";

and

(iii) by striking "TRICARE Standard" each place it appears (including in the heading of such section) and inserting "TRICARE Reserve Select".

(C) Section 1076e is amended—

(i) in subsection (d)(1), by inserting after "coverage." the following: "Such premium shall apply instead of any enrollment fees required under section 1075 of this section."; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

"(2) The term 'TRICARE Retired Reserve' means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).";

(iii) in subsection (b), by striking "TRICARE Standard coverage at" and inserting "TRICARE coverage at"; and

(iv) by striking "TRICARE Standard" each place it appears (including in the heading of such section) and inserting "TRICARE Retired Reserve".

(D) Section 1079a is amended—

(i) in the section heading, by striking "**CHAMPUS**" and inserting "**TRICARE program**"; and

(ii) by striking "the Civilian Health and Medical Program of the Uniformed Services" and inserting "the TRICARE program".

(E) Section 1099(c) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) A plan under the TRICARE program.".

(F) Section 1110b(c)(1) is amended by inserting after "(b)." the following: "Such premium shall apply instead of any enrollment fees required under section 1075 of this section.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is further amended—

10 USC 1071 prec.

(A) in the item relating to section 1076d, by striking "TRICARE Standard" and inserting "TRICARE Reserve Select";

(B) in the item relating to section 1076e, by striking "TRICARE Standard" and inserting "TRICARE Retired Reserve";

(C) in the item relating to section 1079a, by striking "CHAMPUS" and inserting "TRICARE program"; and

(D) in the item relating to section 1095f, by striking "for specialty health care" and inserting "and preauthorizations under TRICARE Prime".

(3) CONFORMING STYLE.—Any new language inserted or added to title 10, United States Code, by an amendment made by this subsection shall conform to the typeface and typestyle of the matter in which the language is so inserted or added.

(k) APPLICATION.—The amendments made by this section shall apply with respect to the provision of health care under the TRICARE program beginning on January 1, 2018. 10 USC 1072 note.

SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073b the following new section:

"§ 1073c. Administration of Defense Health Agency and military medical treatment facilities 10 USC 1073c.

"(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—(1) Beginning October 1, 2018, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

"(A) budgetary matters;

"(B) information technology;

"(C) health care administration and management;

"(D) administrative policy and procedure;

"(E) miliary medical construction; and

"(F) any other matters the Secretary of Defense determines appropriate.

"(2) The commander of each military medical treatment facility shall be responsible for—

"(A) ensuring the readiness of the members of the armed forces and civilian employees at such facility; and

"(B) furnishing the health care and medical treatment provided at such facility.

"(3) The Secretary of Defense shall establish within the Defense Health Agency a professional staff to provide policy, oversight, and direction to carry out subsection (a). The Secretary shall carry out this paragraph by appointing the positions specified in subsections (b) and (c).

"(b) DHA ASSISTANT DIRECTOR.—(1) There is in the Defense Health Agency an Assistant Director for Health Care Administration. The Assistant Director shall—

"(A) be a career appointee within the Department; and

"(B) report directly to the Director of the Defense Health Agency.

"(2) The Assistant Director shall be appointed from among individuals who have equivalent education and experience as a chief executive officer leading a large, civilian health care system.

"(3) The Assistant Director shall be responsible for the following:

"(A) Establishing priorities for health care administration and management.

"(B) Establishing policies, procedures, and direction for the provision of direct care at military medical treatment facilities.

"(C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.

"(D) Establishing policies, procedures, and direction for clinic management and operations at military medical treatment facilities.

"(E) Establishing priorities for information technology at and between the military medical treatment facilities.

"(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A) There is in the Defense Health Agency a Deputy Assistant Director for Information Operations.

"(B) The Deputy Assistant Director for Information Operations shall be responsible for policies, management, and execution of information technology operations at and between the military medical treatment facilities.

"(2)(A) There is in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

"(B) The Deputy Assistant Director for Financial Operations shall be responsible for the policy, procedures, and direction of budgeting matters and financial management with respect to the provision of direct care across the military health system.

"(3)(A) There is in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

"(B) The Deputy Assistant Director for Health Care Operations shall be responsible for the policy, procedures, and direction of health care administration in the military medical treatment facilities.

"(4)(A) There is in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

"(B) The Deputy Assistant Director for Medical Affairs shall be responsible for policy, procedures, and direction of clinical quality and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting.

"(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall report directly to the Assistant Director for Health Care Administration.

"(d) CERTAIN RESPONSIBILITIES OF DHA DIRECTOR.—(1) In addition to the other duties of the Director of the Defense Health Agency, the Director shall coordinate with the Joint Staff Surgeon to ensure that the Director most effectively carries out the responsibilities of the Defense Health Agency as a combat support agency under section 193 of this title.

"(2) The responsibilities of the Director shall include the following:

"(A) Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.

"(B) Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities supports readiness requirements for members of the armed forces and health care personnel.

"(e) DEFINITIONS.—In this section:

"(1) The term 'career appointee' has the meaning given that term in section 3132(a)(4) of title 5.

"(2) The term 'Defense Health Agency' means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073b the following new item: 10 USC 1071 prec.

"1073c. Administration of Defense Health Agency and military medical treatment facilities.".

(b) POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—

(1) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking "(1)";

(B) by redesignating subsection (e) as subsection (g);

(C) by inserting after subsection (d) a new subsection (e);

(D) by transferring paragraphs (2) and (3) of subsection (d) to subsection (e), as added by subparagraph (C), and redesignating such paragraphs as paragraphs (1) and (2), respectively; and

(E) by adding after subsection (e), as added by subparagraph (C), the following new subsection (f):

"(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

"(2) The Surgeon General serves as the chief medical advisor of the Army to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.

"(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Army, shall recruit, organize, train, and equip, medical personnel of the Army.".

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:

"§ 5137. Surgeon General: appointment; duties

"(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active-duty list of the Navy in any corps of the Navy Medical Department.

"(b) DUTIES.—(1) The Surgeon General serves as the Chief of the Bureau of Medicine and Surgery and serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

"(2) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.

"(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Navy, shall recruit, organize, train, and equip, medical personnel of the Navy and the Marine Corps.".

10 USC 5131 prec.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

"5137. Surgeon General: appointment; duties.".

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

"§ 8036. Surgeon General: appointment; duties

"(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department.

"(b) DUTIES.—(1) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

"(2) The Surgeon General serves as the chief medical advisor of the Air Force to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.

"(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Air Force, shall recruit, organize, train, and equip, medical personnel of the Air Force.".

10 USC 8031 prec.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by striking the item relating to section 8036 and inserting the following new item:

"8036. Surgeon General: appointment; duties.".

10 USC 1073c note.

(c) APPOINTMENTS.—The Secretary of Defense shall make appointments of the positions under section 1073c of title 10, United States Code, as added by subsection (a)—

(1) by not later than October 1, 2018; and

(2) by not increasing the number of full-time equivalent employees of the Defense Health Agency.

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to implement section 1073c of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The plan developed under paragraph (1) shall include the following:

(A) How the Secretary will carry out subsection (a) of such section 1073c.

(B) Efforts to eliminate duplicative activities carried out by the elements of the Defense Health Agency and the military departments.

(C) Efforts to maximize efficiencies in the activities carried out by the Defense Health Agency.

(D) How the Secretary will implement such section 1073c in a manner that reduces the number of members of the Armed Forces, civilian employees who are full-time

equivalent employees, and contractors relating to the headquarters activities of the military health system, as of the date of the enactment of this Act.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than March 1, 2017, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing—

(A) a preliminary draft of the plan developed under subsection (d)(1); and

(B) any recommendations for legislative actions the Secretary determines necessary to carry out the plan.

(2) FINAL REPORT.—Not later than March 1, 2018, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the final version of the plan developed under subsection (d)(1).

(3) COMPTROLLER GENERAL REVIEWS.—

(A) The Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate—

(i) a review of the preliminary draft of the plan submitted under paragraph (1) by not later than September 1, 2017; and

(ii) a review of the final version of the plan submitted under paragraph (2) by not later than September 1, 2018.

(B) Each review of the plan conducted under subparagraph (A) shall determine whether the Secretary has addressed the required elements for the plan under subsection (d)(2).

SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, as amended by section 702, is further amended by inserting after section 1073c the following new section:

"§ 1073d. Military medical treatment facilities

10 USC 1073d.

"(a) IN GENERAL.—To support the medical readiness of the armed forces and the readiness of medical personnel, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall maintain the military medical treatment facilities described in subsections (b), (c), and (d).

"(b) MEDICAL CENTERS.—(1) The Secretary of Defense shall maintain medical centers in areas with a large population of members of the armed forces and covered beneficiaries.

"(2) Medical centers shall serve as referral facilities for members and covered beneficiaries who require comprehensive health care services that support medical readiness.

"(3) Medical centers shall consist of the following:

"(A) Inpatient and outpatient tertiary care facilities that incorporate specialty and subspecialty care.

"(B) Graduate medical education programs.

"(C) Residency training programs.

"(D) Level one or level two trauma care capabilities.

"(4) The Secretary may designate a medical center as a regional center of excellence for unique and highly specialized health care services, including with respect to polytrauma, organ transplantation, and burn care.

"(c) HOSPITALS.—(1) The Secretary of Defense shall maintain hospitals in areas where civilian health care facilities are unable to support the health care needs of members of the armed forces and covered beneficiaries.

"(2) Hospitals shall provide—

"(A) inpatient and outpatient health services to maintain medical readiness; and

"(B) such other programs and functions as the Secretary determines appropriate.

"(3) Hospitals shall consist of inpatient and outpatient care facilities with limited specialty care that the Secretary determines—

"(A) is cost effective; or

"(B) is not available at civilian health care facilities in the area of the hospital.

"(d) AMBULATORY CARE CENTERS.—(1) The Secretary of Defense shall maintain ambulatory care centers in areas where civilian health care facilities are able to support the health care needs of members of the armed forces and covered beneficiaries.

"(2) Ambulatory care centers shall provide the outpatient health services required to maintain medical readiness, including with respect to partnerships established pursuant to section 706 of the National Defense Authorization Act for Fiscal Year 2017.

"(3) Ambulatory care centers shall consist of outpatient care facilities with limited specialty care that the Secretary determines—

"(A) is cost effective; or

"(B) is not available at civilian health care facilities in the area of the ambulatory care center.".

10 USC 1071 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 702, is further amended by inserting after the item relating to section 1073c the following new item:

"1073d. Military medical treatment facilities.".

10 USC 1073d note.

(3) SATELLITE CENTERS.—In addition to the centers of excellence designated under section 1073d(b)(4) of title 10, United States Code, as added by paragraph (1), the Secretary of Defense may establish satellite centers of excellence to provide specialty care for certain conditions, including with respect to—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

10 USC 1073d note.

(b) EXCEPTION.—In carrying out section 1073d of title 10, United States Code, as added by subsection (a)(1), the Secretary of Defense may not restructure or realign the infrastructure of, or modify the health care services provided by, a military medical treatment facility unless the Secretary determines that, if such a restructure, realignment, or modification will eliminate the ability of a covered beneficiary to access health care services at a military medical treatment facility, the covered beneficiary will be able to access such health care services through the purchased care component of the TRICARE program.

(c) UPDATE OF STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall update the report described in paragraph (2) to address the restructuring or realignment of military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a), including with respect to any expansions or consolidations of such facilities.

(2) REPORT DESCRIBED.—The report described in this paragraph is the Military Health System Modernization Study dated May 29th, 2015, required by section 713(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3414).

(3) SUBMISSION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the updated report under paragraph (1).

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an implementation plan to restructure or realign the military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The implementation plan under paragraph (1) shall include the following:

(A) With respect to each military medical treatment facility—

(i) whether the facility will be realigned or restructured under the plan;

(ii) whether the functions of such facility will be expanded or consolidated;

(iii) the costs of such realignment or restructuring;

(iv) a description of any changes to the military and civilian personnel assigned to such facility as of the date of the plan;

(v) a timeline for such realignment or restructuring;

(vi) the justifications for such realignment or restructuring, including an assessment of the capacity of the civilian health care facilities located near such facility;

(vii) a comprehensive assessment of the health care services provided at the facility;

(viii) a description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided;

(ix) a description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care;

(x) a description of the current level of coordination between the facility and local health care providers

in the area in which the facility is located and proposed modifications to such level of coordination; and

(xi) a description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) A description of the relocation of the graduate medical education programs and the residency programs.

(C) A description of the plans to assist members of the Armed Forces and covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at regional centers of excellence designated under subsection (b)(4) of such section 1073d.

(D) A description of how the Secretary will carry out subsection (b).

(3) GAO REPORT.—Not later than 60 days after the date on which the Secretary of Defense submits the report under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

10 USC 1073d note.

(e) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 704. ACCESS TO URGENT AND PRIMARY CARE UNDER TRICARE PROGRAM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

10 USC 1077a.

"§ 1077a. Access to military medical treatment facilities and other facilities

"(a) URGENT CARE.—(1) The Secretary of Defense shall ensure that military medical treatment facilities, at locations the Secretary determines appropriate, provide urgent care services for members of the armed forces and covered beneficiaries until 11:00 p.m. each day.

"(2) With respect to areas in which a military medical treatment facility covered by paragraph (1) is not located, the Secretary shall ensure that members of the armed forces and covered beneficiaries may access urgent care clinics through the health care provider network under the TRICARE program.

"(3) A covered beneficiary may access urgent care services without the need for preauthorization for such services.

"(4) The Secretary shall—

"(A) publish information about changes in access to urgent care under the TRICARE program—

"(i) on the primary publicly available Internet website of the Department; and

"(ii) on the primary publicly available Internet website of each military medical treatment facility; and

"(B) ensure that such information is made available on the publicly available Internet website of each current managed care support contractor that has established a health care provider network under the TRICARE program.

"(b) NURSE ADVICE LINE.—The Secretary shall ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to care to the source of the most appropriate level

of health care required to treat the medical conditions of the beneficiaries, including urgent care services described in subsection (a).

"(c) PRIMARY CARE CLINICS.—(1) The Secretary shall ensure that primary care clinics at military medical treatment facilities are available for members of the armed forces and covered beneficiaries between the hours determined appropriate under paragraph (2), including with respect to expanded hours described in subparagraph (B) of such paragraph.

"(2)(A) The Secretary shall determine the hours that each primary care clinic at a military medical treatment facility is available for members of the armed forces and covered beneficiaries based on—

"(i) the needs of the military medical treatment facility to meet the access standards under the TRICARE Prime program; and

"(ii) the primary care utilization patterns of members and covered beneficiaries at such military medical treatment facility.

"(B) The primary care clinic hours at a military medical treatment facility determined under subparagraph (A) shall include expanded hours beyond regular business hours during weekdays and the weekend if the Secretary determines under such subparagraph that sufficient demand exists at the military medical treatment facility for such expanded primary care clinic hours.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1077 the following new item: 10 USC 1071 prec.

"1077a. Access to military medical treatment facilities and other facilities".

(c) IMPLEMENTATION.—The Secretary of Defense shall implement— 10 USC 1077a note.

(1) subsection (a) of section 1077a of title 10, United States Code, as added by subsection (a) of this section, by not later than one year after the date of the enactment of this Act; and

(2) subsection (c) of such section by not later than 180 days after the date of the enactment of this Act.

SEC. 705. VALUE-BASED PURCHASING AND ACQUISITION OF MANAGED CARE SUPPORT CONTRACTS FOR TRICARE PROGRAM. 10 USC 1073a note.

(a) VALUE-BASED HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement value-based incentive programs as part of any contract awarded under chapter 55 of title 10, United States Code, for the provision of health care services to covered beneficiaries to encourage health care providers under the TRICARE program (including physicians, hospitals, and other persons and facilities involved in providing such health care services) to improve the following:

(A) The quality of health care provided to covered beneficiaries under the TRICARE program.

(B) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(C) The health of covered beneficiaries.

(2) VALUE-BASED INCENTIVE PROGRAMS.—

(A) DEVELOPMENT.—In developing value-based incentive programs under paragraph (1), the Secretary shall—

(i) link payments to health care providers under the TRICARE program to improved performance with respect to quality, cost, and reducing the provision of inappropriate care;

(ii) consider the characteristics of the population of covered beneficiaries affected by the value-based incentive program;

(iii) consider how the value-based incentive program would affect the receipt of health care under the TRICARE program by such covered beneficiaries;

(iv) establish or maintain an assurance that such covered beneficiaries will have timely access to health care during the operation of the value-based incentive program;

(v) ensure that such covered beneficiaries do not incur any additional costs by reason of the value-based incentive program; and

(vi) consider such other factors as the Secretary considers appropriate.

(B) SCOPE AND METRICS.—With respect to a value-based incentive program developed and implemented under paragraph (1), the Secretary shall ensure that—

(i) the size, scope, and duration of the value-based incentive program is reasonable in relation to the purpose of the value-based incentive program; and

(ii) the value-based incentive program relies on the core quality performance metrics adopted pursuant to section 728.

(3) USE OF EXISTING MODELS.—In developing a value-based incentive program under paragraph (1), the Secretary may adapt a value-based incentive program conducted by a TRICARE managed care support contractor, the Centers for Medicare & Medicaid Services, or any other Federal Government, State government, or commercial health care program.

(b) TRANSFER OF CONTRACTING RESPONSIBILITY.—With respect to the acquisition of any managed care support contracts under the TRICARE program initiated after the date of the enactment of this Act, the Secretary of Defense shall transfer contracting responsibility for the solicitation and award of such contracts from the Defense Health Agency to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) ACQUISITION OF CONTRACTS.—

(1) STRATEGY.—Not later than January 1, 2018, the Secretary of Defense shall develop and implement a strategy to ensure that managed care support contracts under the TRICARE program entered into with private sector entities, other than overseas medical support contracts—

(A) improve access to health care for covered beneficiaries;

(B) improve health outcomes for covered beneficiaries;

(C) improve the quality of health care received by covered beneficiaries;

(D) enhance the experience of covered beneficiaries in receiving health care; and

(E) lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.

(2) APPLICABILITY OF STRATEGY.—

(A) IN GENERAL.—The strategy required by paragraph (1) shall apply to all managed care support contracts under the TRICARE program entered into with private sector entities.

(B) MODIFICATION OF CONTRACTS.—Contracts entered into prior to the implementation of the strategy required by paragraph (1) shall be modified to ensure consistency with such strategy.

(3) LOCAL, REGIONAL, AND NATIONAL HEALTH PLANS.—In developing and implementing the strategy required by paragraph (1), the Secretary shall ensure that local, regional, and national health plans have an opportunity to participate in the competition for managed care support contracts under the TRICARE program.

(4) CONTINUOUS INNOVATION.—The strategy required by paragraph (1) shall include incentives for the incorporation of innovative ideas and solutions into managed care support contracts under the TRICARE program through the use of teaming agreements, subcontracts, and other contracting mechanisms that can be used to develop and continuously refresh high-performing networks of health care providers at the national, regional, and local level.

(5) ELEMENTS OF STRATEGY.—The strategy required by paragraph (1) shall provide for the following with respect to managed care support contracts under the TRICARE program:

(A) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(B) The establishment of an integrated medical management system between military medical treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(C) With respect to telehealth services—

(i) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(ii) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(D) The use of value-based reimbursement methodologies, including through the use of value-based incentive programs under subsection (a), that transfer financial risk to health care providers and managed care support contractors.

(E) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(F) The use of incentives that emphasize prevention and wellness for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(G) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(H) The elimination of the requirement for a referral to be authorized prior receiving specialty care services at a facility of the Department of Defense or through the TRICARE program.

(I) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(6) RURAL, REMOTE, AND ISOLATED AREAS.—In developing and implementing the strategy required by paragraph (1), the Secretary shall—

(A) assess the unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations;

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries; and

(D) ensure that managed care support contracts under the TRICARE program in those locations will—

(i) establish individual and institutional provider networks that will provide timely access to care for covered beneficiaries, including pursuant to such networks relating to an Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service or has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States; and

(ii) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(d) REPORT PRIOR TO CERTAIN CONTRACT MODIFICATIONS.—Not later than 60 days before the date on which the Secretary of Defense first modifies a contract awarded under chapter 55 of title 10, United States Code, to implement a value-based incentive program under subsection (a), or the managed care support contract acquisition strategy under subsection (c), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any implementation plan of the Secretary with respect to such value-based incentive program or managed care support contract acquisition strategy.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report under subsection (d), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that assesses the compliance of the Secretary of Defense with the requirements of subsection (a) and subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense for acquiring managed care support contracts under the TRICARE program—

(i) improves access to care;

(ii) improves health outcomes;

(iii) improves the experience of care for covered beneficiaries; and

(iv) lowers per capita health care costs.

(B) Whether the Department has, in its requirements for managed care support contracts under the TRICARE program, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military medical treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and managed care support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has considered, in developing requirements for managed care support contracts under the TRICARE program, the following:

(i) The unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) DEFINITIONS.—In this section:

(1) The terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

(2) The term "high-performing networks of health care providers" means networks of health care providers that, in addition to such other requirements as the Secretary of Defense may specify for purposes of this section, do the following:

(A) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(B) Achieve greater efficiency in the delivery of health care by identifying and implementing within such network improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(C) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(D) Focus on preventive care that emphasizes—

(i) early detection and timely treatment of disease;

(ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

10 USC 1096 note.

SEC. 706. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health

delivery systems through partnerships with other health systems, including local or regional health systems in the private sector—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems;

(5) to maintain services within military treatment facilities that are essential for the maintenance of operational medical force readiness skills of health care providers of the Department; and

(6) to provide members of the Armed Forces with additional training opportunities to maintain such readiness skills.

(b) ELEMENTS OF SYSTEMS.—Each military-civilian integrated health delivery system established under subsection (a) shall—

(1) deliver high quality health care as measured by leading national health quality measurement organizations;

(2) achieve greater efficiency in the delivery of health care by identifying and implementing within each such system improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services;

(3) improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients;

(4) focus on preventive care that emphasizes—

(A) early detection and timely treatment of disease;

(B) periodic health screenings; and

(C) education regarding healthy lifestyle behaviors;

(5) coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team;

(6) facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate;

(7) encourage patients to participate in making health care decisions;

(8) use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices; and

(9) improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, health care centers of excellence, public or private academic medical institutions,

regional health organizations, integrated health systems, accountable care organizations, and such other health systems as the Secretary considers appropriate.

(2) PRIVATE SECTOR CARE.—Memoranda of understanding and contracts entered into under paragraph (1) shall ensure that covered beneficiaries are eligible to enroll in and receive medical services under the private sector components of military-civilian integrated health delivery systems established under subsection (a).

(3) VALUE-BASED REIMBURSEMENT METHODOLOGIES.—The Secretary shall incorporate value-based reimbursement methodologies, such as capitated payments, bundled payments, or pay for performance, into memoranda of understanding and contracts entered into under paragraph (1) to reimburse entities for medical services provided to covered beneficiaries under such memoranda of understanding and contracts.

(4) QUALITY OF CARE.—Each memorandum of understanding or contract entered into under paragraph (1) shall ensure that the quality of services received by covered beneficiaries through a military-civilian integrated health delivery system under such memorandum of understanding or contract is at least comparable to the quality of services received by covered beneficiaries from a military treatment facility.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term "covered beneficiary" has the meaning given that term in section 1072 of title 10, United States Code.

10 USC 1071 note.

SEC. 707. JOINT TRAUMA SYSTEM.

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to establish a Joint Trauma System within the Defense Health Agency that promotes improved trauma care to members of the Armed Forces and other individuals who are eligible to be treated for trauma at a military medical treatment facility.

(2) IMPLEMENTATION.—The Secretary shall implement the plan under paragraph (1) after a 90-day period has elapsed following the date on which the Comptroller General of the United States is required to submit to the Committees on Armed Services of the House of Representatives and the Senate the review under subsection (c). In implementing such plan, the Secretary shall take into account any recommendation made by the Comptroller General under such review.

(b) ELEMENTS.—The Joint Trauma System described in subsection (a)(1) shall include the following elements:

(1) Serve as the reference body for all trauma care provided across the military health system.

(2) Establish standards of care for trauma services provided at military medical treatment facilities.

(3) Coordinate the translation of research from the centers of excellence of the Department of Defense into standards of clinical trauma care.

(4) Coordinate the incorporation of lessons learned from the trauma education and training partnerships pursuant to section 708 into clinical practice.

(c) REVIEW.—Not later than 180 days after the date on which the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the implementation plan under subsection (a)(1), the Comptroller General of the United States shall submit to such committees a review of such plan to determine if each element under subsection (b) is included in such plan.

(d) REVIEW OF MILITARY TRAUMA SYSTEM.—In establishing a Joint Trauma System, the Secretary of Defense may seek to enter into an agreement with a non-governmental entity with subject matter experts to—

(1) conduct a system-wide review of the military trauma system, including a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of the review, including an assessment of lessons learned to improve combat casualty care in future conflicts; and

(2) make publicly available a report containing such review and recommendations to establish a comprehensive trauma system for the Armed Forces.

SEC. 708. JOINT TRAUMA EDUCATION AND TRAINING DIRECTORATE.

10 USC 1071 note.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Trauma Education and Training Directorate (in this section referred to as the "Directorate") to ensure that the traumatologists of the Armed Forces maintain readiness and are able to be rapidly deployed for future armed conflicts. The Secretary shall carry out this section in collaboration with the Secretaries of the military departments.

(b) DUTIES.—The duties of the Directorate are as follows:

(1) To enter into and coordinate the partnerships under subsection (c).

(2) To establish the goals of such partnerships necessary for trauma teams led by traumatologists to maintain professional competency in trauma care.

(3) To establish metrics for measuring the performance of such partnerships in achieving such goals.

(4) To develop methods of data collection and analysis for carrying out paragraph (3).

(5) To communicate and coordinate lessons learned from such partnerships with the Joint Trauma System established under section 707.

(6) To develop standardized combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.

(7) To develop a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(8) To develop quality of care outcome measures for combat casualty care.

(9) To direct the conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may enter into partnerships with civilian academic medical centers and large metropolitan teaching hospitals that have level I civilian trauma

centers to provide integrated combat trauma teams, including forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(2) TRAUMA TEAMS.—Under the partnerships entered into with civilian academic medical centers and large metropolitan teaching hospitals under paragraph (1), trauma teams of the Armed Forces led by traumatologists of the Armed Forces shall embed within the trauma centers of the medical centers and hospitals on an enduring basis.

(3) SELECTION.—The Secretary shall select civilian academic medical centers and large metropolitan teaching hospitals to enter into partnerships under paragraph (1) based on patient volume, acuity, and other factors the Secretary determines necessary to ensure that the traumatologists of the Armed Forces and the associated clinical support teams have adequate and continuous exposure to critically injured patients.

(4) CONSIDERATION.—In entering into partnerships under paragraph (1), the Secretary may consider the experiences and lessons learned by the military departments that have entered into memoranda of understanding with civilian medical centers for trauma care.

(d) PERSONNEL MANAGEMENT PLAN.—

(1) PLAN.—The Secretary shall establish a personnel management plan for the following wartime medical specialties:

(A) Emergency medical services and prehospital care.

(B) Trauma surgery.

(C) Critical care.

(D) Anesthesiology.

(E) Emergency medicine.

(F) Other wartime medical specialties the Secretary determines appropriate for purposes of the plan.

(2) ELEMENTS.—The elements of the plan established under paragraph (1) shall include, at a minimum, the following:

(A) An accession plan for the number of qualified medical personnel to maintain wartime medical specialties on an annual basis in order to maintain the required number of trauma teams as determined by the Secretary.

(B) The number of positions required in each such medical specialty.

(C) Crucial organizational and operational assignments for personnel in each such medical specialty.

(D) Career pathways for personnel in each such medical specialty.

(3) IMPLEMENTATION.—The Secretaries of the military departments shall carry out the plan established under paragraph (1).

(e) IMPLEMENTATION PLAN.—Not later than July 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for establishing the Joint Trauma Education and Training Directorate under subsection (a), entering into partnerships under subsection (c), and establishing the plan under subsection (d).

(f) LEVEL I CIVILIAN TRAUMA CENTER DEFINED.—In this section, the term "level I civilian trauma center" means a comprehensive regional resource that is a tertiary care facility central to the

trauma system and is capable of providing total care for every aspect of injury from prevention through rehabilitation.

SEC. 709. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

10 USC 1071 note.

(a) STANDARDIZED SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures used within the military health system do not vary among military treatment facilities.

(b) SOLE SYSTEM.—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) SCHEDULING OF APPOINTMENTS.—

(1) IN GENERAL.—Under the system implemented under subsection (a), each military treatment facility shall use a centralized appointment scheduling capability for covered beneficiaries that includes the ability to schedule appointments manually via telephone as described in paragraph (2) or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (3).

(2) TELEPHONE APPOINTMENT PROCESS.—

(A) IN GENERAL.—In the case of a covered beneficiary who contacts a military treatment facility via telephone to schedule an appointment under the system implemented under subsection (a), the Secretary shall implement standard processes to ensure that the needs of the covered beneficiary are met during the first such telephone call.

(B) MATTERS INCLUDED.—The standard processes implemented under subparagraph (A) shall include the following:

(i) The ability of a covered beneficiary, during the telephone call to schedule an appointment, to also schedule wellness visits or follow-up appointments during the 180-day period beginning on the date of the request for the visit or appointment.

(ii) The ability of a covered beneficiary to indicate the process through which the covered beneficiary prefers to be reminded of future appointments, which may include reminder telephone calls, emails, or cellular text messages to the covered beneficiary at specified intervals prior to appointments.

(3) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) CAPABILITIES OF ONLINE SYSTEM.—The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) STANDARDS FOR PRODUCTIVITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary shall implement standards for the productivity of health care providers at military treatment facilities.

(2) MATTERS CONSIDERED.—In developing standards under paragraph (1), the Secretary shall consider—

(A) civilian benchmarks for measuring the productivity of health care providers;

(B) the optimal number of medical appointments for each health care provider that would be required, as determined by the Secretary, to maintain access of covered beneficiaries to health care from the Department; and

(C) the readiness requirements of the Armed Forces.

(e) PLAN.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).

(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(f) BRIEFING.—Not later than February 1, 2018, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation of the system required under subsection (a) and the standards for the productivity of health care providers required under subsection (d).

(g) REPORT ON MISSED APPOINTMENTS.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of medical appointments at military treatment facilities for which a covered beneficiary failed to appear without prior notification during the one-year period preceding the submittal of the report.

(2) ELEMENTS.—Each report under paragraph (1) shall include for each military treatment facility the following:

(A) An identification of the top five reasons for a covered beneficiary missing an appointment.

(B) A comparison of the number of missed appointments for specialty care versus primary care.

(C) An estimate of the cost to the Department of Defense of missed appointments.

(D) An assessment of strategies to reduce the number of missed appointments.

(h) COVERED BENEFICIARY DEFINED.—In this section, the term "covered beneficiary" has the meaning given that term in section 1072 of title 10, United States Code.

Subtitle B—Other Health Care Benefits

SEC. 711. EXTENDED TRICARE PROGRAM COVERAGE FOR CERTAIN MEMBERS OF THE NATIONAL GUARD AND DEPENDENTS DURING CERTAIN DISASTER RESPONSE DUTY.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076e the following new section:

"§ 1076f. TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty

10 USC 1076f.

"(a) EXTENDED COVERAGE.—During a period in which a member of the National Guard is performing disaster response duty, the member may be treated as being on active duty for a period of more than 30 days for purposes of the eligibility of the member and dependents of the member for health care benefits under the TRICARE program if such period immediately follows a period in which the member served on full-time National Guard duty under section 502(f) of title 32, including pursuant to chapter 9 of such title, unless the Governor of the State (or, with respect to the District of Columbia, the mayor of the District of Columbia) determines that such extended eligibility is not in the best interest of the member or the State.

"(b) CONTRIBUTION BY STATE.—(1) The Secretary shall charge a State for the costs of providing coverage under the TRICARE program to members of the National Guard of the State and the dependents of the members pursuant to subsection (a). Such charges shall be paid from the funds of the State or from any other non-Federal funds.

"(2) Any amounts received by the Secretary under paragraph (1) shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section, including to carry out subsection (a) of this section.

"(c) DEFINITIONS.—In this section:

"(1) The term 'disaster response duty' means duty performed by a member of the National Guard in State status pursuant to an emergency declaration by the Governor of the State (or, with respect to the District of Columbia, the mayor of the District of Columbia) in response to a disaster or in preparation for an imminent disaster.

"(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

10 USC 1071 prec.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076e the following new item:

"1076f. TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty.".

SEC. 712. CONTINUITY OF HEALTH CARE COVERAGE FOR RESERVE COMPONENTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study of options for providing health care coverage that improves the continuity of health care provided to current and former members of the Selected Reserve of the Ready Reserve who are not—

(A) serving on active duty;

(B) eligible for the Transitional Assistance Management Program under section 1145 of title 10, United States Code; or

(C) eligible for the Federal Employees Health Benefit Program.

(2) ELEMENTS.—The study under paragraph (1) shall address the following:

(A) Whether to allow current and former members of the Selected Reserve to participate in the Federal Employees Health Benefit Program.

(B) Whether to pay a stipend to current and former members to continue coverage in a health plan obtained by the member.

(C) Whether to allow current and former members to participate in the TRICARE program under section 1076d of title 10, United States Code.

(D) Whether to amend section 1076f of title 10, United States Code, as added by section 711, to require the extension of TRICARE program coverage for members of the National Guard assigned to Homeland Response Force Units mobilized for a State emergency pursuant to chapter 9 of title 32, United States Code.

(E) The findings and recommendations under section 748.

(F) Any other options for providing health care coverage to current and former members of the Selected Reserve the Secretary considers appropriate.

(3) CONSULTATION.—In carrying out the study under paragraph (1), the Secretary shall consult with, and obtain the opinions of, current and former members of the Selected Reserve, including the leadership of the Selected Reserve.

(4) SUBMISSION.—

(A) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under paragraph (1).

(B) MATTERS INCLUDED.—The report under subparagraph (A) shall include the following:

(i) A description of the health care coverage options addressed by the Secretary under paragraph (2).

(ii) Identification of such health care coverage option that the Secretary recommends as the best option.

(iii) The justifications for such recommended best option.

(iv) The number and proportion of the current and former members of the Selected Reserve projected to participate in such recommended best option.

(v) A determination of the appropriate cost sharing for such recommended best option with respect to the percentage contribution as a monthly premium for current members of the Selected Reserve.

(vi) An estimate of the cost of implementing such recommended best option.

(vii) Any legislative language required to implement such recommended best option.

(b) PILOT PROGRAM.— 10 USC 1076d note.

(1) AUTHORIZATION.—The Secretary of Defense and the Director may jointly carry out a pilot program, at the election of the Secretary, under which the Director provides commercial health insurance coverage to eligible reserve component members who enroll in a health benefits plan under paragraph (4) as an individual, for self plus one coverage, or for self and family coverage.

(2) ELEMENTS.—The pilot program shall—

(A) provide for enrollment by eligible reserve component members, at the election of the member, in a health benefits plan under paragraph (4) during an open enrollment period established by the Director for purposes of this subsection;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this subsection;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director; and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) DURATION.—If the Secretary elects to carry out the pilot program, the Secretary and the Director shall carry out the pilot program for not less than five years.

(4) HEALTH BENEFITS PLANS.—

(A) IN GENERAL.—In providing health insurance coverage under the pilot program, the Director shall contract with qualified carriers for a variety of health benefits plans.

(B) DESCRIPTION OF PLANS.—Health benefits plans contracted for under this subsection—

(i) may vary by type of plan design, covered benefits, geography, and price;

(ii) shall include maximum limitations on out-of-pocket expenses paid by an eligible reserve component beneficiary for the health care provided; and

(iii) may not exclude an eligible reserve component member who chooses to enroll.

(C) QUALITY OF PLANS.—The Director shall ensure that each health benefits plan offered under this subsection offers a high degree of quality, as determined by criteria that include—

(i) access to an ample number of medical providers, as determined by the Director;

(ii) adherence to industry-accepted quality measurements, as determined by the Director;

(iii) access to benefits described in paragraph (5), including ease of referral for health care services; and

(iv) inclusion in the services covered by the plan of advancements in medical treatments and technology as soon as practicable in accordance with generally accepted standards of medicine.

(5) BENEFITS.—A health benefits plan offered by the Director under this subsection shall include, at a minimum, the following benefits:

(A) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(B) Such other benefits as the Director determines appropriate.

(6) CARE AT FACILITIES OF UNIFORMED SERVICES.—

(A) IN GENERAL.—If an eligible reserve component beneficiary receives benefits described in paragraph (5) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third-party payer under section 1095 of title 10, United States Code, and shall pay charges for such benefits as determined by the Secretary.

(B) MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary, in consultation with the Director—

(i) may contract with qualified carriers with which the Director has contracted under paragraph (4) to provide health insurance coverage for health care services provided at military treatment facilities under this subsection; and

(ii) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military medical treatment facilities under this subsection.

(7) SPECIAL RULE RELATING TO ACTIVE DUTY PERIOD.—

(A) IN GENERAL.—An eligible reserve component member may not receive benefits under a health benefits plan under this subsection during any period in which the member is serving on active duty for more than 30 days.

(B) TREATMENT OF DEPENDENTS.—Subparagraph (A) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(8) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—An individual is not eligible to enroll in or be covered under a health benefits plan under this subsection if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(9) COST SHARING.—

(A) RESPONSIBILITY FOR PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), an eligible reserve component member shall pay an annual premium amount calculated under subparagraph (B) for coverage under a health benefits plan under this subsection and additional amounts described in subparagraph (C) for health care services in connection with such coverage.

(ii) ACTIVE DUTY PERIOD.—

(I) IN GENERAL.—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve component member is not responsible for paying any premium amount under subparagraph (B) or additional amounts under subparagraph (C).

(II) COVERAGE OF DEPENDENTS.—With respect to a dependent of an eligible reserve component member that is covered under a health benefits plan under this subsection, during any period described in subclause (I) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost-sharing amounts as may be applicable under the plan.

(B) PREMIUM AMOUNT.—

(i) IN GENERAL.—The annual premium calculated under this subparagraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(ii) TYPES OF COVERAGE.—The premium amounts calculated under this subparagraph shall include separate calculations for—

(I) coverage as an individual;

(II) self plus one coverage; and

(III) self and family coverage.

(C) ADDITIONAL AMOUNTS.—The additional amounts described in this subparagraph with respect to an eligible reserve component member are such cost-sharing amounts as may be applicable under the health benefits plan under which the member is covered.

(10) CONTRACTING.—

(A) IN GENERAL.—In contracting for health benefits plans under paragraph (4), the Director may contract with qualified carriers in a manner similar to the manner in which the Director contracts with carriers under section 8902 of title 5, United States Code, including that—

(i) a contract under this subsection shall be for a uniform term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party;

(ii) a contract under this subsection shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits determined by the Director in accordance with paragraph (5);

(iii) a contract under this subsection shall ensure that an eligible reserve component member who is

eligible to enroll in a health benefits plan pursuant to such contract is able to enroll in such plan; and

(iv) the terms of a contract under this subsection relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

(B) EVALUATION OF FINANCIAL SOLVENCY.—The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under subparagraph (A).

(11) RECOMMENDATIONS AND DATA.—

(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(i) matters involving military medical treatment facilities;

(ii) matters unique to eligible reserve component members and dependents of such members; and

(iii) such other strategic guidance necessary for the Director to administer this subsection as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.

(B) LIMITATION ON IMPLEMENTATION.—The Director shall not implement any recommendation provided by the Secretary of Defense under subparagraph (A) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this subsection than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

(12) TRANSMISSION OF INFORMATION.—On an annual basis during each year in which the pilot program is carried out, the Director shall provide the Secretary with information on the use of health care benefits under the pilot program, including—

(A) the number of eligible reserve component beneficiaries participating in the pilot program, listed by the health benefits plan under which the beneficiary is covered;

(B) the number of health benefits plans offered under the pilot program and a description of each such plan; and

(C) the costs of the health care provided under the plans.

(13) FUNDING.—

(A) IN GENERAL.—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program.

(B) AVAILABILITY OF AMOUNTS.—Amounts shall be made available to the Director pursuant to the mechanism established under subparagraph (A), without fiscal year limitation—

(i) for payments to health benefits plans under this subsection; and

(ii) to pay the costs of administering this subsection.

(14) REPORTS.—

(A) INITIAL REPORTS.—Not later than one year after the date on which the Secretary establishes the pilot program, and annually thereafter for the following three years, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) MATTERS INCLUDED.—The report under subparagraph (A) shall include, with respect to the year covered by the report, the following:

(i) The number of eligible reserve component beneficiaries participating in the pilot program, listed by the health benefits plan under which the beneficiary is covered.

(ii) The number of health benefits plans offered under the pilot program.

(iii) The cost of the pilot program to the Department of Defense.

(iv) The estimated cost savings, if any, to the Department of Defense.

(v) The average cost to the eligible reserve component beneficiary.

(vi) The effect of the pilot program on the medical readiness of the members of the reserve components.

(vii) The effect of the pilot program on access to health care for members of the reserve components.

(C) FINAL REPORT.—Not later than 180 days before the date on which the pilot program will terminate pursuant to paragraph (3), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that includes—

(i) the matters specified under subparagraph (B); and

(ii) the recommendation of the Secretary regarding whether to make the pilot program permanent or to terminate the pilot program.

(c) DEFINITIONS.—In this section:

(1) The term "Director" means the Director of the Office of Personnel Management.

(2) The term "eligible reserve component beneficiary" means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under subsection (b).

(3) The term "eligible reserve component member" means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) The term "extended health care option" means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) The term "Federal Employees Health Benefits Program" means the health insurance program under chapter 89 of title 5, United States Code.

(6) The term "qualified carrier" means an insurance carrier that is licensed to issue group health insurance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and any territory or possession of the United States.

SEC. 713. PROVISION OF HEARING AIDS TO DEPENDENTS OF RETIRED MEMBERS.

Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)(16), by striking "A hearing aid" and inserting "Except as provided by subsection (g), a hearing aid"; and

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

"(g) In addition to the authority to provide a hearing aid under subsection (a)(16), hearing aids may be sold under this section to dependents of former members of the uniformed services at cost to the United States.".

SEC. 714. COVERAGE OF MEDICALLY NECESSARY FOOD AND VITAMINS FOR CERTAIN CONDITIONS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, as amended by section 713, is further amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting before the period at the end the following: ", including, in accordance with subsection (g), medically necessary vitamins"; and

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

"(18) In accordance with subsection (g), medically necessary food and the medical equipment and supplies necessary to administer such food (other than durable medical equipment and supplies)."; and

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

"(h)(1) Vitamins that may be provided under subsection (a)(3) are vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation.

"(2) Medically necessary food that may be provided under subsection (a)(18)—

"(A) is food, including a low protein modified food product or an amino acid preparation product, that is—

"(i) furnished pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation, for the dietary management of a covered disease or condition;

"(ii) a specially formulated and processed product (as opposed to a naturally occurring foodstuff used in its natural state) for the partial or exclusive feeding of an individual by means of oral intake or enteral feeding by tube;

"(iii) intended for the dietary management of an individual who, because of therapeutic or chronic medical needs, has limited or impaired capacity to ingest, digest, absorb, or metabolize ordinary foodstuffs or certain nutrients, or who has other special medically determined nutrient requirements, the dietary management of which

cannot be achieved by the modification of the normal diet alone;

"(iv) intended to be used under medical supervision, which may include in a home setting; and

"(v) intended only for an individual receiving active and ongoing medical supervision under which the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and

"(B) may not include—

"(i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight-loss products, even if the food is recommended by a physician or other health care professional;

"(ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;

"(iii) food marketed for the management of diabetes; or

"(iv) such other products as the Secretary determines appropriate.

"(3) In this subsection, the term 'covered disease or condition' means—

"(A) inborn errors of metabolism;

"(B) medical conditions of malabsorption;

"(C) pathologies of the alimentary tract or the gastrointestinal tract;

"(D) a neurological or physiological condition; and

"(E) such other diseases or conditions the Secretary determines appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care provided under chapter 55 of such title on or after the date that is one year after the date of the enactment of this Act. 10 USC 1077 note.

SEC. 715. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (8)"; and

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

"(8) The term 'covered TRICARE-eligible individual' means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.".

(2) VISION BENEFITS.—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (8)"; and

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

"(8)(A) The term 'covered TRICARE-eligible individual'—

"(i) means an individual entitled to medical care under chapter 55 of title 10, pursuant to section 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such title, who the Secretary of Defense determines in accordance with an agreement

entered into under subparagraph (B) should be an eligible individual for purposes of this chapter; and

"(ii) does not include an individual covered under section 1110b of title 10.

"(B) The Secretary of Defense shall enter into an agreement with the Director of the Office relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.".

(b) CONFORMING AMENDMENTS.—

(1) DENTAL BENEFITS.—Section 8958(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

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

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

"(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

"(A) the pay (including retired pay) of such individual; or

"(B) the annuity paid to such individual; or

"(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.".

(2) VISION BENEFITS.—Section 8988(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

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

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

"(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

"(A) the pay (including retired pay) of such individual; or

"(B) the annuity paid to such individual; or

"(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.".

(3) PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES, AND OTHER DEPENDENTS.—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR PLAN.—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unremarried surviving spouses, and dependents in accordance with this section.

"(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of

title 5 that provides benefits similar to those benefits required to be provided under subsection (d).".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to the first contract year for chapter 89A or 89B of title 5, United States Code, as applicable, that begins on or after January 1, 2018. 5 USC 8951 note.

SEC. 716. APPLIED BEHAVIOR ANALYSIS.

(a) RATES OF REIMBURSEMENT.—

(1) IN GENERAL.—In furnishing applied behavior analysis under the TRICARE program to individuals described in paragraph (2) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, the Secretary of Defense shall ensure that the reimbursement rates for providers of applied behavior analysis are not less than the rates that were in effect on March 31, 2016.

(2) INDIVIDUALS DESCRIBED.—Individuals described in this paragraph are individuals who are covered beneficiaries by reason of being a member or former member of the Army, Navy, Air Force, or Marine Corps, including the reserve components thereof, or a dependent of such a member or former member.

(b) ANALYSIS.—

(1) IN GENERAL.—Upon the completion of the Department of Defense Comprehensive Autism Care Demonstration, the Assistant Secretary of Defense for Health Affairs shall conduct an analysis to—

(A) use data gathered during the demonstration to set future reimbursement rates for providers of applied behavior analysis under the TRICARE program;

(B) review comparative commercial insurance claims for purposes of setting such future rates, including by—

(i) conducting an analysis of the comparative total of commercial insurance claims billed for applied behavior analysis; and

(ii) reviewing any covered beneficiary limitations on access to applied behavior analysis services at various military installations throughout the United States; and

(C) determine whether the use of applied behavioral analysis under the demonstration has improved outcomes for covered beneficiaries with autism spectrum disorder.

(2) SUBMISSION.—The Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the analysis conducted under paragraph (1).

(c) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 717. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES. 10 USC 1071 note.

(a) IN GENERAL.—The Secretary of Defense shall authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;

(2) the health care providers at the facility have the competencies, skills, and abilities required to treat the individual; and

(3) the facility has available space, equipment, and materials to treat the individual.

(b) PRIORITY OF COVERED BENEFICIARIES.—The evaluation and treatment of covered beneficiaries at military treatment facilities shall be prioritized ahead of the evaluation and treatment of veterans and civilians at such facilities under subsection (a).

(c) REIMBURSEMENT FOR TREATMENT.—

(1) CIVILIANS.—A military treatment facility that evaluates or treats an individual (other than an individual described in paragraph (2)) under subsection (a) shall bill the individual and accept reimbursement from the individual or a third-party payer (as that term is defined in section 1095(h) of title 10, United States Code) on behalf of such individual for the costs of any health care services provided to the individual under such subsection.

(2) VETERANS.—The Secretary of Defense shall enter into a memorandum of agreement with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs will pay a military treatment facility using a prospective payment methodology (including interagency transfers of funds or obligational authority and similar transactions) for the costs of any health care services provided at the facility under subsection (a) to individuals eligible for such health care services from the Department of Veterans Affairs.

(3) USE OF AMOUNTS.—The Secretary of Defense shall make available to a military treatment facility any amounts collected by such facility under paragraph (1) or (2) for health care services provided to an individual under subsection (a).

(d) COVERED BENEFICIARY DEFINED.—In this section, the term "covered beneficiary" has the meaning given that term in section 1072 of title 10, United States Code.

10 USC 1071 note.

SEC. 718. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.

(a) INCORPORATION OF TELEHEALTH.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) TYPES OF TELEHEALTH SERVICES.—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) maximize the use of secure messaging between health care providers and covered beneficiaries to improve the access of covered beneficiaries to health care and reduce the number of visits to medical facilities for health care needs;

(B) allow covered beneficiaries to schedule appointments; and

(C) allow health care providers, through video conference, telephone or tablet applications, or home health monitoring devices—

(i) to assess and evaluate disease signs and symptoms;

(ii) to diagnose diseases;

(iii) to supervise treatments; and

(iv) to monitor health outcomes.

(b) COVERAGE OF ITEMS OR SERVICES.—An item or service furnished to a covered beneficiary via a telecommunications system shall be covered under the TRICARE program to the same extent as the item or service would be covered if furnished in the location of the covered beneficiary.

(c) REIMBURSEMENT RATES FOR TELEHEALTH SERVICES.—The Secretary shall develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, including by using reimbursement rates that incentivize the provision of telehealth services.

(d) REDUCTION OR ELIMINATION OF COPAYMENTS.—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(e) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be available in the direct care and purchased care components of the military health system and the copayments and cost shares, if any, associated with those services.

(B) REIMBURSEMENT PLAN.—The report required under subparagraph (A) shall include a plan to develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, as required under subsection (c).

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the Secretary begins incorporating, throughout the direct care and purchased care components of the military health system, the use of telehealth services as

required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the impact made by the use of telehealth services, including mobile health applications, to carry out the actions specified in subparagraphs (A) through (F) of subsection (a)(1).

(B) ELEMENTS.—The report required under subparagraph (A) shall include an assessment of the following:

(i) The satisfaction of covered beneficiaries with telehealth services furnished by the Department of Defense.

(ii) The satisfaction of health care providers in providing telehealth services furnished by the Department.

(iii) The effect of telehealth services furnished by the Department on the following:

(I) The ability of covered beneficiaries to access health care services in the direct care and purchased care components of the military health system.

(II) The frequency of use of telehealth services by covered beneficiaries.

(III) The productivity of health care providers providing care furnished by the Department.

(IV) The reduction, if any, in the use by covered beneficiaries of health care services in military treatment facilities or medical facilities in the private sector.

(V) The number and types of appointments for the receipt of telehealth services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing telehealth services to covered beneficiaries.

(f) REGULATIONS.—

(1) INTERIM FINAL RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe an interim final rule to implement this section.

(2) FINAL RULE.—Not later than 180 days after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Secretary shall prescribe a final rule to implement this section.

(3) OBJECTIVES.—The regulations prescribed under paragraphs (1) and (2) shall accomplish the objectives set forth in subsection (a) and ensure quality of care, patient safety, and the integrity of the TRICARE program.

(g) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

10 USC 1074g note.

SEC. 719. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

(a) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) AMOUNT OF REIMBURSEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) LIMITATION.—The amount determined under this paragraph to provide vaccines to covered beneficiaries through a State vaccination program may not exceed the amount that the Department would reimburse an entity under the TRICARE program for providing vaccines to the number of covered beneficiaries who were involved in the applicable State vaccination program.

(b) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms "covered beneficiary" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

(2) STATE VACCINATION PROGRAM.—The term "State vaccination program" means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

Subtitle C—Health Care Administration

SEC. 721. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—

(1) AUTHORITY.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

10 USC 977.

"(a) PROCESS.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall establish a process to define the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

"(b) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may be converted to a civilian medical or dental position if the Secretary determines that the position is not necessary to meet operational medical force readiness requirements, as determined pursuant to subsection (a).

"(c) GRADE OR LEVEL CONVERTED.—In carrying out a conversion under subsection (b), the Secretary of Defense—

"(1) shall convert the applicable military position to a civilian position with a level of compensation commensurate with the skills and experience necessary to carry out the duties of such civilian position; and

"(2) may not place any limitation on the grade or level to which the military position is so converted.

"(d) DEFINITIONS.—In this section:

"(1) The term 'military medical or dental position' means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

"(2) The term 'civilian medical or dental position' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

"(3) The term 'conversion', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).".

10 USC 971 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

"977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.".

10 USC 977 note.

(3) EFFECTIVE DATE OF CONVERSION AUTHORITY.—The Secretary of Defense may not carry out section 977(b) of title 10, United States Code, as added by paragraph (1), until the date that is 180 days after the date on which the Secretary submits the report under subsection (b).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the following:

(1) A description of the process established under section 977(a) of title 10, United States Code, as added by subsection (a), to define the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

(2) A complete list, by position, of the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

(c) CONFORMING REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

SEC. 722. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE FOR THE COAST GUARD.

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

14 USC 520.

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

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

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

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

"(b) AMOUNT.—The amount of the prospective payment under subsection (a) shall be—

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

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

"(3) determined under procedures established by the Secretary of Defense;

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

"(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

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

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

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

10 USC 461 prec.

"520. Prospective payment of funds necessary to provide medical care.".

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by section 3503, and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

10 USC 1085 note.

SEC. 723. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "(1) An" and inserting "An"; and

(2) by striking paragraph (2).

SEC. 724. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

"(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the 'University') with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

"(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

"(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.".

(b) ADMINISTRATION.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking "located in or near the District of Columbia";

(B) in the third sentence, by striking "in or near the District of Columbia"; and

(C) by striking the fifth sentence; and

(2) in subsection (e)(3), by inserting after "programs" the following: ", including certificate, certification, and undergraduate degree programs,".

(c) REPEAL OF EXPIRED PROVISION.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) CLOSURE PROHIBITED.—".

10 USC 1074 note.

SEC. 725. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided by subsection (c), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces.

(b) MEASURES.—The measures under subsection (a) shall include measures under which the Secretary ensures the following:

(1) Medical services provided through the military health system at military medical treatment facilities—

(A) maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensure the medical readiness of the Armed Forces.

(2) The authorized strengths for military and civilian personnel throughout the military health system—

(A) maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensure the medical readiness of the Armed Forces.

(3) The infrastructure in the military health system, including infrastructure of military medical treatment facilities—

(A) maintains the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensures the medical readiness of the Armed Forces.

(4) Any covered beneficiary who may be affected by the measures implemented under subsection (a) will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military medical treatment facility by reason of such measures.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a)(1) with respect to military medical treatment facilities located in a foreign country if the Secretary determines that providing medical services in addition to the medical services described in such subsection is necessary to ensure that covered beneficiaries located in that foreign country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) DEFINITIONS.—In this section:

(1) The term "clinical and logistical capabilities" means those capabilities relating to the provision of health care that are necessary to accomplish operational requirements, including—

(A) combat casualty care;

(B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

(C) diagnosis and treatment of infectious diseases;

(D) aerospace medicine;

(E) undersea medicine;

(F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

(G) diagnosis and treatment of diseases and injuries that are not related to battle; and

(H) humanitarian assistance.

(2) The terms "covered beneficiary" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

(3) The term "critical wartime medical readiness skills and core competencies" means those essential medical capabilities, including clinical and logistical capabilities, that are—

(A) necessary to be maintained by health care providers within the Armed Forces for national security purposes; and

(B) vital to the provision of effective and timely health care during contingency operations.

SEC. 726. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY MEDICAL TREATMENT FACILITIES.

10 USC 1071 note.

(a) PROGRAM.—Beginning not later than January 1, 2018, the Secretary of Defense shall implement a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military medical treatment facilities, as selected by the Secretary;

(2) to incorporate such best practices into the daily operations of military medical treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to facilities that provide specialty care; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military medical treatment facilities selected by the Secretary for purposes of the program.

(b) USE OF CLINICAL PRACTICE GUIDELINES.—In carrying out the program under subsection (a), the Secretary shall develop, implement, monitor, and update clinical practice guidelines reflecting the best practices established under paragraph (1) of such subsection.

(c) DEVELOPMENT.—In developing the clinical practice guidelines under subsection (b), the Secretary shall ensure that such development includes a baseline assessment of health care delivery and outcomes at military medical treatment facilities to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating the diseases or conditions selected by the Secretary under subsection (a)(1).

(d) IMPLEMENTATION.—The Secretary shall implement the clinical practice guidelines under subsection (b) in military medical treatment facilities selected by the Secretary under subsection (a)(2) using means determined appropriate by the Secretary, including by communicating with the relevant health care providers of the evidence upon which the guidelines are based and by providing education and training on the most appropriate implementation of the guidelines.

(e) MONITORING.—The Secretary shall monitor the implementation of the clinical practice guidelines under subsection (b) using appropriate means, including by monitoring the results in clinical outcomes based on specific metrics included as part of the guidelines.

(f) UPDATING.—The Secretary shall periodically update the clinical practice guidelines under subsection (b) based on the results of monitoring conducted under subsection (e) and by continuously assessing evidence-based best practices within the direct care component of the military health system and the private sector.

(g) CONTINUOUS CYCLE.—The Secretary shall establish a continuous cycle of carrying out subsections (c) through (f) with respect to the clinical practice guidelines established under subsection (a).

10 USC 1091 note.

SEC. 727. ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.

(a) ACQUISITION STRATEGY.—

(1) IN GENERAL.—The Secretary of Defense shall develop and carry out a performance-based, strategic sourcing acquisition strategy with respect to entering into contracts for the services of health care professional staff at military medical treatment facilities located in a State.

(2) ELEMENTS.—The acquisition strategy under paragraph (1) shall include the following:

(A) Except as provided by subparagraph (B), a requirement that all the military medical treatment facilities that provide direct care use contracts described under paragraph (1).

(B) A process for a military medical treatment facility to obtain a waiver of the requirement under subparagraph (A) in order to use an acquisition strategy not described in paragraph (1).

(C) Identification of the responsibilities of the military departments and the elements of the Department of Defense in carrying out such strategy.

(D) Projection of the demand by covered beneficiaries for health care services, including with respect to primary care and expanded-hours urgent care services.

(E) Estimation of the workload gaps at military medical treatment facilities for health care services, including with respect to primary care and expanded-hours urgent care services.

(F) Methods to analyze, using reliable and detailed data covering the entire direct care component of the military health system, the amount of funds expended on contracts for the services of health care professional staff.

(G) Methods to identify opportunities to consolidate requirements for such services and reduce cost.

(H) Methods to measure cost savings that are realized by using such contracts instead of purchased care.

(I) Metrics to determine the effectiveness of such strategy.

(J) Metrics to evaluate the success of the strategy in achieving its objectives, including metrics to assess the effects of the strategy on the timeliness of beneficiary access to professional health care services in military medical treatment facilities.

(K) Such other matters as the Secretary considers appropriate.

(b) REPORT.—Not later than July 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of implementing the acquisition strategy under paragraph (1) of subsection (a), including how each element under subparagraphs (A) through (K) of paragraph (2) of such subsection is being carried out.

(c) DEFINITIONS.—In this section:

(1) The term "covered beneficiary" has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term "State" means the several States and the District of Columbia.

(d) CONFORMING REPEAL.—Section 725 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091 note) is repealed.

SEC. 728. ADOPTION OF CORE QUALITY PERFORMANCE METRICS.

10 USC 1071 note.

(a) ADOPTION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall adopt, to the extent appropriate, the core quality performance metrics agreed upon by the Core Quality Measures Collaborative for use by the military health system and in contracts awarded to carry out the TRICARE program.

(2) CORE MEASURES.—The core quality performance metrics described in paragraph (1) shall include the following sets:

(A) Accountable care organizations, patient centered medical homes, and primary care.

(B) Cardiology.

(C) Gastroenterology.

(D) HIV and hepatitis C.

(E) Medical oncology.

(F) Obstetrics and gynecology.

(G) Orthopedics.

(H) Such other sets of core quality performance metrics released by the Core Quality Measures Collaborative as the Secretary considers appropriate.

(b) PUBLICATION.—

(1) ONLINE AVAILABILITY.—Section 1073b of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "Not later than" and all that follows through "2016, the Secretary" and inserting "The Secretary"; and

(ii) by adding at the end the following new sentence: "Such data shall include the core quality performance metrics adopted by the Secretary under section 728 of the National Defense Authorization Act for Fiscal Year 2017."; and

(B) in the section heading, by inserting "**and publication of certain data**" after "**reports**".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1073b and inserting the following:

10 USC 1071 prec.

"1073b. Recurring reports and publication of certain data.".

(c) DEFINITIONS.—In this section:

10 USC 1071 note.

(1) The term "Core Quality Measures Collaborative" means the collaboration between the Centers for Medicare & Medicaid Services, major health insurance companies, national physician organizations, and other entities to reach consensus on core performance measures reported by health care providers.

(2) The term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

10 USC 1073 note.

SEC. 729. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.

(a) MEDICAL INTERVENTION INCENTIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost-share amounts for health care services during a particular year for covered beneficiaries with chronic diseases or conditions described in paragraph (2) who met participation milestones, as determined by the Secretary, in the previous year in such medical intervention programs.

(2) CHRONIC DISEASES OR CONDITIONS DESCRIBED.—Chronic diseases or conditions described in this paragraph may include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(b) LIFESTYLE INTERVENTION INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize lifestyle interventions for covered beneficiaries, such as smoking cessation and weight reduction, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones, as determined by the Secretary, in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage.

(c) HEALTHY LIFESTYLE MAINTENANCE INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize the maintenance of a healthy lifestyle among covered beneficiaries, such as exercise and weight maintenance, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost-share amounts for health care services during a particular year for covered beneficiaries who met participation milestones, as determined by the Secretary, in the previous year with respect to the maintenance of a healthy lifestyle, such as maintaining smoking cessation or maintaining a normal body mass index.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (a), (b), and (c).

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

(A) A detailed description of the programs implemented under subsections (a), (b), and (c).

(B) An assessment of the impact of such programs on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(e) REGULATIONS.—Not later than January 1, 2018, the Secretary shall prescribe an interim final rule to carry out this section.

(f) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 730. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH SYSTEM OF CERTAIN LEADERS WITHIN THE SYSTEM.

10 USC 1071 note.

(a) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall incorporate into the annual performance review of each military and civilian leader in the military health system, as determined

by the Secretary of Defense, measures of accountability for the performance of the military health system described in subsection (b).

(b) MEASURES OF ACCOUNTABILITY FOR PERFORMANCE.—The measures of accountability for the performance of the military health system incorporated into the annual performance review of an individual pursuant to this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Access of beneficiaries to care.

(3) Improvement in health outcomes for beneficiaries.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate.

(c) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation of measures of accountability for the performance of the military health system into the annual performance reviews of individuals as required by this section.

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

(A) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health system.

(B) The identification of each leadership position in the military health system determined under subsection (a) and a description of the specific measures of accountability for performance to be incorporated into the annual performance reviews of each such position pursuant to this section.

10 USC 1071 note.

SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish, under such regulations as the Secretary may prescribe, an advisory committee for each military treatment facility.

(b) STATUS OF CERTAIN MEMBERS OF ADVISORY COMMITTEES.—A member of an advisory committee established under subsection (a) who is not a member of the Armed Forces on active duty or an employee of the Federal Government shall, with the approval of the commanding officer or director of the military treatment facility concerned, be treated as a volunteer under section 1588 of title 10, United States Code, in carrying out the duties of the member under this section.

(c) DUTIES.—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility as it relates to the experience of care for beneficiaries at such facility.

Subtitle D—Reports and Other Matters

SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND AND REPORT ON IMPLEMENTATION OF INFORMATION TECHNOLOGY CAPABILITIES.

(a) IN GENERAL.—Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) and section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking "September 30, 2017" and inserting "September 30, 2018".

(b) REPORT ON IMPLEMENTATION OF INFORMATION TECHNOLOGY CAPABILITIES.—Not later than March 30, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on plans to implement all information technology capabilities required by the executive agreement entered into under section 1701(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567) that remain unimplemented as of the date of the report.

SEC. 742. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

10 USC 1092 note.

(a) IN GENERAL.—The Secretary of Defense may conduct a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.

(b) REPORT ON PILOT PROGRAM.—

(1) IN GENERAL.—If the Secretary conducts the pilot program under this section, not later than 90 days after the date on which the Secretary completes the conduct of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

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

(A) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(B) An assessment of potential cost savings, if any, to the Department of Defense resulting from the pilot program.

(C) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(D) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

10 USC 1074g note.

SEC. 743. PILOT PROGRAM FOR PRESCRIPTION DRUG ACQUISITION COST PARITY IN THE TRICARE PHARMACY BENEFITS PROGRAM.

(a) AUTHORITY TO ESTABLISH PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate whether, in carrying out the TRICARE pharmacy benefits program under section 1074g of title 10, United States Code, extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce prescription drug costs for the Department of Defense.

(b) ELEMENTS OF PILOT PROGRAM.—In carrying out the pilot program under subsection (a), the Secretary shall require that for prescription medications, including non-generic maintenance medications, that are dispensed to TRICARE beneficiaries that are not Medicare eligible, through any TRICARE participating retail pharmacy, including small business pharmacies, manufacturers shall pay rebates such that those medications are available to the Department at the lowest rate available. In addition to utilizing the authority under section 1074g(f) of title 10, United States Code, the Secretary shall have the authority to enter into a blanket purchase agreement with prescription drug manufacturers for supplemental discounts for prescription drugs dispensed in the pilot to be paid in the form of manufacturer's rebates.

(c) CONSULTATION.—The Secretary shall develop the pilot program in consultation with—

(1) the Secretaries of the military departments;

(2) the Chief of the Pharmacy Operations Division of the Defense Health Agency; and

(3) stakeholders, including TRICARE beneficiaries and retail pharmacies.

(d) DURATION OF PILOT PROGRAM.—If the Secretary carries out the pilot program under subsection (a), the Secretary shall commence such pilot program no later than October 1, 2017, and shall terminate such program no later than September 30, 2018.

(e) REPORTS.—If the Secretary carries out the pilot program under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives reports on the pilot program as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a report containing an implementation plan for the pilot program.

(2) Not later than 180 days after the date on which the pilot program commences, an interim report on the pilot program.

(3) Not later than 90 days after the date on which the pilot program terminates, a final report describing the results of the pilot program, including—

(A) any recommendations of the Secretary to expand such program;

(B) an analysis of the changes in prescription drug costs for the Department of Defense relating to the pilot program;

(C) an analysis of the impact on beneficiary access to prescription drugs;

(D) a survey of beneficiary satisfaction with the pilot program; and

(E) a summary of any fraud and abuse activities related to the pilot and actions taken in response by the Department.

SEC. 744. PILOT PROGRAM ON DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS AND PHARMACIES OF MILITARY MEDICAL TREATMENT FACILITIES.

10 USC 1092 note.

(a) PILOT PROGRAM AUTHORIZED.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program for the display of wait times in urgent care clinics and pharmacies of military medical treatment facilities selected under subsection (b).

(b) SELECTION OF FACILITIES.—

(1) CATEGORIES.—The Secretary shall select not fewer than four military medical treatment facilities from each of the following categories to participate in the pilot program:

(A) Medical centers.

(B) Hospitals.

(C) Ambulatory care centers.

(2) OCONUS LOCATIONS.—Of the military medical treatment facilities selected under each category described in subparagraphs (A) through (C) of paragraph (1), not fewer than one shall be located outside of the continental United States.

(3) CONTRACTOR-OPERATED FACILITIES.—The Secretary may select Government-owned, contractor-operated facilities among those military medical treatment facilities selected under paragraph (1).

(c) URGENT CARE CLINICS.—

(1) PLACEMENT.—With respect to each military medical treatment facility participating in the pilot program with an urgent care clinic, the Secretary shall place in a conspicuous location at the urgent care clinic an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the Secretary shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic and ending at the time at which the patient is first seen by a qualified medical professional.

(d) PHARMACIES.—

(1) PLACEMENT.—With respect to each military medical treatment facility participating in the pilot program with a pharmacy, the Secretary shall place in a conspicuous location at the pharmacy an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the Secretary shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription for a pharmaceutical agent and ending at the time at which the pharmacy dispenses the pharmaceutical agent to the patient.

(e) DURATION.—The Secretary shall carry out the pilot program for a period that is not more than two years.

(f) REPORT.—

(1) SUBMISSION.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the pilot program.

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

(A) the costs for displaying the wait times under subsections (c) and (d);

(B) any changes in patient satisfaction;

(C) any changes in patient behavior with respect to using urgent care and pharmacy services;

(D) any changes in pharmacy operations and productivity;

(E) a cost-benefit analysis of posting such wait times; and

(F) the feasibility of expanding the posting of wait times in emergency departments in military medical treatment facilities.

(g) QUALIFIED MEDICAL PROFESSIONAL DEFINED.—In this section, the term "qualified medical professional" means a doctor of medicine, a doctor of osteopathy, a physician assistant, or an advanced registered nurse practitioner.

10 USC 1074 note.

SEC. 745. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress;

(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress; and

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities.

(b) PHARMACEUTICAL AGENT DEFINED.—In this section, the term "pharmaceutical agent" has the meaning given that term in section 1074g(g) of title 10, United States Code.

SEC. 746. DEPARTMENT OF DEFENSE STUDY ON PREVENTING THE DIVERSION OF OPIOID MEDICATIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility and effectiveness in preventing the diversion of opioid medications of the following measures:

(1) Requiring that, in appropriate cases, opioid medications be dispensed in vials using affordable technologies designed to prevent access to the medications by anyone other than the intended patient, such as a vial with a locking-cap closure mechanism.

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

(b) BRIEFING.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).

(2) ELEMENTS.—The briefing under paragraph (1) shall include an assessment of the cost effectiveness of the measures studied under subsection (a).

SEC. 747. INCORPORATION INTO SURVEY BY DEPARTMENT OF DEFENSE OF QUESTIONS ON EXPERIENCES OF MEMBERS OF THE ARMED FORCES WITH FAMILY PLANNING SERVICES AND COUNSELING.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate action to integrate into the Health Related Behavior Survey of Active Duty Military Personnel questions designed to obtain information on the experiences of members of the Armed Forces—

(1) in accessing family planning services and counseling; and

(2) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used.

SEC. 748. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.

(a) ASSESSMENT OF TRANSITION TO TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) ELEMENTS.—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).

(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on the health care experience of such family members.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) ANALYSIS OF RECOMMENDATIONS.—The report required by subparagraph (A) shall include an analysis of each recommendation for legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking "in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title".

(c) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

10 USC 1094a note.

SEC. 749. OVERSIGHT OF GRADUATE MEDICAL EDUCATION PROGRAMS OF MILITARY DEPARTMENTS.

(a) PROCESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish and implement a process to provide oversight of the graduate medical education programs of the military departments to ensure that such programs fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces. The process shall include the following:

(1) A process to review such programs to ensure, to the extent practicable, that such programs are—

(A) conducted jointly among the military departments; and

(B) focused on, and related to, operational medical force readiness requirements.

(2) A process to minimize duplicative programs relating to such programs among the military departments.

(3) A process to ensure that—

(A) assignments of faculty, support staff, and students within such programs are coordinated among the military departments; and

(B) the Secretary optimizes resources by using military medical treatment facilities as training platforms when and where most appropriate.

(4) A process to review and, if necessary, restructure or realign, such programs to sustain and improve operational medical force readiness.

(b) REPORT.—Not later than 30 days after the date on which the Secretary establishes the process under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that describes such process. The report shall include a description of each graduate medical education program of the military departments, categorized by the following:

(1) Programs that provide direct support to operational medical force readiness.

(2) Programs that provide indirect support to operational medical force readiness.

(3) Academic programs that provide other medical support.

(c) COMPTROLLER GENERAL REVIEW AND REPORT.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a review of the process established under subsection (a), including with respect to each process described in paragraphs (1) through (4) of such subsection.

(2) REPORT.—Not later than 180 days after the date on which the Secretary submits the report under subsection (b), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives the review conducted under paragraph (1), including an assessment of the elements of the process established under subsection (a).

SEC. 750. STUDY ON HEALTH OF HELICOPTER AND TILTROTOR PILOTS.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study of career helicopter and tiltrotor pilots to assess potential links between the operation of helicopter and tiltrotor aircraft and acute and chronic medical conditions experienced by such pilots.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) A study of career helicopter and tiltrotor pilots compared to a control population that—

(A) takes into account the amount of time such pilots operated aircraft;

(B) examines the severity and rates of acute and chronic injuries experienced by such pilots; and

(C) determines whether such pilots experience a higher degree of acute and chronic medical conditions than the control population.

(2) If a higher degree of acute and chronic medical conditions is observed among such pilots, an explanation of—

(A) the specific causes of the conditions (such as whole body vibration, seat and cockpit ergonomics, landing loads, hard impacts, and pilot-worn gear); and

(B) any costs associated with treating the conditions if the causes are not mitigated.

(3) A review of relevant scientific literature and prior research.

(4) Such other information as the Secretary determines to be appropriate.

(c) DURATION.—The duration of the study under subsection (a) shall be not more than two years.

(d) REPORT.—Not later than 30 days after the completion of the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study.

SEC. 751. COMPTROLLER GENERAL REPORTS ON HEALTH CARE DELIVERY AND WASTE IN MILITARY HEALTH SYSTEM.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter for four years, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the delivery of health care in the military health system, with an emphasis on identifying potential waste and inefficiency.

(b) ELEMENTS.—

(1) IN GENERAL.—The reports submitted under subsection (a) shall, within the direct and purchased care components of the military health system, evaluate the following:

(A) Processes for ensuring that health care providers adhere to clinical practice guidelines.

(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) ADDITIONAL INFORMATION.—The reports submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including eliminating waste and inefficiency in the direct and purchased care components of the military health system.

(c) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meaning given those terms in section 1072 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Subtitle B—Department of Defense Acquisition Agility

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Subtitle A—Acquisition Policy and Management

SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.

Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking "; and" and inserting "; or"; and

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

"(C) developed or procured under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); and";

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

"(3) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).."; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by striking "Whenever the Secretary" and inserting "(i) Except as provided under clause (ii), whenever the Secretary"; and

(ii) by adding at the end the following new clause:

"(ii) Clause (i) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) if the designated

official for acquisitions using such pathways is the service acquisition executive.";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) based on a compelling national security need," after "of paragraph (1),";

(ii) in subparagraph (B)—

(I) by striking "The authority" and inserting "Except as provided under subparagraph (C), the authority";

(II) in clause (ii), by striking "; and" and inserting a semicolon;

(III) in clause (iii), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following new clause:

"(iv) in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), in an amount not more than $200,000,000 during any fiscal year."; and

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

"(C) For each of fiscal years 2017 and 2018, the limits set forth in clauses (i) and (ii) of subparagraph (B) do not apply to the exercise of authority under such clauses provided that the total amount of supplies and associated support services acquired as provided under such subparagraph does not exceed $800,000,000 during such fiscal year.";

(C) in paragraph (4)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(ii) by inserting after subparagraph (B) the following new subparagraph:

"(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds."; and

(D) in paragraph (5)—

(i) by striking "Any acquisition" and inserting "(A) Any acquisition"; and

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

"(B) Subparagraph (A) does not apply to acquisitions initiated in the case of a determination by the Secretary that

funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).".

SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.

(a) ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.".

(b) ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: "In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.".

(c) ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: "In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.".

SEC. 803. MODERNIZATION OF SERVICES ACQUISITION.

10 USC 2330 note.

(a) REVIEW OF SERVICES ACQUISITION CATEGORIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and, if necessary, revise Department of Defense Instruction 5000.74, dated January 5, 2016 (in this section referred to as the "Acquisition of Services Instruction"), and other guidance pertaining to the acquisition of services. In conducting the review, the Secretary shall examine—

(1) how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services; and

(2) the services acquisition portfolio groups referenced in the Acquisition of Services Instruction and other guidance in order to ensure the portfolio groups are fully reflective of changes to the technology and professional services market.

10 USC 1741 note.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance addressing the training and development of the Department of Defense workforce engaged in the procurement of services, including those personnel not designated as members of the acquisition workforce.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not

limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—Any training and professional development provided pursuant to this subsection outside Department of Defense institutions shall be deemed to be equivalent to similar training certified or provided by the Defense Acquisition University.

SEC. 804. DEFENSE MODERNIZATION ACCOUNT AMENDMENTS.

(a) FUNDS AVAILABLE FOR ACCOUNT.—Section 2216(b)(1) of title 10, United States Code, is amended by striking "commencing".

(b) TRANSFERS TO ACCOUNT.—Section 2216(c) of such title is amended—

(1) in paragraph (1)(A)—

(A) by striking "or the Secretary of Defense with respect to Defense-wide appropriations accounts" and inserting ", or the Secretary of Defense with respect to Defense-wide appropriations accounts,"; and

(B) by striking "that Secretary" and inserting "the Secretary concerned";

(2) in paragraph (1)(B)—

(A) by inserting after "following funds" the following: "that have been appropriated for fiscal years after fiscal year 2016 and are";

(B) in clause (i)—

(i) by striking "for procurement" and inserting "for new obligations";

(ii) by striking "a particular procurement" and inserting "an acquisition program"; and

(iii) by striking "that procurement" and inserting "that program";

(C) by striking clause (ii); and

(D) by redesignating clause (iii) as clause (ii);

(3) in paragraph (2)—

(A) by striking ", other than funds referred to in subparagraph (B)(iii) of such paragraph,"; and

(B) by striking "if—" and all that follows through "(B) the balance of funds" and inserting "if the balance of funds";

(4) in paragraph (3)—

(A) by striking "credited to" both places it appears and inserting "deposited in"; and

(B) by inserting "and obligation" after "available for transfer"; and

(5) by striking paragraph (4).

(c) AUTHORIZED USE OF FUNDS.—Section 2216(d) of such title is amended—

(1) in paragraph (1)—

(A) by striking "commencing"; and

(B) by striking "Secretary of Defense" and inserting "Secretary concerned";

(2) in paragraph (2), by striking "a procurement program" and inserting "an acquisition program";

(3) by amending paragraph (3) to read as follows:

"(3) For research, development, test, and evaluation, for procurement, and for sustainment activities necessary for paying costs of unforeseen contingencies that are approved

by the milestone decision authority concerned, that could prevent an ongoing acquisition program from meeting critical schedule or performance requirements."; and

(4) by inserting at the end the following new paragraph:

"(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.".

(d) LIMITATIONS.—Section 2216(e) of such title is amended—

(1) in paragraph (1), by striking "procurement program" both places it appears and inserting "acquisition program"; and

(2) in paragraph (2), by striking "authorized appropriations" and inserting "authorized appropriations, unless the procedures for initiating a new start program are complied with".

(e) TRANSFER OF FUNDS.—Section 2216(f)(1) of such title is amended by striking "Secretary of Defense" and inserting "Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts,".

(f) AVAILABILITY OF FUNDS BY APPROPRIATION.—Section 2216(g) of such title is amended—

(1) by striking "in accordance with the provisions of appropriations Acts"; and

(2) by adding at the end the following: "Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.".

(g) SECRETARY TO ACT THROUGH COMPTROLLER.—Section 2216(h)(2) of such title is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the establishment and management of subaccounts for each of the military departments and Defense Agencies concerned for the use of funds in the Defense Modernization Account, consistent with each military department's or Defense Agency's deposits in the Account;";

(3) in subparagraph (C), as so redesignated, by inserting "and subaccounts" after "Account"; and

(4) in subparagraph (D), as so redesignated, by striking "subsection (c)(1)(B)(iii)" and inserting "subsection (c)(1)(B)(ii)".

(h) DEFINITIONS.—Paragraph (1) of section 2216(i) of such title is amended to read as follows:

"(1) The term 'major defense acquisition program' has the meaning given the term in section 2430(a) of this title.".

(j) EXPIRATION OF AUTHORITY.—Section 2216(j)(1) of such title is amended by striking "terminates at the close of September 30, 2006" and inserting "terminates at the close of September 30, 2022".

Subtitle B—Department of Defense Acquisition Agility

SEC. 805. MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF MAJOR WEAPON SYSTEMS.

(a) MODULAR OPEN SYSTEM APPROACH.—

(1) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144A the following new chapter:

10 USC 2446a prec.

"CHAPTER 144B—WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS

10 USC 2446a prec.

"SUBCHAPTER I—MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF WEAPON SYSTEMS

10 USC 2446a.

"§ 2446a. Requirement for modular open system approach in major defense acquisition programs; definitions

"(a) MODULAR OPEN SYSTEM APPROACH REQUIREMENT.—A major defense acquisition program that receives Milestone A or Milestone B approval after January 1, 2019, shall be designed and developed, to the maximum extent practicable, with a modular open system approach to enable incremental development and enhance competition, innovation, and interoperability.

"(b) DEFINITIONS.—In this chapter:

"(1) The term 'modular open system approach' means, with respect to a major defense acquisition program, an integrated business and technical strategy that—

"(A) employs a modular design that uses major system interfaces between a major system platform and a major system component, between major system components, or between major system platforms;

"(B) is subjected to verification to ensure major system interfaces comply with, if available and suitable, widely supported and consensus-based standards;

"(C) uses a system architecture that allows severable major system components at the appropriate level to be incrementally added, removed, or replaced throughout the life cycle of a major system platform to afford opportunities for enhanced competition and innovation while yielding—

"(i) significant cost savings or avoidance;

"(ii) schedule reduction;

"(iii) opportunities for technical upgrades;

"(iv) increased interoperability, including system of systems interoperability and mission integration; or

"(v) other benefits during the sustainment phase of a major weapon system; and

"(D) complies with the technical data rights set forth in section 2320 of this title.

"(2) The term 'major system platform' means the highest level structure of a major weapon system that is not physically mounted or installed onto a higher level structure and on which a major system component can be physically mounted or installed.

"(3) The term 'major system component'—

"(A) means a high level subsystem or assembly, including hardware, software, or an integrated assembly of both, that can be mounted or installed on a major system platform through well-defined major system interfaces; and

"(B) includes a subsystem or assembly that is likely to have additional capability requirements, is likely to change because of evolving technology or threat, is needed for interoperability, facilitates incremental deployment of capabilities, or is expected to be replaced by another major system component.

"(4) The term 'major system interface'—

"(A) means a shared boundary between a major system platform and a major system component, between major system components, or between major system platforms, defined by various physical, logical, and functional characteristics, such as electrical, mechanical, fluidic, optical, radio frequency, data, networking, or software elements; and

"(B) is characterized clearly in terms of form, function, and the content that flows across the interface in order to enable technological innovation, incremental improvements, integration, and interoperability.

"(5) The term 'program capability document' means, with respect to a major defense acquisition program, a document that specifies capability requirements for the program, such as a capability development document or a capability production document.

"(6) The terms 'program cost targets' and 'fielding target' have the meanings provided in section 2448a(a) of this title.

"(7) The term 'major defense acquisition program' has the meaning provided in section 2430 of this title.

"(8) The term 'major weapon system' has the meaning provided in section 2379(f) of this title.

"§ 2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design

10 USC 2446b.

"(a) PROGRAM CAPABILITY DOCUMENT.—A program capability document for a major defense acquisition program shall identify and characterize—

"(1) the extent to which requirements for system performance are likely to evolve during the life cycle of the system

because of evolving technology, threat, or interoperability needs; and

"(2) for requirements that are expected to evolve, the minimum acceptable capability that is necessary for initial operating capability of the major defense acquisition program.

"(b) ANALYSIS OF ALTERNATIVES.—The Director of Cost Assessment and Performance Evaluation, in formulating study guidance for analyses of alternatives for major defense acquisition programs and performing such analyses under section 139a(d)(4) of this title, shall ensure that any such analysis for a major defense acquisition program includes consideration of evolutionary acquisition, prototyping, and a modular open system approach.

"(c) ACQUISITION STRATEGY.—In the case of a major defense acquisition program that uses a modular open system approach, the acquisition strategy required under section 2431a of this title shall—

"(1) clearly describe the modular open system approach to be used for the program;

"(2) differentiate between the major system platform and major system components being developed under the program, as well as major system components developed outside the program that will be integrated into the major defense acquisition program;

"(3) clearly describe the evolution of major system components that are anticipated to be added, removed, or replaced in subsequent increments;

"(4) identify additional major system components that may be added later in the life cycle of the major system platform;

"(5) clearly describe how intellectual property and related issues, such as technical data deliverables, that are necessary to support a modular open system approach, will be addressed; and

"(6) clearly describe the approach to systems integration and systems-level configuration management to ensure mission and information assurance.

"(d) REQUEST FOR PROPOSALS.—The milestone decision authority for a major defense acquisition program that uses a modular open system approach shall ensure that a request for proposals for the development or production phases of the program shall describe the modular open system approach and the minimum set of major system components that must be included in the design of the major defense acquisition program.

"(e) MILESTONE B.—A major defense acquisition program may not receive Milestone B approval under section 2366b of this title until the milestone decision authority determines in writing that—

"(1) in the case of a program that uses a modular open system approach—

"(A) the program incorporates clearly defined major system interfaces between the major system platform and major system components, between major system components, and between major system platforms;

"(B) such major system interfaces are consistent with the widely supported and consensus-based standards that exist at the time of the milestone decision, unless such standards are unavailable or unsuitable for particular major system interfaces; and

"(C) the Government has arranged to obtain appropriate and necessary intellectual property rights with respect to such major system interfaces upon completion of the development of the major system platform; or

"(2) in the case of a program that does not use a modular open system approach, that the use of a modular open system approach is not practicable.

"§ 2446c. Requirements relating to availability of major system interfaces and support for modular open system approach

10 USC 2446c.

"The Secretary of each military department shall—

"(1) coordinate with the other military departments, the defense agencies, defense and other private sector entities, national standards-setting organizations, and, when appropriate, with elements of the intelligence community with respect to the specification, identification, development, and maintenance of major system interfaces and standards for use in major system platforms, where practicable;

"(2) ensure that major system interfaces incorporate commercial standards and other widely supported consensus-based standards that are validated, published, and maintained by recognized standards organizations to the maximum extent practicable;

"(3) ensure that sufficient systems engineering and development expertise and resources are available to support the use of a modular open system approach in requirements development and acquisition program planning;

"(4) ensure that necessary planning, programming, and budgeting resources are provided to specify, identify, develop, and sustain the modular open system approach, associated major system interfaces, systems integration, and any additional program activities necessary to sustain innovation and interoperability; and

"(5) ensure that adequate training in the use of a modular open system approach is provided to members of the requirements and acquisition workforce.".

(2) CLERICAL AMENDMENT.—The table of chapters for title 10, United States Code, is amended by adding after the item relating to chapter 144A the following new item:

10 USC 101 prec., 2201 prec.

"144B. Weapon Systems Development and Related Matters .....2446a".

(3) CONFORMING AMENDMENT.—Section 2366b(a)(3) of such title is amended—

(A) by striking "and" at the end of subparagraph (K); and

(B) by inserting after subparagraph (L) the following new subparagraph:

"(M) the requirements of section 2446b(e) of this title are met; and".

(4) EFFECTIVE DATE.—Subchapter I of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.

10 USC 2446a note.

(b) REQUIREMENT TO INCLUDE MODULAR OPEN SYSTEM APPROACH IN SELECTED ACQUISITION REPORTS.—Section 2432(c)(1) of such title is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) for each major defense acquisition program that receives Milestone B approval after January 1, 2019, a brief summary description of the key elements of the modular open system approach as defined in section 2446a of this title or, if a modular open system approach was not used, the rationale for not using such an approach; and".

SEC. 806. DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY.

(a) DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY.—

(1) IN GENERAL.—Chapter 144B of title 10, United States Code, as added by section 805, is further amended by adding at the end the following new subchapter:

10 USC 2447a prec.

"SUBCHAPTER II—DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY

"Sec.
"2447a. Weapon system component or technology prototype projects: display of budget information.
"2447b. Weapon system component or technology prototype projects: oversight.
"2447c. Requirements and limitations for weapon system component or technology prototype projects.
"2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes.
"2447e. Definition of weapon system component.

10 USC 2447a.

"§ 2447a. Weapon system component or technology prototype projects: display of budget information

"(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the defense budget materials for any fiscal year after fiscal year 2017, the Secretary of Defense shall, with respect to advanced component development and prototype activities (within the research, development, test, and evaluation budget), set forth the amounts requested for each of the following:

"(1) Acquisition programs of record.

"(2) Development, prototyping, and experimentation of weapon system components or other technologies, including those based on commercial items and technologies, separate from acquisition programs of record.

"(3) Other budget line items as determined by the Secretary of Defense.

"(b) ADDITIONAL REQUIREMENTS.—For purposes of subsection (a)(2), the amounts requested for development, prototyping, and experimentation of weapon system components or other technologies shall be—

"(1) structured into either capability, weapon system component, or technology portfolios that reflect the priority areas for prototype projects; and

"(2) justified with general descriptions of the types of capability areas and technologies being funded or expected to be funded during the fiscal year concerned.

"(c) DEFINITIONS.—In this section, the terms 'budget' and 'defense budget materials' have the meaning given those terms in section 234 of this title.

"§ 2447b. Weapon system component or technology prototype projects: oversight

10 USC 2447b.

"(a) ESTABLISHMENT.—The Secretary of each military department shall establish an oversight board or identify a similar existing group of senior advisors for managing prototype projects for weapon system components and other technologies and subsystems, including the use of funds for such projects, within the military department concerned.

"(b) MEMBERSHIP.—Each oversight board shall be comprised of senior officials with—

"(1) expertise in requirements; research, development, test, and evaluation; acquisition; sustainment; or other relevant areas within the military department concerned;

"(2) awareness of technology development activities and opportunities in the Department of Defense, industry, and other sources; and

"(3) awareness of the component capability requirements of major weapon systems, including scheduling and fielding goals for such component capabilities.

"(c) FUNCTIONS.—The functions of each oversight board are as follows:

"(1) To issue a strategic plan every three years that prioritizes the capability and weapon system component portfolio areas for conducting prototype projects, based on assessments of—

"(A) high priority warfighter needs;

"(B) capability gaps or readiness issues with major weapon systems;

"(C) opportunities to incrementally integrate new components into major weapon systems based on commercial technology or science and technology efforts that are expected to be sufficiently mature to prototype within three years; and

"(D) opportunities to reduce operation and support costs of major weapon systems.

"(2) To annually recommend funding levels for weapon system component or technology development and prototype projects across capability or weapon system component portfolios.

"(3) To annually recommend to the service acquisition executive of the military department concerned specific weapon system component or technology development and prototype projects, subject to the requirements and limitations in section 2447c of this title.

"(4) To ensure projects are managed by experts within the Department of Defense who are knowledgeable in research, development, test, and evaluation and who are aware of opportunities for incremental deployment of component capabilities and other technologies to major weapon systems or directly to support warfighting capabilities.

"(5) To ensure projects are conducted in a manner that allows for appropriate experimentation and technology risk.

"(6) To ensure projects have a plan for technology transition of the prototype into a fielded system, program of record, or operational use, as appropriate, upon successful achievement of technical and project goals.

"(7) To ensure necessary technical, contracting, and financial management resources are available to support each project.

"(8) To submit to the congressional defense committees a semiannual notification that includes the following:

"(A) each weapon system component or technology prototype project initiated during the preceding six months, including an explanation of each project and its required funding.

"(B) the results achieved from weapon system component prototype and technology projects completed and tested during the preceding six months.

10 USC 2447c.

"§ 2447c. Requirements and limitations for weapon system component or technology prototype projects

"(a) LIMITATION ON PROTOTYPE PROJECT DURATION.—A prototype project shall be completed within two years of its initiation.

"(b) MERIT-BASED SELECTION PROCESS.—A prototype project shall be selected by the service acquisition executive of the military department concerned through a merit-based selection process that identifies the most promising, innovative, and cost-effective prototypes that address one or more of the elements set forth in subsection (c)(1) of section 2447b of this title and are expected to be successfully demonstrated in a relevant environment.

"(c) TYPE OF TRANSACTION.—Prototype projects shall be funded through contracts, cooperative agreements, or other transactions.

"(d) FUNDING LIMIT.—(1) Each prototype project may not exceed a total amount of $10,000,000 (based on fiscal year 2017 constant dollars), unless—

"(A) the Secretary of the military department, or the Secretary's designee, approves a larger amount of funding for the project, not to exceed $50,000,000; and

"(B) the Secretary, or the Secretary's designee, submits to the congressional defense committees, within 30 days after approval of such funding for the project, a notification that includes—

"(i) the project;

"(ii) expected funding for the project; and

"(iii) a statement of the anticipated outcome of the project.

"(2) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in paragraph (1) on the basis of Department of Defense escalation rates.

"(e) RELATED PROTOTYPE AUTHORITIES.—Prototype projects that exceed the duration and funding limits established in this section shall be pursued under the rapid prototyping process established by section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note). In addition, nothing in this subchapter shall affect the authority to carry out prototype projects under section 2371b or any other section of this title related to prototyping.

"§ 2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes

10 USC 2447d.

"(a) SELECTION OF PROTOTYPE PROJECT FOR PRODUCTION AND RAPID FIELDING.—A weapon system component or technology prototype project may be selected by the service acquisition executive of the military department concerned for a follow-on production contract or other transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of this title, if—

"(1) the follow-on production project addresses a high priority warfighter need or reduces the costs of a weapon system;

"(2) competitive procedures were used for the selection of parties for participation in the original prototype project;

"(3) the participants in the original prototype project successfully completed the requirements of the project; and

"(4) a prototype of the system to be procured was demonstrated in a relevant environment.

"(b) SPECIAL TRANSFER AUTHORITY.—(1) The Secretary of a military department may, as specified in advance by appropriations Acts, transfer funds that remain available for obligation in procurement appropriation accounts of the military department to fund the low-rate initial production of the rapid fielding project until required funding for full-rate production can be submitted and approved through the regular budget process of the Department of Defense.

"(2) The funds transferred under this subsection to fund the low-rate initial production of a rapid fielding project shall be for a period not to exceed two years, the amount for such period may not exceed $50,000,000, and the special transfer authority provided in this subsection may not be used more than once to fund procurement of a particular new or upgraded system.

"(3) The special transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

"(c) NOTIFICATION TO CONGRESS.—Within 30 days after the service acquisition executive of a military department selects a weapon system component or technology project for a follow-on production contract or other transaction, the service acquisition executive shall notify the congressional defense committees of the selection and provide a brief description of the rapid fielding project.

"§ 2447e. Definition of weapon system component

10 USC 2447e.

"In this subchapter, the term 'weapon system component' has the meaning given the term 'major system component' in section 2446a of this title.".

(2) EFFECTIVE DATE.—Subchapter II of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.

10 USC 2447a note.

(b) ADDITION TO REQUIREMENTS NEEDED BEFORE MILESTONE A APPROVAL.—Section 2366a(b) of such title is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph (8):

"(8) that, with respect to a program initiated after January 1, 2019, technology shall be developed in the program (after

Milestone A approval) only if the milestone decision authority determines with a high degree of confidence that such development will not delay the fielding target of the program, or, if the milestone decision authority does not make such determination for a major system component being developed under the program, the milestone decision authority ensures that the technology related to the major system component shall be sufficiently matured and demonstrated in a relevant environment (after Milestone A approval) separate from the program using the prototyping authorities in subchapter II of chapter 144B of this title or other authorities, as appropriate, and have an effective plan for adoption or insertion by the relevant program; and".

SEC. 807. COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS.—

10 USC 2448a prec.

(1) IN GENERAL.—Chapter 144B of title 10, United States Code, as added by section 805, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS

"Sec.
"2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs.
"2448b. Independent technical risk assessments.

10 USC 2448a.

"§ 2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs

"(a) PROGRAM COST AND FIELDING TARGETS.—(1) Before funds are obligated for technology development, systems development, or production of a major defense acquisition program, the Secretary of Defense shall ensure, by establishing the goals described in paragraph (2), that the milestone decision authority for the major defense acquisition program approves a program that will—

"(A) be affordable;

"(B) incorporate program planning that anticipates the evolution of capabilities to meet changing threats, technology insertion, and interoperability; and

"(C) be fielded when needed.

"(2) The goals described in this paragraph are goals for—

"(A) the procurement unit cost and sustainment cost (referred to in this section as the 'program cost targets');

"(B) the date for initial operational capability (referred to in this section as the 'fielding target'); and

"(C) technology maturation, prototyping, and a modular open system approach to evolve system capabilities and improve interoperability.

"(b) DELEGATION.—The responsibilities of the Secretary of Defense in subsection (a) may be delegated only to the Deputy Secretary of Defense.

"(c) DEFINITIONS.—In this section:

"(1) The term 'procurement unit cost' has the meaning provided in section 2432(a)(2) of this title.

"(2) The term 'initial capabilities document' has the meaning provided in section 2366a(d)(2) of this title.

"§ 2448b. Independent technical risk assessments 10 USC 2448b.

"(a) IN GENERAL.—With respect to a major defense acquisition program, the Secretary of Defense shall ensure that an independent technical risk assessment is conducted—

"(1) before any decision to grant Milestone A approval for the program pursuant to section 2366a of this title, that identifies critical technologies and manufacturing processes that need to be matured; and

"(2) before any decision to grant Milestone B approval for the program pursuant to section 2366b of this title, any decision to enter into low-rate initial production or full-rate production, or at any other time considered appropriate by the Secretary, that includes the identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

"(b) CATEGORIZATION OF TECHNICAL RISK LEVELS.—The Secretary shall issue guidance and a framework for categorizing the degree of technical and manufacturing risk in a major defense acquisition program.".

(2) EFFECTIVE DATE.—Subchapter III of chapter 144B of title 10, United States Code, as added by paragraph (1), shall apply with respect to major defense acquisition programs that reach Milestone A after October 1, 2017. 10 USC 2448a note.

(b) MODIFICATION OF MILESTONE DECISION AUTHORITY.—Effective January 1, 2017, subsection (d) of section 2430 of title 10, United States Code, as added by section 825(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 907), is amended— 10 USC 2430 note.

(1) in paragraph (2)(A), by inserting "subject to paragraph (5)," before "the Secretary determines"; and

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

"(5) The authority of the Secretary of Defense to designate an alternative milestone decision authority for a program with respect to which the Secretary determines that the program is addressing a joint requirement, as set forth in paragraph (2)(A), shall apply only for a major defense acquisition program that reaches Milestone A after October 1, 2016, and before October 1, 2019.".

(c) ADHERENCE TO REQUIREMENTS IN MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2547 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

"(b) ADHERENCE TO REQUIREMENTS IN MAJOR DEFENSE ACQUISITION PROGRAMS.—The Secretary of the military department concerned shall ensure that the program capability document supporting a Milestone B or subsequent decision for a major defense acquisition program may not be approved until the chief of the armed force concerned determines in writing that the requirements in the document are necessary and realistic in relation to the program cost and fielding targets established under section 2448a(a) of this title."; and

(3) by adding at the end of subsection (d), as so redesignated, the following new paragraph:

"(3) The term 'program capability document' has the meaning provided in section 2446a(b)(5) of this title.".

(d) AMENDMENT RELATING TO DETERMINATION REQUIRED BEFORE MILESTONE A APPROVAL.—Section 2366a(b)(4) of title 10, United States Code, is amended by inserting after "areas of risk" the following: ", including risks determined by the identification of critical technologies required under section 2448b(a)(1) of this title or any other risk assessment".

(e) AMENDMENT RELATING TO CERTIFICATION REQUIRED BEFORE MILESTONE B APPROVAL.—Section 2366b(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "assessment by the Assistant Secretary" and all that follows through "Test and Evaluation" and inserting "technical risk assessment conducted under section 2448b of this title"; and

(2) in paragraph (3), as amended by section 805(a)(3)(B)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraphs (D) through (M) as subparagraphs (E) through (N), respectively; and

(C) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) the estimated procurement unit cost for the program and the estimated date for initial operational capability for the baseline description for the program (established under section 2435) do not exceed the program cost and fielding targets established under section 2448a(a) of this title, or, if such estimated cost is higher than the program cost targets or if such estimated date is later than the fielding target, the program cost targets have been increased or the fielding target has been delayed by the Secretary of Defense after a request for such increase or delay by the milestone decision authority;".

SEC. 808. TRANSPARENCY IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) MILESTONE A REPORT.—

(1) IN GENERAL.—Section 2366a(c) of title 10, United States Code, is amended to read as follows:

"(c) SUBMISSIONS TO CONGRESS ON MILESTONE A.—

"(1) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone A approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following elements:

"(A) The program cost and fielding targets established by the Secretary of Defense under section 2448a(a) of this title.

"(B) The estimated cost and schedule for the program established by the military department concerned, including—

"(i) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and

"(ii) the planned dates for each program milestone and initial operational capability.

"(C) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

"(i) as assessment of the major contributors to the program acquisition unit cost and total life-cycle cost; and

"(ii) the planned dates for each program milestone and initial operational capability.

"(D) A summary of the technical or manufacturing risks associated with the program, as determined by the military department concerned, including identification of any critical technologies or manufacturing processes that need to be matured.

"(E) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies or manufacturing processes that need to be matured.

"(F) A summary of any sufficiency review conducted by the Director of Cost Assessment and Program Evaluation of the analysis of alternatives performed for the program (as referred to in section 2366a(b)(6) of this title).

"(G) Any other information the milestone decision authority considers relevant.

"(2) ADDITIONAL INFORMATION.—(A) At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee an explanation of the basis for a determination made under subsection (b) with respect to a major defense acquisition program, together with a copy of the written determination, or further information or underlying documentation for the information in a brief summary report submitted under paragraph (1), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that paragraph.

"(B) The explanation or information shall be submitted in unclassified form, but may include a classified annex.".

(2) DEFINITIONS.—Section 2366a(d) of such title is amended by adding at the end the following new paragraphs:

"(8) The term 'fielding target' has the meaning given that term in section 2448a(a) of this title.

"(9) The term 'major system component' has the meaning given that term in section 2446a(b)(3) of this title.

"(10) The term 'congressional intelligence committees' has the meaning given that term in section 437(c) of this title.".

(b) MILESTONE B REPORT.—

(1) IN GENERAL.—Section 2366b(c) of title 10, United States Code, is amended to read as follows:

"(c) SUBMISSIONS TO CONGRESS ON MILESTONE B.—

"(1) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone B approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the

case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following elements:

"(A) The program cost and fielding targets established by the Secretary of Defense under section 2448a(a) of this title.

"(B) The estimated cost and schedule for the program established by the military department concerned, including—

"(i) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

"(ii) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

"(C) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

"(i) the dollar values and ranges estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

"(ii) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

"(D) A summary of the technical and manufacturing risks associated with the program, as determined by the military department concerned, including identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

"(E) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

"(F) A statement of whether a modular open system approach is being used for the program.

"(G) Any other information the milestone decision authority considers relevant.

"(2) CERTIFICATIONS AND DETERMINATIONS.—(A) The certifications and determination under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

"(B) The milestone decision authority shall retain records of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a).

"(3) ADDITIONAL INFORMATION.—(A) At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee an explanation of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a) with respect to a major defense acquisition program or further information or underlying documentation

for the information in a brief summary report submitted under paragraph (1), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that paragraph.

"(B) The explanation or information shall be submitted in unclassified form, but may include a classified annex.".

(2) DEFINITIONS.—Section 2366b(g) of such title is amended by adding at the end the following new paragraphs:

"(6) The term 'fielding target' has the meaning given that term in section 2448a(a) of this title.

"(7) The term 'major system component' has the meaning given that term in section 2446a(b)(3) of this title.

"(8) The term 'congressional intelligence committees' has the meaning given that term in section 437(c) of this title.".

(c) MILESTONE C REPORT.—

(1) IN GENERAL.—Chapter 139 of such title is amended by inserting after section 2366b the following new section:

"§ 2366c. Major defense acquisition programs: submissions to Congress on Milestone C

10 USC 2366c.

"(a) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone C approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following:

"(1) The estimated cost and schedule for the program established by the military department concerned, including—

"(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

"(B) the planned dates for initial operational test and evaluation and initial operational capability.

"(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

"(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

"(B) the planned dates for initial operational test and evaluation and initial operational capability.

"(3) A summary of any production, manufacturing, and fielding risks associated with the program.

"(b) ADDITIONAL INFORMATION.—At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee further information or underlying documentation for the information in a brief summary report submitted under subsection (a), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that subsection.

"(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'congressional intelligence committees' has the meaning given that term in section 437(c) of this title.".

10 USC 2351 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366b the following new item:

"2366c. Major defense acquisition programs: submissions to Congress on Milestone C.".

SEC. 809. AMENDMENTS RELATING TO TECHNICAL DATA RIGHTS.

(a) RIGHTS RELATING TO ITEM OR PROCESS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.—Subsection (a)(2)(C)(iii) of section 2320 of title 10, United States Code, is amended by inserting after "or process data" the following: ", including such data pertaining to a major system component".

(b) RIGHTS RELATING TO INTERFACE OR MAJOR SYSTEM INTERFACE.—Subsection (a)(2) of section 2320 of such title is further amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (H) and (I), respectively;

(2) in subparagraph (B), by striking "Except as provided in subparagraphs (C) and (D)," and inserting "Except as provided in subparagraphs (C), (D), and (G),";

(3) in subparagraph (D)(i)(II), by striking "is necessary" and inserting "is a release, disclosure, or use of technical data pertaining to an interface between an item or process and other items or processes necessary";

(4) in subparagraph (E)—

(A) by striking "In the case" and inserting "Except as provided in subparagraphs (F) and (G), in the case"; and

(B) by striking "negotiations). The United States shall have" and all that follows through "such negotiated rights shall" and inserting the following: "negotiations) and shall be based on negotiations between the United States and the contractor, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiations would not be practicable. The establishment of such rights shall"; and

(5) by inserting after subparagraph (E) the following new subparagraphs (F) and (G):

"(F) INTERFACES DEVELOPED WITH MIXED FUNDING.—Notwithstanding subparagraph (E), the United States shall have government purpose rights in technical data pertaining to an interface between an item or process and other items or processes that was developed in part with Federal funds and in part at private expense, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiation of different rights in such technical data would be in the best interest of the United States.

"(G) MAJOR SYSTEM INTERFACES DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE OR WITH MIXED FUNDING.—Notwithstanding subparagraphs (B) and (E), the United States shall have government purpose rights in technical data pertaining to a major system interface developed exclusively at private expense or in part with Federal funds and in part at private expense and used in a modular open system approach pursuant to section 2446a of this title, except in any case in which

the Secretary of Defense determines that negotiation of different rights in such technical data would be in the best interest of the United States. Such major system interface shall be identified in the contract solicitation and the contract. For technical data pertaining to a major system interface developed exclusively at private expense for which the United States asserts government purpose rights, the Secretary of Defense shall negotiate with the contractor the appropriate and reasonable compensation for such technical data.".

(c) AMENDMENT RELATING TO DEFERRED ORDERING.—Subsection (b)(9) of section 2320 of such title is amended—

(1) by striking "at any time" and inserting ", until the date occurring six years after acceptance of the last item (other than technical data) under a contract or the date of contract termination, whichever is later,";

(2) by striking "or utilized in the performance of a contract" and inserting "in the performance of the contract"; and

(3) by striking clause (ii) of subparagraph (B) and inserting the following:

"(ii) is described in subparagraphs (D)(i)(II), (F), and (G) of subsection (a)(2); and".

(d) DEFINITIONS.—Section 2320 of such title is further amended—

(1) in subsection (f), by inserting "COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—" before "In this section"; and

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

"(g) ADDITIONAL DEFINITIONS.—In this section, the terms 'major system component', 'major system interface', and 'modular open system approach' have the meanings provided in section 2446a of this title.".

(e) AMENDMENTS TO ADD CERTAIN HEADINGS FOR READABILITY.—Section 2320(a) of such title is further amended—

(1) in subparagraph (A) of paragraph (2), by inserting after "(A)" the following: "DEVELOPMENT EXCLUSIVELY WITH FEDERAL FUNDS.—";

(2) in subparagraph (B) of such paragraph, by inserting after "(B)" the following: "DEVELOPMENT EXCLUSIVELY AT PRIVATE EXPENSE.—";

(3) in subparagraph (C) of such paragraph, by inserting after "(C)" the following: "EXCEPTION TO SUBPARAGRAPH (B).—";

(4) in subparagraph (D) of such paragraph, by inserting after "(D)" the following: "EXCEPTION TO SUBPARAGRAPH (B).—"; and

(5) in subparagraph (E) of such paragraph, by inserting after "(E)" the following: "DEVELOPMENT WITH MIXED FUNDING.—".

(f) GOVERNMENT-INDUSTRY ADVISORY PANEL AMENDMENTS.—Section 813(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 892) is amended—

(1) by adding at the end of paragraph (1) the following: "The panel shall develop recommendations for changes to sections 2320 and 2321 of title 10, United States Code, and the regulations implementing such sections.";

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

"(D) Ensuring that the Department of Defense and Department of Defense contractors have the technical data rights necessary to support the modular open system approach requirement set forth in section 2446a of title 10, United States Code, taking into consideration the distinct characteristics of major system platforms, major system interfaces, and major system components developed exclusively with Federal funds, exclusively at private expense, and with a combination of Federal funds and private expense."; and

(3) by amending paragraph (4) to read as follows:

"(4) FINAL REPORT.—Not later than February 1, 2017, the advisory panel shall submit its final report and recommendations to the Secretary of Defense and the congressional defense committees. Not later than 60 days after receiving the report, the Secretary shall submit any comments or recommendations to the congressional defense committees.".

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(B) by inserting "(1)" before "The head"; and

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

"(2) If a contractor submits a qualifying proposal to definitize an undefinitized contractual action and the contracting officer for such action definitizes the contract after the end of the 180-day period beginning on the date on which the contractor submitted the qualifying proposal, the head of the agency concerned shall ensure that the profit allowed on the contract accurately reflects the cost risk of the contractor as such risk existed on the date the contractor submitted the qualifying proposal.";

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

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

"(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90 days without a written determination by the Secretary of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable) that it is in the best interests of the military department, the Defense Agency, the combatant command, or the Department of Defense, respectively, to continue the action.

"(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense

may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

"(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4)."; and

(4) in subsection (i), as redesignated by paragraph (2)—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2), by striking "complete and meaningful audits" and all that follows through the period and inserting "a meaningful audit of the information contained in the proposal.".

SEC. 812. AMENDMENTS RELATING TO INVENTORY AND TRACKING OF PURCHASES OF SERVICES.

(a) INCREASED THRESHOLD.—Subsection (a) of section 2330a of title 10, United States Code, is amended by striking "in excess of the simplified acquisition threshold" and inserting "in excess of $3,000,000".

(b) SPECIFICATION OF SERVICES.—Subsection (a) of such section is further amended by striking the period at the end and inserting the following: ", for services in the following service acquisition portfolio groups:

"(1) Logistics management services.

"(2) Equipment related services.

"(3) Knowledge-based services.

"(4) Electronics and communications services.".

(c) INVENTORY SUMMARY.—Subsection (c) of such section is amended—

(1) by striking "(c) INVENTORY.—" and inserting "(c) INVENTORY SUMMARY.—"; and

(2) in paragraph (1), by striking "submit to Congress an annual inventory" and all that follows through "for or on behalf" and inserting "prepare an annual inventory, and submit to Congress a summary of the inventory, of activities performed during the preceding fiscal year pursuant to staff augmentation contracts on behalf".

(d) ELIMINATION OF CERTAIN REQUIREMENTS.—Such section is further amended—

(1) by striking subsections (d), (g), and (h); and

(2) by redesignating subsections (e), (f), (i), and (j) as subsections (d), (e), (g), and (h), respectively.

(e) SPECIFICATION OF SERVICES TO BE REVIEWED.—Subsection (d), as so redesignated, of such section, is amended in paragraph (1) by inserting after "responsible" the following: ", with particular focus and attention on the following categories of high-risk product service codes (also referred to as Federal supply codes):

"(A) Special studies or analysis that is not research and development.

"(B) Information technology and telecommunications.

"(C) Support, including professional, administrative, and management.".

(f) COMPTROLLER GENERAL REPORT.—Such section is further amended by inserting after subsection (e), as so redesignated, the following new subsection (f):

"(f) COMPTROLLER GENERAL REPORT.—Not later than March 31, 2018, the Comptroller General of the United States shall submit to the congressional defense committees a report on the status of the data collection required in subsection (a) and an assessment of the efforts by the Department of Defense to implement subsection (e).".

(g) DEFINITIONS.—Subsection (h), as so redesignated, of such section is amended by adding at the end the following new paragraphs:

"(6) The term 'service acquisition portfolio groups' means the groups identified in Department of Defense Instruction 5000.74, Defense Acquisition of Services (January 5, 2016) or successor guidance.

"(7) The term 'staff augmentation contracts' means services contracts for personnel who are physically present in a Government work space on a full-time or permanent part-time basis, for the purpose of advising on, providing support to, or assisting a Government agency in the performance of the agency's missions, including authorized personal services contracts (as that term is defined in section 2330a(g)(5) of this title).".

10 USC 2305 note.

SEC. 813. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement to require that, for solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, lowest price technically acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in terms of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department of Defense would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the request for proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) the source selection authority has a high degree of confidence that a review of technical proposals of offerors other than the lowest bidder would not result in the identification of factors that could provide value or benefit to the Department;

(5) the contracting officer has included a justification for the use of a lowest price technically acceptable evaluation methodology in the contract file; and

(6) the Department of Defense has determined that the lowest price reflects full life-cycle costs, including for operations and support.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN CERTAIN PROCUREMENTS.—To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided in the case of a procurement that is predominately for the acquisition of—

(1) information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, audit or audit readiness services, or other knowledge-based professional services;

(2) personal protective equipment; or

(3) knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

(d) REPORTING.—Not later than December 1, 2017, and annually thereafter for three years, the Comptroller General of the United States shall submit to the congressional defense committees a report on the number of instances in which lowest price technically acceptable source selection criteria is used for a contract exceeding $10,000,000, including an explanation of how the situations listed in subsection (b) were considered in making a determination to use lowest price technically acceptable source selection criteria.

SEC. 814. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.

10 USC 2302 note.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised—

(1) to prohibit the use by the Department of Defense of reverse auctions or lowest price technically acceptable contracting methods for the procurement of personal protective equipment if the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(b) CONFORMING AMENDMENT.—Section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 948; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 815. AMENDMENTS RELATED TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

Section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302 note) is amended—

(1) in paragraph (3) of subsection (c)—

(A) by striking the heading and inserting "SUPPLIERS MEETING ANTICOUNTERFEITING REQUIREMENTS.—";

(B) in subparagraph (A)(i), by striking "trusted suppliers in accordance with regulations issued pursuant to subparagraph (C) or (D) who" and inserting "suppliers that meet anticounterfeiting requirements in accordance with regulations issued pursuant to subparagraph (C) or (D) and that";

(C) in subparagraphs (A)(ii) and (A)(iii), by striking "trusted suppliers" each place it appears and inserting "suppliers that meet anticounterfeiting requirements";

(D) in subparagraph (C), by striking "as trusted suppliers those" and inserting "suppliers";

(E) in subparagraph (D) in the matter preceding clause (i), by striking "trusted suppliers" and inserting "suppliers that meet anticounterfeiting requirements"; and

(F) in subparagraphs (D)(i) and (D)(iii), by striking "trusted" each place it appears; and

(2) in subsection (e)(2)(A)(v), by striking "use of trusted suppliers" and inserting "the use of suppliers that meet applicable anticounterfeiting requirements".

SEC. 816. AMENDMENTS TO SPECIAL EMERGENCY PROCUREMENT AUTHORITY.

Section 1903(a) of title 41, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding after paragraph (2) the following new paragraphs:

"(3) in support of a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate the provision of international disaster assistance pursuant to chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.); or

"(4) in support of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).".

SEC. 817. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

"(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall—

"(A) procure athletic footwear that complies with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law); and

"(B) procure additional athletic footwear, for two years following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, that is necessary to provide a member described in paragraph (1) with sufficient choices in athletic shoes so as to minimize the incidence of athletic injuries and potential unnecessary harm and risk to the safety and well-being of members in initial entry training.

"(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

"(A) is medically required to meet unique physiological needs of the member; and

"(B) cannot be met with athletic footwear that complies with the requirements of this subsection.".

SEC. 818. EXTENSION OF AUTHORITY FOR ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 804; 10 U.S.C. 2514 note) is amended by striking "2017" and inserting "2021".

SEC. 819. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended to read as follows:

"(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.".

SEC. 820. DEFENSE COST ACCOUNTING STANDARDS.

(a) AMENDMENTS TO THE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Section 1501 of title 41, United States Code, is amended—

(A) in subsection (b)(1)(B)(ii), by inserting "and, if possible, is a representative of a public accounting firm" after "systems";

(B) by redesignating subsections (c) through (f) as subsections (f) through (i), respectively;

(C) by inserting after subsection (b) the following new subsections:

"(c) DUTIES.—The Board shall—

"(1) ensure that the cost accounting standards used by Federal contractors rely, to the maximum extent practicable, on commercial standards and accounting practices and systems;

"(2) within one year after the date of enactment of this subsection, and on an ongoing basis thereafter, review any cost accounting standards established under section 1502 of this title and conform such standards, where practicable, to Generally Accepted Accounting Principles; and

"(3) annually review disputes involving such standards brought to the boards established in section 7105 of this title or Federal courts, and consider whether greater clarity in such standards could avoid such disputes.

"(d) MEETINGS.—The Board shall meet not less than once each quarter and shall publish in the Federal Register notice of each meeting and its agenda before such meeting is held.

"(e) REPORT.—The Board shall annually submit a report to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the

Committee on Homeland Security and Governmental Affairs of the Senate describing the actions taken during the prior year—

"(1) to conform the cost accounting standards established under section 1502 of this title with Generally Accepted Accounting Principles; and

"(2) to minimize the burden on contractors while protecting the interests of the Federal Government."; and

(D) by amending subsection (f) (as so redesignated) to read as follows:

"(f) SENIOR STAFF.—The Administrator, after consultation with the Board—

"(1) without regard to the provisions of title 5 governing appointments in the competitive service—

"(A) shall appoint an executive secretary; and

"(B) may appoint, or detail pursuant to section 3341 of title 5, two additional staff members; and

"(2) may pay those employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that those employees may not receive pay in excess of the maximum rate of basic pay payable for level IV of the Executive Schedule.".

(2) VALUE OF CONTRACTS ELIGIBLE FOR WAIVER.—Section 1502(b)(3)(A) of title 41, United States Code, is amended by striking "$15,000,000" and inserting "$100,000,000".

(3) CONFORMING AMENDMENTS.—Section 1501(i) of title 41, United States Code (as redesignated by paragraph (1)), is amended—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (h)(1)"; and

(B) in paragraph (3), by striking "subsection (e)(2)" and inserting "subsection (h)(2)".

(b) DEFENSE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 190.

"§ 190. Defense Cost Accounting Standards Board

"(a) ORGANIZATION.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

"(b) MEMBERSHIP.—(1) The Board consists of seven members. One member is the Chief Financial Officer of the Department of Defense or a designee of the Chief Financial Officer, who serves as Chairman. The other six members, all of whom shall have experience in contract pricing, finance, or cost accounting, are as follows:

"(A) Three representatives of the Department of Defense appointed by the Secretary of Defense; and

"(B) Three individuals from the private sector, each of whom is appointed by the Secretary of Defense, and—

"(i) one of whom is a representative of a nontraditional defense contractor (as defined in section 2302(9) of this title); and

"(ii) one of whom is a representative from a public accounting firm.

"(2) A member appointed under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the Department of Defense.

"(c) DUTIES OF THE CHAIRMAN.—The Chief Financial Officer of the Department of Defense, after consultation with the Defense Cost Accounting Standards Board, shall prescribe rules and procedures governing actions of the Board under this section.

"(d) DUTIES.—The Defense Cost Accounting Standards Board—

"(1) shall review cost accounting standards established under section 1502 of title 41 and recommend changes to such cost accounting standards to the Cost Accounting Standards Board established under section 1501 of such title;

"(2) has exclusive authority, with respect to the Department of Defense, to implement such cost accounting standards to achieve uniformity and consistency in the standards governing measurement, assignment, and allocation of costs to contracts with the Department of Defense; and

"(3) shall develop standards to ensure that commercial operations performed by Government employees at the Department of Defense adhere to cost accounting standards (based on cost accounting standards established under section 1502 of title 41 or Generally Accepted Accounting Principles) that inform managerial decisionmaking.

"(e) COMPENSATION.—(1) Members of the Defense Cost Accounting Standards Board who are officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the Department of Defense.

"(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

"(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.

"(f) AUDITING REQUIREMENTS.—(1) Notwithstanding any other provision of law, contractors with the Department of Defense may present, and the Defense Contract Audit Agency shall accept without performing additional audits, a summary of audit findings prepared by a commercial auditor if—

"(A) the auditor previously performed an audit of the allowability, measurement, assignment to accounting periods, and allocation of indirect costs of the contractor; and

"(B) such audit was performed using relevant commercial accounting standards (such as Generally Accepted Accounting Principles) and relevant commercial auditing standards established by the commercial auditing industry for the relevant accounting period.

"(2) The Defense Contract Audit Agency may audit direct costs of Department of Defense cost contracts and shall rely on commercial audits of indirect costs without performing additional audits, except that in the case of companies or business units that have a predominance of cost-type contracts as a percentage of sales, the Defense Contract Audit Agency may audit both direct and indirect costs.".

10 USC 171 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

"190. Defense Cost Accounting Standards Board.".

(c) REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report on the adequacy of the method used by the Cost Accounting Standards Board established under section 1501 of title 41, United States Code, to apply cost accounting standards to indirect and fixed price incentive contracts.

10 USC 190 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

SEC. 821. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2338.

"§ 2338. Micro-purchase threshold

"Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.".

10 USC 2301 prec.

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

"2338. Micro-purchase threshold.".

SEC. 822. ENHANCED COMPETITION REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting "that is only expected to receive one bid" after "entered into using procedures other than sealed-bid procedures"; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "price competition" and inserting "competition that results in at least two or more responsive and viable competing bids"; and

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

"(6) DETERMINATION BY PRIME CONTRACTOR.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement.".

SEC. 823. REVISION TO EFFECTIVE DATE OF SENIOR EXECUTIVE BENCHMARK COMPENSATION FOR ALLOWABLE COST LIMITATIONS.

(a) REPEAL OF RETROACTIVE APPLICABILITY.—Section 803(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485; 10 U.S.C. 2324 note) is amended by striking "amendments made by" and all that follows and inserting "amendments made by this section shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into on or after December 31, 2011.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect as of December 31, 2011, and shall apply as if included in the National Defense Authorization Act for Fiscal Year 2012 as enacted. 10 USC 2324 note.

SEC. 824. TREATMENT OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) INDEPENDENT RESEARCH AND DEVELOPMENT COSTS: ALLOWABLE COSTS.—

(1) IN GENERAL.—Section 2372 of title 10, United States Code, is amended to read as follows:

"§ 2372. Independent research and development costs: allowable costs

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment by the Department of Defense of expenses incurred by contractors for independent research and development costs. Such regulations shall provide that expenses incurred for independent research and development shall be reported independently from other allowable indirect costs.

"(b) COSTS TREATED AS FAIR AND REASONABLE, AND ALLOWABLE, EXPENSES.—The regulations prescribed under subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable, and allowable, indirect expense on Department of Defense contracts.

"(c) ADDITIONAL CONTROLS.—Subject to subsection (d), the regulations prescribed under subsection (a) may include the following provisions:

"(1) Controls on the reimbursement of costs to the contractor for expenses incurred for independent research and development to ensure that such costs were incurred for independent research and development.

"(2) Implementation of regular methods for transmission—

"(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected needs of the Department of Defense for future technology and advanced capability; and

"(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the independent research and development programs of the contractor.

"(d) LIMITATIONS ON REGULATIONS.—Regulations prescribed under subsection (a) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program if the chief executive officer of the contractor determines that expenditures will advance the needs of the Department of Defense for future technology and advanced capability as transmitted pursuant to subsection (c)(3)(A).

"(e) EFFECTIVE DATE.—The regulations prescribed under subsection (a) shall apply to indirect costs incurred on or after October 1, 2017.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 is amended by striking the item relating to section 2372 and inserting the following new item: 10 USC 2351 prec.

"2372. Independent research and development costs: allowable costs".

(b) BID AND PROPOSAL COSTS: ALLOWABLE COSTS.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2372 the following new section:

10 USC 2372a.

"§ 2372a. Bid and proposal costs: allowable costs

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment by the Department of Defense of expenses incurred by contractors for bid and proposal costs. Such regulations shall provide that expenses incurred for bid and proposal costs shall be reported independently from other allowable indirect costs.

"(b) COSTS ALLOWABLE AS INDIRECT EXPENSES.—The regulations prescribed under subsection (a) shall provide that bid and proposal costs shall be allowable as indirect expenses on covered contracts, as defined in section 2324(l) of this title, to the extent that those costs are allocable, reasonable, and not otherwise unallowable by law or under the Federal Acquisition Regulation.

"(c) GOAL FOR REIMBURSABLE BID AND PROPOSAL COSTS.—The Secretary shall establish a goal each fiscal year limiting the amount of reimbursable bid and proposal costs paid by the Department of Defense to an amount equal to not more than one percent of the total aggregate industry sales to the Department of Defense. To achieve such goal, the Secretary may not limit the payment of allowable bid and proposal costs for the covered year.

"(d) PANEL.—(1) If the Department of Defense exceeds the goal established under subsection (c) for a fiscal year, within 180 days after exceeding the goal, the Secretary shall establish an advisory panel. The panel shall be supported by the Defense Acquisition University and the National Defense University, including administrative support.

"(2) The panel shall be composed of nine individuals who are recognized experts in acquisition and procurement policy appointed by the Secretary. In making such appointments, the Secretary shall ensure that the members of the panel reflect diverse experiences in the public and private sector.

"(3) The panel shall review laws, regulations, and practices that contribute to the expenses incurred by contractors for bids and proposals in the fiscal year concerned and recommend changes to such laws, regulations, and practices that may reduce expenses incurred by contractors for bids and proposals.

"(4)(A) Not later than six months after the establishment of the panel, the panel shall submit to the Secretary and the congressional defense committees an interim report on the findings of the panel.

"(B) Not later than one year after the establishment of the panel, the panel shall submit to the Secretary and the congressional defense committees a final report on the findings of the panel.

"(5) The panel shall terminate on the day the panel submits the final report under paragraph (4)(B).

"(6) The Secretary of Defense may use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of this title to support the activities of the panel established under this subsection.

"(e) EFFECTIVE DATE.—The regulations prescribed under subsection (a) shall apply to indirect costs incurred on or after October 1, 2017.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting the following new item: 10 USC 2351 prec.

"2372a. Bid and proposal costs: allowable costs".

(c) REPORT ON ELEMENTS CONTRIBUTING TO EXPENSES INCURRED BY CONTRACTORS FOR BIDS AND PROPOSALS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity to study the laws, regulations, and practices relating to expenses incurred by contractors for bids and proposals.

(2) REPORT.—Not later than 180 days after receipt of the contract required by paragraph (1), the independent entity shall submit to the Department of Defense and the congressional defense committees a report on the laws, regulations, or practices relating to expenses incurred by contractors for bids and recommendations for changes to such laws, regulations, or practices that may reduce expenses incurred by contractors for bids and proposals.

(d) DEFENSE CONTRACT AUDIT AGENCY: ANNUAL REPORT.—

(1) IN GENERAL.—Subsection (a) of section 2313a of title 10, United States Code, is amended—

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

(B) by inserting after paragraph (3) the following new paragraphs:

"(3) a summary, set forth separately by dollar amount and percentage, of indirect costs for independent research and development incurred by contractors in the previous fiscal year;

"(4) a summary, set forth separately by dollar amount and percentage, of indirect costs for bid and proposal costs incurred by contractors in the previous fiscal year;".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2018. 10 USC 2313a note.

SEC. 825. EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE TO THE GOVERNMENT AS A FACTOR IN THE EVALUATION OF PROPOSALS FOR CERTAIN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS.

(a) EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE AS FACTOR.—Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "(except as provided in subparagraph (C))" after "shall"; and

(B) in clause (ii), by inserting "(except as provided in subparagraph (C))" after "shall"; and

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

"(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

"(i) cost or price to the Federal Government need not, at the Government's discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

"(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

"(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

"(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.

"(D) In subparagraph (C), the term 'qualifying offeror' means an offeror that—

"(i) is determined to be a responsible source;

"(ii) submits a proposal that conforms to the requirements of the solicitation; and

"(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.

"(E) Subparagraph (C) shall not apply to multiple task or delivery order contracts if the solicitation provides for sole source task or delivery order contracts pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).".

(b) AMENDMENT TO PROCEDURES RELATING TO ORDERS UNDER MULTIPLE-AWARD CONTRACTS.—Section 2304c(b) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

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

"(5) the task or delivery order satisfies one of the exceptions in section 2304(c) of this title to the requirement to use competitive procedures.".

SEC. 826. EXTENSION OF PROGRAM FOR COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking "December 31, 2017" and inserting "December 31, 2027".

SEC. 827. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

"(3) The use of side-by-side testing under this subsection may be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items within 5 years after an initial determination that the items have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.".

SEC. 828. DEFENSE ACQUISITION CHALLENGE PROGRAM AMENDMENTS.

(a) EXPANSION OF SCOPE TO INCLUDE SYSTEMS-OF-SYSTEMS AND FUNCTIONS.—Paragraph (2) of subsection (a) of section 2359b of title 10, United States Code, is amended by striking "or system" and all that follows through the end of the paragraph and inserting the following: "system, or system-of-systems level of an existing Department of Defense acquisition program, or to address any broader functional challenge to Department of Defense missions that may not fall within an acquisition program, that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program or function.".

(b) TREATMENT OF CHALLENGE PROPOSAL PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:

"(j) TREATMENT OF USE OF CERTAIN PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures established under subsection (c) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.".

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking "2016" and inserting "2021".

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(3), by inserting "or functions" after "acquisition programs";

(2) in subsection (c)(4)(A)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause: "(iii) any functional challenges of importance to Department of Defense missions.";

(3) in subsection (c)(5), by adding at the end the following new subparagraph:

"(D) Whether the challenge proposal is likely to result in improvements to any functional challenges of importance to Department of Defense missions, and whether the proposal could be implemented rapidly, at an acceptable cost, and without unacceptable disruption to such missions."; and

(4) in subsection (c)(5)(B) and in subsection (e)(1), by striking "or system" and inserting "system, or system-of-systems".

SEC. 829. PREFERENCE FOR FIXED-PRICE CONTRACTS.

10 USC 2306 note.

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) APPROVAL REQUIREMENT FOR CERTAIN COST-TYPE CONTRACTS.—

(1) IN GENERAL.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable).

(2) COVERED CONTRACTS.—A contract described in this paragraph is—

(A) a cost-type contract in excess of $50,000,000, in the case of a contract entered into on or after October 1, 2018, and before October 1, 2019; and

(B) a cost-type contract in excess of $25,000,000, in the case of a contract entered into on or after October 1, 2019.

22 USC 2762 note.

SEC. 830. REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to require the use of firm fixed-price contracts for foreign military sales.

(b) EXCEPTIONS.—The regulations prescribed pursuant to subsection (a) shall include exceptions that may be exercised if the foreign country that is the counterparty to a foreign military sale—

(1) has established in writing a preference for a different contract type; or

(2) requests in writing that a different contract type be used for a specific foreign military sale.

(c) WAIVER AUTHORITY.—The regulations prescribed pursuant to subsection (a) shall include a waiver that may be exercised by the Secretary of Defense or his designee if the Secretary or his designee determines on a case-by-case basis that a different contract type is in the best interest of the United States and American taxpayers.

(d) PILOT PROGRAM FOR ACCELERATION OF FOREIGN MILITARY SALES.—

(1) IN GENERAL.—The Secretary of Defense shall establish a pilot program to reform and accelerate the contracting and pricing processes associated with full rate production of major weapon systems for no more than 10 foreign military sales contracts by—

(A) basing price reasonableness determinations on actual cost and pricing data for purchases of the same product for the Department of Defense; and

(B) reducing the cost and pricing data to be submitted in accordance with section 2306a of title 10, United States Code.

(2) EXPIRATION OF AUTHORITY.—Authority for the pilot program under this subsection expires on January 1, 2020.

SEC. 831. PREFERENCE FOR PERFORMANCE-BASED CONTRACT PAYMENTS.

(a) IN GENERAL.—Section 2307(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "PREFERENCE FOR" before "PERFORMANCE-BASED";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking "Wherever practicable, payment under subsection (a) shall be made" and inserting "(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments"; and

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

"(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of performance outcomes listed in paragraph (1).

"(3) The Secretary of Defense shall ensure that nontraditional defense contractors and other private sector companies are eligible for performance-based payments, consistent with best commercial practices.

"(4)(A) In order to receive performance-based payments, a contractor's accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop Government-unique accounting systems or practices as a prerequisite for agreeing to receive performance-based payments.

"(B) Nothing in this section shall be construed to grant the Defense Contract Audit Agency the authority to audit compliance with Generally Accepted Accounting Principles.".

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Federal Acquisition Regulation Supplement to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a). 10 USC 2307 note.

SEC. 832. CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS AND IMPROVE MISSION PERFORMANCE. 10 USC 1746 note.

Not later than 180 days after the date of the enactment of this Act, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on fixed-priced incentive fee contracts, public-private partnerships, performance-based contracting, and other authorities in law and regulation designed to give incentives to contractors to achieve long-term savings and improve administrative practices and mission performance.

SEC. 833. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.

(a) SUNSETS.—

(1) PLANTATIONS AND FARMS: OPERATION, MAINTENANCE, AND IMPROVEMENT.—Section 2421 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) SUNSET.—The authority under this section shall terminate on September 30, 2018.".

(2) REQUIREMENT TO ESTABLISH COST, PERFORMANCE, AND SCHEDULE GOALS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND EACH PHASE OF RELATED ACQUISITION CYCLES.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SUNSET.—The authority under this section shall terminate on September 30, 2018.".

(b) REPEALS.—

(1) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR PURCHASE OF INVESTMENT ITEMS.—

(A) IN GENERAL.—Section 2245a of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

10 USC 2241 prec.

(C) CONFORMING AMENDMENT.—Section 166a(e)(1)(A) of such title is amended by striking "the investment unit cost threshold in effect under section 2245a of this title" and inserting "$250,000".

(2) INFORMATION TECHNOLOGY PURCHASES: TRACKING AND MANAGEMENT.—

(A) IN GENERAL.—Section 2225 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

10 USC 2201 prec.

(C) CONFORMING AMENDMENTS.—

(i) Section 812 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–393; 114 Stat. 1654A–213; 10 U.S.C. 2225 note) is amended by striking subsections (b) and (c).

(ii) Section 2330a(j) of title 10, United States Code, is amended—

(I) by striking paragraph (2);

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

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

"(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given the term in section 134 of title 41.

"(6) SMALL BUSINESS ACT DEFINITIONS.—

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

"(B) The terms 'small business concern owned and controlled by socially and economically disadvantaged individuals' and 'small business concern owned and controlled by women' have the meanings given such terms, respectively, in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)).".

(iii) Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2358 note) is amended by striking "as defined in section 2225(f)(3)" and inserting "as defined in section 2330a(j)".

(3) PROCUREMENT OF COPIER PAPER CONTAINING SPECIFIED PERCENTAGES OF POST-CONSUMER RECYCLED CONTENT.—

(A) IN GENERAL.—Section 2378 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

10 USC 2375 prec.

(4) LIMITATION ON PROCUREMENT OF TABLE AND KITCHEN EQUIPMENT FOR OFFICERS' QUARTERS.—

(A) IN GENERAL.—Section 2387 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2387.

10 USC 2381 prec.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) Section 2302c of title 10, United States Code, is repealed.

(ii) Section 2301 of title 41, United States Code, is amended by adding at the end the following new subsection:

"(f) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—In this section, the term 'executive agency' does not include the Department of Defense.".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

10 USC 2301 prec.

SEC. 834. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

10 USC 1701a note.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost-sharing arrangements;

(6) innovative contractor incentive practices; and

(7) other innovative implementations of acquisition flexibilities.

SEC. 835. PROTECTION OF TASK ORDER COMPETITION.

(a) AMENDMENT TO VALUE OF AUTHORIZED TASK ORDER PROTESTS.—Section 2304c(e)(1)(B) of title 10, United States Code, is amended by striking "$10,000,000" and inserting "$25,000,000".

(b) REPEAL OF EFFECTIVE DATE.—Section 4106(f) of title 41, United States Code, is amended by striking paragraph (3).

SEC. 836. CONTRACT CLOSEOUT AUTHORITY.

10 USC 2302 note.

(a) AUTHORITY.—The Secretary of Defense may close out a contract or group of contracts as described in subsection (b) through the issuance of one or more modifications to such contracts without completing a reconciliation audit or other corrective action. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of

the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriation for such contract line item has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—This section covers any contract or group of contracts between the Department of Defense and a defense contractor, each one of which—

(1) was entered into prior to fiscal year 2000;

(2) has no further supplies or services deliverables due under the terms and conditions of the contract; and

(3) is determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time or effort required to determine the exact amount owed to the United States Government or amount owed to the contractor is disproportionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any contract or group of contracts covered by this section may be closed out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(2) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

(e) ADJUSTMENT AND CLOSURE OF RECORDS.—After closeout of any contract described in subsection (b) using the authority under this section, the payment or accounting offices concerned may adjust and close any open finance and accounting records relating to the contract.

(f) NO LIABILITY.—No liability shall attach to any accounting, certifying, or payment official, or any contracting officer, for any adjustments or closeout made pursuant to the authority under this section.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to such contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriation for such contract line item has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation obligated to fund each contract and regardless of whether the appropriation has closed.

(b) CONTRACTS COVERED.—The contracts covered by this section are a group of contracts that are with one contractor and identified by the Secretary, each one of which is a contract—

(1) to design, construct, repair, or support the construction or repair of Navy submarines that—

(A) was entered into between fiscal years 1974 and 1998; and

(B) has no further supply or services deliverables due under the terms and conditions of the contract;

(2) with respect to which the Secretary of the Navy has established the total final contract value; and

(3) with respect to which the Secretary of the Navy has determined that the final allowable cost may have a negative or positive unliquidated obligation balance for which it would be difficult to determine the year or type of appropriation because—

(A) the records for the contract have been destroyed or lost; or

(B) the records for the contract are available but the contracting officer, in collaboration with the certifying official, has determined that a discrepancy is of such a minimal value that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

(c) CLOSEOUT TERMS.—The contracts described in subsection (b) may be closed out—

(1) upon receipt of $581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;

(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(2) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense committees not later than 10 days after exercising the authority under paragraph (1). The notice shall include an identification of each provision of law or regulation waived.

(e) ADJUSTMENT AND CLOSURE OF RECORDS.—After closeout of any contract described in subsection (b) using the authority under this section, the payment or accounting offices concerned may adjust and close any open finance and accounting records relating to the contract.

(f) NO LIABILITY.—No liability shall attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority under this section.

(g) EXPIRATION OF AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).

Subtitle D—Provisions Relating to Major Defense Acquisition Programs

SEC. 841. CHANGE IN DATE OF SUBMISSION TO CONGRESS OF SELECTED ACQUISITION REPORTS.

Section 2432(f) of title 10, United States Code, is amended by striking "45" the first place it occurs and inserting "30".

SEC. 842. AMENDMENTS RELATING TO INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) AMENDMENTS.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by striking "selection of confidence levels" both places it appears and inserting "discussion of risk";

(2) in subsection (a)(6)—

(A) by inserting "or approve" after "conduct";

(B) by striking "major defense acquisition programs" and all that follows through "Authority—" and inserting "all major defense acquisition programs and major subprograms—"; and

(C) in subparagraph (B), by striking "or upon the request" and all that follows through the semicolon at the end and inserting ", upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics, or upon the request of the milestone decision authority";

(3) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (h), respectively;

(4) by inserting after subsection (a) the following new subsection (b):

"(b) INDEPENDENT COST ESTIMATE REQUIRED BEFORE APPROVAL.—(1) A milestone decision authority may not approve entering a milestone phase of a major defense acquisition program or major subprogram unless an independent cost estimate has been conducted or approved by the Director of Cost Assessment and Program Evaluation and considered by the milestone decision authority that—

"(A) for the technology maturation and risk reduction phase, includes the identification and sensitivity analysis of key cost drivers that may affect life-cycle costs of the program or subprogram; and

"(B) for the engineering and manufacturing development phase, or production and deployment phase, includes a cost estimate of the full life-cycle cost of the program or subprogram.

"(2) The regulations governing the content and submission of independent cost estimates required by subsection (a) shall require that the independent cost estimate of the full life-cycle cost of a program or subprogram include—

"(A) all costs of development, procurement, military construction, operations and support, and trained manpower to operate, maintain, and support the program or subprogram upon full operational deployment, without regard to funding source or management control; and

"(B) an analysis to support decisionmaking that identifies and evaluates alternative courses of action that may reduce

cost and risk, and result in more affordable programs and less costly systems.";

(5) in subsection (d), as so redesignated, in paragraph (3), by striking "confidence level" and inserting "discussion of risk";

(6) in subsection (e), as so redesignated—

(A) by amending the subsection heading to read as follows: "DISCUSSION OF RISK IN COST ESTIMATES.—";

(B) by amending paragraph (1) to read as follows:

"(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs and major subprograms;";

(C) in paragraph (2)—

(i) by striking "such confidence level provides" and inserting "cost estimates are developed, to the extent practicable, based on historical actual cost information that is based on demonstrated contractor and Government performance and that such estimates provide"; and

(ii) by inserting "or subprogram" after "the program"; and

(D) in paragraph (3), by striking "disclosure required by paragraph (1)" and inserting "information required in the guidance under paragraph (1)"; and

(7) by inserting after subsection (f), as so redesignated, the following new subsection:

"(g) GUIDELINES AND COLLECTION OF COST DATA.—(1) The Director of Cost Assessment and Program Evaluation shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, develop policies, procedures, guidance, and a collection method to ensure that quality acquisition cost data are collected to facilitate cost estimation and comparison across acquisition programs.

"(2) The program manager and contracting officer for each acquisition program in an amount greater than $100,000,000, in consultation with the cost estimating component of the relevant military department or Defense Agency, shall ensure that cost data are collected in accordance with the requirements of paragraph (1).

"(3) The requirement under paragraph (1) may be waived only by the Director of Cost Assessment and Program Evaluation.".

(b) CONFORMING AMENDMENTS TO ADD SUBPROGRAMS.—Section 2334 of such title is further amended—

(1) in subsection (a)(2), by inserting "or major subprogram" before "under chapter 144";

(2) in paragraphs (3), (4), and (5) of subsection (a) and in subsection (c)(1) (as redesignated by subsection (a) of this section), by striking "major defense acquisition programs and major automated information system programs" and inserting "major defense acquisition programs and major subprograms" each place it appears;

(3) in paragraphs (1) and (2) of subsection (d) (as so redesignated), and in subsection (f)(4) (as so redesignated), by striking "major defense acquisition program or major automated information system program" and inserting "major defense acquisition program or major subprogram" each place it appears;

(4) in subsection (d)(4) (as so redesignated), by inserting before the period "or major subprogram";

(5) in subsection (e)(3)(B) (as so redesignated), by inserting "or major subprogram" after "major defense acquisition program"; and

(6) in subsection (f)(3) (as so redesignated), by striking "major defense acquisition program and major automated information system program" and inserting "major defense acquisition program and major subprogram".

(c) REPEAL.—Chapter 144 of such title is amended—

(1) by striking section 2434; and

10 USC 2430 prec.

(2) in the table of sections at the beginning of such chapter, by striking the item relating to such section.

SEC. 843. REVISIONS TO MILESTONE B DETERMINATIONS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "acquisition cost in" and all that follows through the semicolon, and inserting "life-cycle cost;"; and

(2) in subparagraph (D), by striking "funding is" and all that follows through "made," and inserting "funding is expected to be available to execute the product development and production plan for the program,".

SEC. 844. REVIEW AND REPORT ON SUSTAINMENT PLANNING IN THE ACQUISITION PROCESS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall conduct a review of the extent to which sustainment matters are considered in decisions related to the requirements, research and development, acquisition, cost estimating, and programming and budgeting processes for major defense acquisition programs. The review shall include the following:

(1) A determination of whether information related to the operation and sustainment of major defense acquisition programs, including cost data and intellectual property requirements, is available to inform decisions made during those processes.

(2) If such information exists, an evaluation of the completeness, timeliness, quality, and suitability of the information for aiding in decisions made during those processes.

(3) A determination of whether information related to the operation and sustainment of existing major weapon systems is used to forecast the operation and sustainment needs of major weapon systems proposed for or under development.

(4) A description of the potential benefits from improved completeness, timeliness, quality, and suitability of data on operation and support costs and increased consideration of such data.

(5) Recommendations for improving access to, analyses of, and consideration of operation and support cost data.

(6) An assessment of product support strategies for major weapon systems required by section 2337 of title 10, United States Code, or other similar life-cycle sustainment strategies, including an evaluation of—

(A) the stage at which such strategies are developed during the life of a major weapon system;

(B) the content and completeness of such strategies, including whether such strategies address—

(i) all aspects of total life-cycle management of a major weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, and software sustainment; and

(ii) the capabilities, capacity, and resource constraints of the organic industrial base and the materiel commands of the military department concerned;

(C) the extent to which such strategies or their elements are or should be incorporated into the acquisition strategy required by section 2431a of title 10, United States Code;

(D) the extent to which such strategies influence the planning for major defense acquisition programs; and

(E) the extent to which such strategies influence decisions related to the life-cycle management and product support of major weapon systems.

(7) An assessment of how effectively the military departments consider sustainment matters at key decision points for acquisition and life-cycle management in accordance with the requirements of sections 2431a, 2366a, 2366b, and 2337 of title 10, United States Code, and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note).

(8) Recommendations for improving the consideration of sustainment during the requirements, acquisition, cost estimating, programming and budgeting processes.

(9) An assessment of whether research and development efforts and adoption of commercial technologies is prioritized to reduce sustainment costs.

(10) An assessment of whether alternate financing methods, including share-in-savings approaches, public-private partnerships, and energy savings performance contracts, could be used to encourage the development and adoption of technologies and practices that will reduce sustainment costs.

(11) An assessment of private sector best practices in assessing and reducing sustainment costs for complex systems.

(b) AGREEMENT WITH INDEPENDENT ENTITY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with an independent entity with appropriate expertise to conduct the review required by subsection (a). The Secretary shall ensure that the independent entity has access to all data, information, and personnel required, and is funded, to satisfactorily complete the review required by subsection (a). The agreement also shall require the entity to provide to the Secretary a report on the findings of the entity.

(c) BRIEFING.—Not later than April 1, 2017, the Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the preliminary findings of the independent entity.

(d) SUBMISSION TO CONGRESS.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a copy of the report of the independent entity, along with comments on the report, proposed revisions or clarifications to laws related to lifecycle management or sustainment planning for major weapon

systems, and a description of any actions the Secretary may take to revise or clarify regulations and practices related to life-cycle management or sustainment planning for major weapon systems.

SEC. 845. REVISION TO DISTRIBUTION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.

Section 139(h) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "the Secretaries of the military departments," after "Logistics,"; and

(B) by striking "10 days" and all that follows through "title 31" and inserting "January 31 of each year, through January 31, 2021"; and

(2) in paragraph (5), by inserting after "Secretary" the following: "of Defense and the Secretaries of the military departments".

10 USC 2334 note.

SEC. 846. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.

Effective September 30, 2017—

10 USC 2445a prec., 2445a–2445d. 10 USC 101 prec., 2201 prec.

(1) chapter 144A of title 10, United States Code, is repealed;

(2) the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A; and

(3) section 2334(a)(2) of title 10, United States Code, is amended by striking "or a major automated information system under chapter 144A of this title".

SEC. 847. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—Section 2430 of title 10, United States Code, is amended in subsection (a)—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "In this chapter" and inserting "(1) Except as provided under paragraph (2), in this chapter"; and

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

"(2) In this chapter, the term 'major defense acquisition program' does not include an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).".

10 USC 2432 note.

(b) ANNUAL REPORTING.—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.

SEC. 848. ACQUISITION STRATEGY.

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting ", or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that

is managing the program," after "the Under Secretary of Defense for Acquisition, Technology, and Logistics";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program," after "the Under Secretary"; and

(B) in paragraph (2)(C), by striking ", in accordance with section 2431b of this title"; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the" and inserting "The"; and

(B) in paragraph (2), by inserting "because of a change described in paragraph (1)(F)" after "for a program or system".

SEC. 849. IMPROVED LIFE-CYCLE COST CONTROL.

(a) MODIFIED GUIDANCE FOR RAPID FIELDING PATHWAY.—Section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking "; and" and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.".

(b) LIFE-CYCLE COST MANAGEMENT.—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting "life-cycle cost management," after "budgeting,".

(c) SUSTAINMENT REVIEWS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2441. Sustainment reviews

10 USC 2441.

"(a) IN GENERAL.—The Secretary of each military department shall conduct a sustainment review of each major weapon system not later than five years after declaration of initial operational capability of a major defense acquisition program and throughout the life cycle of the weapon system to assess the product support strategy, performance, and operation and support costs of the weapon system. For any review after the first one, the Secretary concerned shall use availability and reliability thresholds and cost estimates as the basis for the circumstances that prompt such a review. The results of the sustainment review shall be documented in a memorandum by the relevant decision authority.

"(b) ELEMENTS.—At a minimum, the review required under subsection (a) shall include the following elements:

"(1) An independent cost estimate for the remainder of the life cycle of the program.

"(2) A comparison of actual costs to the amount of funds budgeted and appropriated in the previous five years, and

if funding shortfalls exist, an explanation of the implications on equipment availability.

"(3) A comparison between the assumed and achieved system reliabilities.

"(4) An analysis of the most cost-effective source of repairs and maintenance.

"(5) An evaluation of the cost of consumables and depot-level repairables.

"(6) An evaluation of the costs of information technology, networks, computer hardware, and software maintenance and upgrades.

"(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

"(8) As applicable, a comparison of actual manpower requirements to previous estimates.

"(9) An analysis of whether accurate and complete data are being reported in the cost systems of the military department concerned, and if deficiencies exist, a plan to update the data and ensure accurate and complete data are submitted in the future.

"(c) COORDINATION.—The review required under subsection (a) shall be conducted in coordination with the requirements of section 2337 of this title and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note).".

10 USC 2430 prec.

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

"2441. Sustainment reviews.".

10 USC 2337 note.

(d) COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.—

(1) IN GENERAL.—The Secretary of Defense may establish a commercial operational and support savings initiative to improve readiness and reduce operations and support costs by inserting existing commercial items or technology into military legacy systems through the rapid development of prototypes and fielding of production items based on current commercial technology.

(2) PROGRAM PRIORITY.—The commercial operational and support savings initiative shall fund programs that—

(A) reduce the costs of owning and operating a military system, including the costs of personnel, consumables, goods and services, and sustaining the support and investment associated with the peacetime operation of a weapon system;

(B) take advantage of the commercial sector's technological innovations by inserting commercial technology into fielded weapon systems; and

(C) emphasize prototyping and experimentation with new technologies and concepts of operations.

(3) FUNDING PHASES.—

(A) IN GENERAL.—Projects funded under the commercial operational and support savings initiative shall consist of two phases, Phase I and Phase II.

(B) PHASE I.—(i) Funds made available during Phase I shall be used to perform the non-recurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military department or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a demonstrated prototype to a military department for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I funding for a project. The military department or Defense Agency concerned may provide the remainder of Phase I funding, which may be provided out of operation and maintenance funding.

(v) Phase I funding shall not exceed three years.

(vi) Phase I projects shall be selected based on a merit-based process using criteria to be established by the Secretary of Defense.

(C) PHASE II.—(i) Phase II shall include the purchase of limited production quantities of the prototype kits and transition to a program of record for continued sustainment.

(ii) Phase II awards may be made without competition if general solicitation competitive procedures were used for the selection of parties for participation in a Phase I project.

(iii) Phase II awards may be made as firm fixed-price awards.

(4) TREATMENT AS COMPETITIVE PROCEDURES.—The use of a merit-based process for selection of projects under the commercial operational and support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

SEC. 850. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.

Section 2430a(1)(B) of title 10, United States Code, is amended by striking "major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks" and inserting "major defense acquisition program requires the delivery of two or more increments or blocks".

SEC. 851. REPORTING OF SMALL BUSINESS PARTICIPATION ON DEPARTMENT OF DEFENSE PROGRAMS.

(a) REPORT REQUIREMENT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional

defense committees a report covering the following matters for the preceding fiscal year:

(1) For each prime contract goal established by section 15(g)(1)(A) of the Small Business Act (15 U.S.C. 644(g)(1)(A)), the total value and percentage of prime contracts awarded by the Department of Defense and attributed to each prime contract goal for prime contracts awarded for major defense acquisition programs.

(2) For each subcontract goal established by section 15(g)(1)(A) of the Small Business Act (15 U.S.C. 644(g)(1)(A)), the total value and percentage of first tier subcontract awards attributed to each subcontract goal for subcontracts awarded in support of prime contracts awarded by the Department of Defense for major defense acquisition programs.

(3) For the prime contract and subcontract goals negotiated with the Department of Defense pursuant to section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2))—

(A) the information reported by the Department of Defense to the Small Business Administration pursuant to section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)); and

(B) the information required by subparagraph (A) calculated after excluding—

(i) contracts awarded pursuant to chapter 85 of title 41, United States Code (popularly referred to as the Javits-Wagner-O'Day Act);

(ii) contracts awarded to the American Institute in Taiwan;

(iii) contracts awarded and performed outside of the United States;

(iv) acquisition on behalf of foreign governments, entities, or international organizations; and

(v) contracts for major defense acquisition programs.

(b) SUNSET.—The requirement to submit a report under subsection (a) shall not apply after the Secretary submits the report covering fiscal year 2020.

SEC. 852. WAIVER OF CONGRESSIONAL NOTIFICATION FOR ACQUISITION OF TACTICAL MISSILES AND MUNITIONS GREATER THAN QUANTITY SPECIFIED IN LAW.

Section 2308(c) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The head";

(2) by inserting ", except as provided in paragraph (2)," after "but"; and

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

"(2) A notification is not required under paragraph (1) if the end item being acquired in a higher quantity is an end item under a tactical missile program or a munitions program.".

10 USC 2306b note.

SEC. 853. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may conduct a multiyear contract, over a period of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies, and quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under

this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in subsection (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section:

(1) The term "high rate" means total annual production across the multiple defense programs of more than 200 end-items per year.

(2) The term "common facilities" means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be awarded under the authority of this section after September 30, 2021.

SEC. 854. KEY PERFORMANCE PARAMETER REDUCTION PILOT PROGRAM.

10 USC 2302 note.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program under which the Secretary may identify at least one acquisition program in each military department for reduction of the total number of key performance parameters established for the program, for purposes of determining whether operational and programmatic outcomes of the program are improved by such reduction.

(b) LIMITATION ON KEY PERFORMANCE PARAMETERS.—Any acquisition program identified for the pilot program carried out under subsection (a) shall establish no more than three key performance parameters, each of which shall describe a program-specific performance attribute. Any key performance parameters for such a program that are required by statute shall be treated as key system attributes.

SEC. 855. MISSION INTEGRATION MANAGEMENT.

10 USC 2358 note.

(a) IN GENERAL.—The Secretary of Defense shall establish mission integration management activities for each mission area specified in subsection (b).

(b) COVERED MISSION AREAS.—The mission areas specified in this subsection are mission areas that involve multiple Armed Forces and multiple programs and, at a minimum, include the following:

(1) Close air support.

(2) Air defense and offensive and defensive counter-air.

(3) Interdiction.

(4) Intelligence, surveillance, and reconnaissance.

(5) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff for purposes of this subsection.

(c) QUALIFICATIONS.—Mission integration management activities shall be performed by qualified personnel from the acquisition and operational communities.

(d) RESPONSIBILITIES.—The mission integration management activities for a mission area under this section shall include—

(1) development of technical infrastructure for engineering, analysis, and test, including data, modeling, analytic tools, and simulations;

(2) the conduct of tests, demonstrations, exercises, and focused experiments for compelling challenges and opportunities;

(3) overseeing the implementation of section 2446c of title 10, United States Code;

(4) sponsoring and overseeing research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

(5) developing mission-based inputs for the requirements process, assessment of concepts, prototypes, design options, budgeting and resource allocation, and program and portfolio management; and

(6) coordinating with commanders of the combatant commands on the development of concepts of operation and operational plans.

(e) SCOPE.—The mission integration management activities for a mission area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(f) FUNDING.—There is authorized to be made available annually such amounts as the Secretary of Defense determines appropriate from the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) for mission integration management activities listed in subsection (d).

(g) STRATEGY.—The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget for the Department of Defense for fiscal year 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a strategy for mission integration management, including a resourcing strategy for mission integration managers to carry out the responsibilities specified in this section.

Subtitle E—Provisions Relating to Acquisition Workforce

SEC. 861. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

"(c) PROGRAM AND PROJECT MANAGEMENT.—

"(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

"(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

"(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

"(C) chair the Program Management Policy Council established under section 1126(b);

"(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

"(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

"(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

"(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

"(H) establish a 5-year strategic plan for program and project management.

"(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of—

"(A) the provisions of chapter 87 of title 10; or

"(B) policy, guidance, or instruction of the Department related to program management.".

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.— Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1). 31 USC 503 note.

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1). 31 USC 503 note.

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

"§ 1126. Program Management Improvement Officers and Program Management Policy Council

"(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

"(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

"(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

"(A) implement program management policies established by the agency under section 503(c); and

"(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

"(i) Enhanced training and educational opportunities for program managers that shall include—

"(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

"(II) training that emphasizes cost containment for large projects and programs.

"(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

"(iii) Improved career paths and career opportunities for program managers.

"(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

"(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

"(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

"(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10. For purposes of paragraph (1), the Under Secretary of Defense for Acquisition, Technology, and Logistics (or a designee of the Under Secretary) shall be considered the Program Management Improvement Officer.

"(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

"(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

"(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

"(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

"(B) review programs identified as high risk by the Government Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

"(C) discuss topics of importance to the workforce, including—

"(i) career development and workforce development needs;

"(ii) policy to support continuous improvement in program and project management; and

"(iii) major challenges across agencies in managing programs;

"(D) advise on the development and applicability of standards governmentwide for program management transparency; and

"(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

"(3) MEMBERSHIP.—

"(A) COMPOSITION.—The Council shall be composed of the following members:

"(i) Five members from the Office of Management and Budget as follows:

"(I) The Deputy Director for Management.

"(II) The Administrator of the Office of Electronic Government.

"(III) The Administrator of Federal Procurement Policy.

"(IV) The Controller of the Office of Federal Financial Management.

"(V) The Director of the Office of Performance and Personnel Management.

"(ii) The Program Management Improvement Officer from each agency described in section 901(b).

"(iii) Any other full-time or permanent part-time officer or employee of the Federal Government or member of the Armed Forces designated by the Chairperson.

"(B) CHAIRPERSON AND VICE CHAIRPERSON.—

"(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

"(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

"(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

"(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.".

(2) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term "agency" means each agency described in section 901(b) of title 31, United States Code, other than the Department of Defense. 31 USC 1126 note.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are

issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall issue, in conjunction with the high risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

SEC. 862. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.

10 USC 2430 note.

(a) PROGRAM DEFINITION PERIOD.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking "The Secretary may waive" and inserting "The service acquisition executive, in the case of a major defense acquisition program of a military department, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive".

10 USC 2430 note.

(b) PROGRAM EXECUTION PERIOD.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking "The immediate supervisor of a program manager for a major defense acquisition program may waive" and inserting "The service acquisition executive, in the case of a major defense acquisition program of a military department, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive".

SEC. 863. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED; ADVISORY PANEL AMENDMENTS.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by inserting "and to develop acquisition tools and methodologies, and undertake research and development activities, leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts" after "workforce of the Department"; and

(B) in paragraph (4), by striking "other than for the purpose of" and all that follows through the period at the end and inserting "other than for the purposes of—

"(A) providing advanced training to Department of Defense employees;

"(B) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

"(C) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning."; and

(2) in subsection (f), by striking "Each report shall include" and all that follows through the period at the end of paragraph (5).

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d)(2)(C), by striking "in each" and inserting "in such";

(2) in subsection (f)—

(A) by striking "Not later than 120 days after the end of each fiscal year" and inserting "Not later than February 1 each year"; and

(B) by striking "such fiscal year" the first place it appears and inserting "the preceding fiscal year"; and

(3) in subsection (g)(1)—

(A) by striking "of of" and inserting "of"; and

(B) by striking ", as defined in subsection (h),".

(c) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017, not more than $35,000,000 may be obligated or expended for the purposes set forth in subparagraphs (B) and (C) of section 1705(e)(4) of title 10, United States Code, as added by subsection (a).

(d) AMENDMENTS TO ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.—Section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889) is amended—

(1) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an independent advisory panel on streamlining acquisition regulations. The panel shall be supported by the Defense Acquisition University and the National Defense University, including administrative support."; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "and analysis" and inserting ", analysis, and logistics support"; and

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

"(3) AUTHORITIES.—The panel shall have the authorities provided in section 3161 of title 5, United States Code.".

SEC. 864. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND DETERMINATION ADJUSTMENT.

(a) CREDIT TO RAPID PROTOTYPING FUND.—Notwithstanding section 1705(d)(2)(B) of title 10, United States Code, of the funds credited to the Department of Defense Acquisition Workforce Development Fund in fiscal year 2017 pursuant to such section, $225,000,000 shall be transferred to the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note). Of the $225,000,000 so transferred, $75,000,000 shall be credited to each of the military department-specific funds established under section 804(d)(2) of such Act (as added by section 897 of this Act).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 804(d)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in the first sentence, by inserting a comma after "may be available";

(2) at the end of the first sentence, by inserting before the period the following: "and other purposes specified in law"; and

(3) in the last sentence, by striking "shall consist of" and all that follows through "this Act." and inserting the following: "shall consist of—

"(i) amounts appropriated to the Fund;

"(ii) amounts credited to the Fund pursuant to section 828 of this Act; and

"(iii) any other amounts appropriated to, credited to, or transferred to the Fund.".

SEC. 865. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.

(a) LIMITATIONS.—

(1) FOR FISCAL YEARS 2017 AND 2018.—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the "fiscal year 2016 staff augmentation contracts funding amount").

(2) FOR FISCAL YEARS 2018 THROUGH 2022.—The total amount obligated by the Department for any fiscal year after fiscal year 2018 and before fiscal year 2023 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) DEFINITIONS.—In this section:

(1) The term "contract services" has the meaning given that term in section 235 of title 10, United States Code.

(2) The term "staff augmentation contracts" means services contracts for personnel who are physically present in a Government work space on a full-time or permanent part-time basis, for the purpose of advising on, providing support to, or assisting a Government agency in the performance of the agency's missions, including authorized personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

SEC. 866. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.

(a) POSITIONS.—

(1) IN GENERAL.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1725. Senior Military Acquisition Advisors 10 USC 1725.

"(a) POSITION.—

"(1) IN GENERAL.—The Secretary of Defense may establish in the Defense Acquisition Corps a position to be known as 'Senior Military Acquisition Advisor'.

"(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

"(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

"(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the service acquisition executive of that officer's military department in accordance with this section; and

"(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

"(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

"(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

"(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

"(2) the officer's service as a Senior Military Acquisition Advisor has been distinguished.

"(d) SELECTION AND TENURE.—

"(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

"(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition

experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

"(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

"(e) LIMITATION.—

"(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

"(A) not more than five may be officers of the Army;

"(B) not more than five may be officers of the Navy and Marine Corps; and

"(C) not more than five may be officers of the Air Force.

"(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the service acquisition executive of such military department and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer's primary duty providing strategic, technical, and programmatic advice to the service acquisition executive of the officer's military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.".

10 USC 1721 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

"1725. Senior Military Acquisition Advisors.".

(b) EXCLUSION FROM OFFICER GRADE-STRENGTH LIMITATIONS.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

"(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.".

SEC. 867. AUTHORITY OF THE SECRETARY OF DEFENSE UNDER THE ACQUISITION DEMONSTRATION PROJECT.

(a) AMENDMENT.—Section 1762(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall exercise the authorities granted to the Office of Personnel Management under section 4703 of title 5 for purposes of the demonstration project authorized under this section.".

10 USC 1762 note.

(b) EFFECTIVE DATE.—Paragraph (4) of section 1762(b) of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning 60 days after the date of the enactment of this Act.

Subtitle F—Provisions Relating to Commercial Items

SEC. 871. MARKET RESEARCH FOR DETERMINATION OF PRICE REASONABLENESS IN ACQUISITION OF COMMERCIAL ITEMS.

Section 2377 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e), and in that subsection by striking "subsection (c)" and inserting "subsections (c) and (d)"; and

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

"(d) MARKET RESEARCH FOR PRICE ANALYSIS.—The Secretary of Defense shall ensure that procurement officials in the Department of Defense conduct or obtain market research to support the determination of the reasonableness of price for commercial items contained in any bid or offer submitted in response to an agency solicitation. To the extent necessary to support such market research, the procurement official for the solicitation—

"(1) in the case of items acquired under section 2379 of this title, shall use information submitted under subsection (d) of that section; and

"(2) in the case of other items, may require the offeror to submit relevant information.".

SEC. 872. VALUE ANALYSIS FOR THE DETERMINATION OF PRICE REASONABLENESS.

Subsection 2379(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) An offeror may submit information or analysis relating to the value of a commercial item to aid in the determination of the reasonableness of the price of such item. A contracting officer may consider such information or analysis in addition to the information submitted pursuant to paragraphs (1)(A) and (1)(B).".

SEC. 873. CLARIFICATION OF REQUIREMENTS RELATING TO COMMERCIAL ITEM DETERMINATIONS.

Paragraphs (1) and (2) of section 2380 of title 10, United States Code, are amended to read as follows:

"(1) establish and maintain a centralized capability with necessary expertise and resources to provide assistance to the military departments and Defense Agencies in making commercial item determinations, conducting market research, and performing analysis of price reasonableness for the purposes of procurements by the Department of Defense; and

"(2) provide to officials of the Department of Defense access to previous Department of Defense commercial item determinations, market research, and analysis used to determine the reasonableness of price for the purposes of procurements by the Department of Defense.".

SEC. 874. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 2375 of title 10, United States Code, is amended to read as follows:

"§ 2375. Relationship of commercial item provisions to other provisions of law

"(a) APPLICABILITY OF GOVERNMENT-WIDE STATUTES.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

"(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

"(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

"(b) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.

"(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

"(c) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to subcontracts under a contract for the procurement of commercial items.

"(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision or contract clause requirement.

"(3) In this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

"(4) This subsection does not authorize the waiver of the applicability of any provision of law or contract clause requirement with respect to any first-tier subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

"(d) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE, OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to Department of Defense contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

"(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision or contract clause requirement.

"(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

"(1) provides for criminal or civil penalties;

"(2) requires that certain articles be bought from American sources pursuant to section 2533a of this title, or requires that strategic materials critical to national security be bought

from American sources pursuant to section 2533b of this title; or

"(3) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.".

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

10 USC 2375 note.

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for the procurement of commercially available off-the-shelf items, unless such clauses are—

(i) required to implement provisions of law or executive orders applicable to such contracts; or

(ii) determined to be consistent with standard commercial practice; and

(B) the flow-down of contract clauses to subcontracts under contracts for the procurement of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provisions of law or executive orders applicable to such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the term "subcontract" includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

10 USC 2305 note.

SEC. 875. USE OF COMMERCIAL OR NON-GOVERNMENT STANDARDS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses commercial or non-Government specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a commercial or non-Government standard, a Government-unique specification may be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable commercial or non-Government standard or when the use of a commercial or non-Government standard is not cost effective.

(2) WAIVER.—A waiver for the use of military specifications in accordance with paragraph (1) shall be approved by either the appropriate milestone decision authority, the appropriate service acquisition executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REVISION TO DFARS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement to encourage contractors to propose commercial or non-Government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop commercial or non-Government standards for replacement of military specifications and standards where practicable.

(e) EDUCATION, TRAINING, AND GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training, education, and guidance programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense and shall maintain an inventory of such licenses that is accessible to other Department of Defense organizations.

SEC. 876. PREFERENCE FOR COMMERCIAL SERVICES.

10 USC 2377 note.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377 note) to provide that—

(1) the head of an agency may not enter into a contract in excess of $10,000,000 for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services unless the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable) determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code; and

(2) the head of an agency may not enter into a contract in an amount above the simplified acquisition threshold and below $10,000,000 for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services unless the contracting officer determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of such title.

SEC. 877. TREATMENT OF COMMINGLED ITEMS PURCHASED BY CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2380B. Treatment of commingled items purchased by contractors as commercial items

10 USC 2380B.

"Notwithstanding 2376(1) of this title, items valued at less than $10,000 that are purchased by a contractor for use in the

performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract shall be treated as a commercial item for purposed of this chapter.".

10 USC 2375 prec.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2380A the following new item:

"2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items.".

SEC. 878. TREATMENT OF SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2380A of title 10, United States Code, is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) GOODS AND SERVICES PROVIDED BY NONTRADITIONAL DEFENSE CONTRACTORS.—Notwithstanding"; and

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

"(b) SERVICES PROVIDED BY CERTAIN NONTRADITIONAL CONTRACTORS.—Notwithstanding section 2376(1) of this title, services provided by a business unit that is a nontraditional defense contractor (as that term is defined in section 2302(9) of this title) shall be treated as commercial items for purposes of this chapter, to the extent that such services use the same pool of employees as used for commercial customers and are priced using methodology similar to methodology used for commercial pricing.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title 10, United States Code, as amended by subsection (a), is further amended by striking the section heading and inserting the following:

"§ 2380a. Treatment of certain items as commercial items".

10 USC 2375 prec.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by striking the item relating to section 2380A and inserting the following new item:

"2380a. Treatment of certain items as commercial items.".

10 USC 2302 note.

SEC. 879. DEFENSE PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS, TECHNOLOGIES, AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may carry out a pilot program, to be known as the "defense commercial solutions opening pilot program", under which the Secretary may acquire innovative commercial items, technologies, and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary may not enter into a contract or agreement under the pilot program for an amount in excess of $100,000,000 without a written determination from

the Under Secretary for Acquisition, Logistics, and Technology or the relevant service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

(2) FIXED-PRICE REQUIREMENT.—Contracts or agreements entered into under the program shall be fixed-price, including fixed-price incentive fee contracts.

(3) TREATMENT AS COMMERCIAL ITEMS.—Notwithstanding section 2376(1) of title 10, United States Code, items, technologies, and services acquired under the pilot program shall be treated as commercial items.

(d) GUIDANCE.—Not later than six months after the date of the enactment of this Act, the Secretary shall issue guidance for the implementation of the pilot program under this section within the Department of Defense. Such guidance shall be issued in consultation with the Director of the Office of Management and Budget and shall be posted for access by the public.

(e) CONGRESSIONAL NOTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 45 days after the award of a contract for an amount exceeding $100,000,000 using the authority in subsection (a), the Secretary of Defense shall notify the congressional defense committees of such award.

(2) ELEMENTS.—Notice of an award under paragraph (1) shall include the following:

(A) Description of the innovative commercial item, technology, or service acquired.

(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial item, technology, or service acquired provides a solution or a potential new capability.

(C) Amount of the contract awarded.

(D) Identification of contractor awarded the contract.

(f) DEFINITION.—In this section, the term "innovative" means—

(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.

(g) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.

SEC. 880. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

41 USC 3301 note.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an agency may carry out a pilot program, to be known as a "commercial solutions opening pilot program", under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(2) HEAD OF AN AGENCY.—In this section, the term "head of an agency" means the following:

(A) The Secretary of Homeland Security.

(B) The Administrator of General Services.

(3) APPLICABILITY OF SECTION.—This section applies to the following agencies:

(A) The Department of Homeland Security.

(B) The General Services Administration.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered, in the case of the Department of Homeland Security and the General Services Administration, to be use of competitive procedures for purposes of division C of title 41, United States Code (as defined in section 152 of such title).

(c) LIMITATION.—The head of an agency may not enter into a contract under the pilot program for an amount in excess of $10,000,000.

(d) GUIDANCE.—The head of an agency shall issue guidance for the implementation of the pilot program under this section within that agency. Such guidance shall be issued in consultation with the Office of Management and Budget and shall be posted for access by the public.

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the head of an agency shall submit to the congressional committees specified in paragraph (3) a report on the activities the agency carried out under the pilot program.

(2) ELEMENTS OF REPORT.—Each report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(C) A recommendation on whether the authority for the pilot program should be made permanent.

(3) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) INNOVATIVE DEFINED.—In this section, the term "innovative" means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(g) TERMINATION.—The authority to enter into a contract under a pilot program under this section terminates on September 30, 2022.

Subtitle G—Industrial Base Matters

SEC. 881. GREATER INTEGRATION OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

10 USC 2501 note.

(a) PLAN REQUIRED.—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the national technology and industrial base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the national technology and industrial base, including government entities, universities, nonprofit research entities, nontraditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce items designated and controlled under section 38 of the Arms Export Control Act (also known as the "United States Munitions List").

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the national technology and industrial base.

(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the national technology and industrial base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the national technology and industrial base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for nontraditional and commercial item contractors, universities, and nonprofit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the national technology and industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

(A) section 126.5 of title 22, Code of Federal Regulations (relating to exemptions that are applicable to Canada under the International Traffic in Arms Regulations);

(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney on September 5, 2007;

(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007; and

(D) any other agreements among the countries comprising the national technology and industrial base.

(b) AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500(1) of title 10, United States Code, is amended by inserting ", the United Kingdom of Great Britain and Northern Ireland, Australia," after "United States".

(c) REPORTING REQUIREMENT.—The Secretary of Defense shall report on the progress of implementing the plan in subsection (a) in the report required under section 2504 of title 10, United States Code.

SEC. 882. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.

Section 2501(b) of title 10, United States Code, is amended by striking "It is the policy of Congress that the United States attain" and inserting "The Secretary of Defense shall ensure that the United States attains".

10 USC 2302 note.

SEC. 883. PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may carry out a six-year pilot program under which the Secretary may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contract for the production, modification, maintenance, or repair of a weapon system that is entered into by the Department of Defense.

(b) SUPPORT CONTRACTS.—

(1) IN GENERAL.—Any storage and distribution services to be provided under the pilot program under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such section shall apply to any such separate support contract between the Director of the Defense Logistics Agency and the contractor.

(2) LIMITATION.—Not more than five support contracts between the Director and the contractor may be awarded under the pilot program.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided under this section in support of the performance of a contract described in subsection (a) are storage and distribution of materiel and repair parts necessary for the performance of that contract.

(d) REGULATIONS.—Before exercising the authority under the pilot program under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under the pilot program only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be made available under the pilot program, including—

(A) a statement that the storage and distribution services are to be made available under the authority of the pilot program under this section to any contractor awarded

the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.

(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under the pilot program to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(5) A requirement that storage and distribution services provided under the pilot program may not interfere with the mission of the Defense Logistics Agency or of any military department involved with the pilot program.

(6) A requirement that any support contract for storage and distribution services entered into under the pilot program shall include a clause to indemnify the Government against any failure by the contractor to perform the support contract, and to remain responsible for performance of the primary contract.

(e) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under the pilot program under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(f) REPORTS.—

(1) SECRETARY OF DEFENSE.—Not later than the end of the fourth year of operation of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing—

(A) the cost effectiveness for both the Government and industry of the pilot program; and

(B) how support contracts under the pilot program affected meeting the requirements of primary contracts.

(2) COMPTROLLER GENERAL.—Not later than the end of the fifth year of operation of the pilot program, the Comptroller General of the United States shall review the report of the Secretary under paragraph (1) for sufficiency and provide such recommendations in a report to the Committees on Armed Services of the Senate and House of Representatives as the Comptroller General considers appropriate.

(g) SUNSET.—The authority to enter into contracts under the pilot program shall expire six years after the date of the enactment of this Act. Any contracts entered into before such date shall continue in effect according to their terms.

10 USC 2302 note.

SEC. 884. NONTRADITIONAL AND SMALL CONTRACTOR INNOVATION PROTOTYPING PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program for nontraditional defense contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new capabilities that could provide alternatives to existing acquisition programs and assets. The Secretary shall establish the pilot program within the Departments of the Army, Navy, and Air Force, the Missile Defense Agency, and the United States Special Operations Command.

(b) FUNDING.—There is authorized to be made available $250,000,000 from the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and carry out the pilot program in future years.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) broad agency announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the foreign comparative test program;

(D) projects carried out under the Rapid Innovation Program of the Department of Defense or pursuant to a Phase III agreement (as defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))); and

(E) streamlined procedures for acquisition provided under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) and procedures for alternative acquisition pathways established under section 805 of such Act (10 U.S.C. 2302 note).

(d) PROGRAMS TO BE INCLUDED.—As part of the pilot program, the Secretary of Defense shall allocate up to $50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for demonstrations of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical takeoff and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and anti-tank missiles.

(8) Defense against hypersonic weapons, including sensors.

(9) Other systems as designated by the Secretary.

(e) DEFINITIONS.—In this section:

(1) NONTRADITIONAL DEFENSE CONTRACTOR.—The term "nontraditional defense contractor" has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) SUNSET.—The authority under this section expires at the close of September 30, 2026.

Subtitle H—Other Matters

SEC. 885. REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) ELEMENTS.—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) For employees of the Department, including the contracting officers, program executive officers, and program managers, the extent and manner in which the bid protest system affects or is perceived to affect—

(A) the development of a procurement to avoid protests rather than improve acquisition;

(B) the quality or quantity of pre-proposal discussions, discussions of proposals, or post-award debriefings;

(C) the decision to use lowest price technically acceptable procurement methods;

(D) the decision to make multiple awards or encourage teaming;

(E) the ability to meet an operational or mission need or address important requirements;

(F) the decision to use sole source award methods; and

(G) the decision to exercise options on existing contracts.

(2) With respect to a company bidding on contracts or task or delivery orders, the extent and manner in which the bid protest system affects or is perceived to affect—

(A) the decision to offer a bid or proposal on single award or multiple award contracts when the company is the incumbent contractor;

(B) the decision to offer a bid or proposal on single award or multiple award contracts when the company is not the incumbent contractor;

(C) the ability to engage in pre-proposal discussions, discussions of proposals, or post -award debriefings;

(D) the decision to participate in a team or joint venture; and

(E) the decision to file a protest with the agency concerned, the Government Accountability Office, or the Court of Federal Claims.

(3) A description of trends in the number of bid protests filed with agencies, the Government Accountability Office, and Federal courts, the effectiveness of each forum for contracts and task or delivery orders, and the rate of such bid protests compared to contract obligations and the number of contracts.

(4) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(5) A comparison of the number of protests, the values of contested orders or contracts, and the outcome of protests for—

(A) awards of contracts compared to awards of task or delivery orders;

(B) contracts or orders primarily for products, compared to contracts or orders primarily for services;

(C) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(D) contracts or awards with single protestors compared to multiple protestors; and

(E) contracts with single awards compared to multiple award contracts.

(6) An analysis of the number and disposition of protests filed with the contracting agency.

(7) A description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders awarded during the same period of time, overall and set forth separately by the value of the contract or order, as follows:

(A) Contracts valued in excess of $3,000,000,000.

(B) Contracts valued between $500,000,000 and $3,000,000,000.

(C) Contracts valued between $50,000,000 and $500,000,000.

(D) Contracts valued between $10,000,000 and $50,000,000.

(E) Contracts valued under $10,000,000.

(8) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of $3,000,000,000.

(9) An analysis of how often protestors are awarded the contract that was the subject of the bid protest.

(10) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—

(A) at what point in the bid protest process the agency agreed to take corrective action;

(B) the average time for remedial action to be completed; and

(C) a determination regarding—

(i) whether or to what extent the decision to take the corrective action was a result of a determination by the agency that there had been a probable violation of law or regulation; or

(ii) whether or to what extent such corrective action was a result of some other factor.

(11) A description of the time it takes agencies to implement corrective actions after a ruling or decision, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent protest.

(12) An analysis of those contracts with respect to which a company files a protest (referred to as the "initial protest") and later files another protest (referred to as the "subsequent protest"), analyzed by the forum of the initial protest and the subsequent protest, including any difference in the outcome, between the forums.

(13) An analysis of the effect of the quantity and quality of debriefings on the frequency of bid protests.

(14) An analysis of the time spent at each phase of the procurement process attempting to prevent a protest, addressing a protest, or taking corrective action in response to a protest, including the efficacy of any actions attempted to prevent the occurrence of a protest.

(c) BRIEFING.—Not later than March 1, 2017, the Secretary, or his designee, shall brief the Committees on Armed Services of the Senate and House of Representatives on interim findings of the independent entity.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

SEC. 886. REVIEW AND REPORT ON INDEFINITE DELIVERY CONTRACTS.

(a) REPORT.—The Comptroller General of the United States shall deliver, not later than March 31, 2018, a report to Congress on the use by the Department of Defense of indefinite delivery contracts entered into during fiscal years 2015, 2016, and 2017.

(b) ELEMENTS.—The report under subsection (a) shall address, at a minimum, the following:

(1) A review of Department of Defense policies for entering into and using indefinite delivery contracts, including requirements for competition, as well as the guidance, if any, on the appropriate number of vendors that should receive multiple award indefinite delivery contracts.

(2) The number and value of all indefinite delivery contracts entered into by the Department of Defense, including the number and value of such contracts entered into with a single vendor.

(3) An assessment of the number and value of indefinite delivery contracts entered into by the Department of Defense that included competition between multiple vendors.

(4) Selected case studies of indefinite delivery contracts, including an assessment of whether any such contracts may have limited future opportunities for competition for the services or items required.

(5) Recommendations for potential changes to current law or Department of Defense acquisition regulations or guidance to promote competition with respect to indefinite delivery contracts.

SEC. 887. REVIEW AND REPORT ON CONTRACTUAL FLOW-DOWN PROVISIONS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of contractual flow-down provisions related to major defense acquisition programs on contractors and suppliers, including small businesses, contractors for commercial items, nontraditional defense contractors, universities, and not-for-profit research institutions. The review shall—

(1) identify the flow-down provisions that exist in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;

(2) identify the flow-down provisions that are critical for national security;

(3) examine the extent to which clauses in contracts with the Department of Defense are being applied inappropriately in subcontracts under the contracts;

(4) assess the applicability of flow-down provisions for the purchase of commodity items that are acquired in bulk for multiple acquisition programs;

(5) determine the unnecessary costs or burdens, if any, of flow-down provisions on the supply chain;

(6) determine the effect, if any, of flow-down provisions on the participation rate of small businesses, contractors for commercial items, nontraditional defense contractors, universities, and not-for-profit research organizations in defense acquisition efforts; and

(7) determine the effect, if any, of flow-down provisions on Department of Defense access to advanced research and technology capabilities available in the private sector.

(b) CONTRACT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct the review required by subsection (a).

(c) REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a report on the findings of the independent entity, along with a description of any actions that the Secretary proposes to address the findings of the independent entity.

10 USC 2305 note.

SEC. 888. REQUIREMENT AND REVIEW RELATING TO USE OF BRAND NAMES OR BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that competition in Department of Defense contracts is not limited

through the use of specifying brand names or brand-name or equivalent descriptions, or proprietary specifications or standards, in solicitations unless a justification for such specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

(b) REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS IN INFORMATION TECHNOLOGY ACQUISITIONS.—

(1) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a review of the policy, guidance, regulations, and training related to specifications included in information technology acquisitions to ensure current policies eliminate the unjustified use of potentially anti-competitive specifications. In conducting the review, the Under Secretary shall examine the use of brand names or proprietary specifications or standards in solicitations for procurements of goods and services, as well as the current acquisition training curriculum related to those areas.

(2) BRIEFING REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the results of the review required by paragraph (1).

(3) ADDITIONAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall revise policies, guidance, and training to incorporate such recommendations as the Under Secretary considers appropriate from the review required by paragraph (1).

SEC. 889. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

31 USC 3554 note.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

SEC. 890. STUDY AND REPORT ON CONTRACTS AWARDED TO MINORITY-OWNED AND WOMEN-OWNED BUSINESSES.

(a) STUDY.—The Comptroller General of the United States shall carry out a study on the number and types of contracts for the procurement of goods or services for the Department of Defense awarded to minority-owned and women-owned businesses during fiscal years 2010 through 2015. In conducting the study, the Comptroller General shall identify minority-owned businesses according to the categories identified in the Federal Procurement Data System (described in section 1122(a)(4)(A) of title 41, United States Code).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study under subsection (a).

SEC. 891. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (2)," after "this Act,"; and

(2) by amending paragraph (2) to read as follows:

"(2) EXCEPTION FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Notwithstanding paragraph (1), the Defense Contract Audit Agency may provide audit support on a reimbursable basis for the National Nuclear Security Administration.".

10 USC 2331 note.

SEC. 892. SELECTION OF SERVICE PROVIDERS FOR AUDITING SERVICES AND AUDIT READINESS SERVICES.

The Department of Defense shall select service providers for auditing services and audit readiness services based on the best value to the Department, as determined by the resource sponsor for an auditing contract, rather than based on the lowest price technically acceptable service provider.

SEC. 893. AMENDMENTS TO CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) BUSINESS SYSTEM REQUIREMENTS.—Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended in subsection (b)(1), by striking "system requirements" and inserting "clear and specific business system requirements that are identified and made publicly available".

(b) THIRD-PARTY INDEPENDENT AUDITOR REVIEWS.—Section 893 of such Act is further amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

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

"(c) REVIEW BY THIRD-PARTY INDEPENDENT AUDITORS.—The review process for contractor business systems pursuant to subsection (b)(2) shall—

"(1) if a registered public accounting firm attests to the internal control assessment of a contractor, pursuant to section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), allow the contractor, subject to paragraph (3), to submit certified documentation from such registered public accounting firm that the contractor business systems of the contractor meet the business system requirements referred to in subsection (b)(1) and to thereby eliminate the need for further review of the contractor business systems by the Secretary of Defense;

"(2) limit the review, subject to paragraph (3), of the contractor business systems of a contractor that is not a covered contractor to confirming that the contractor uses the same contractor business system for its Government and commercial work and that the outputs of the contractor business system based on statistical sampling are reasonable; and

"(3) allow a milestone decision authority to require a review of a contractor business system of a contractor that submits documentation pursuant to paragraph (1) or that is not a covered contractor after determining in writing that such a review is necessary to appropriately manage contractual risk.".

(c) AMENDMENT TO DEFINITION OF COVERED CONTRACTOR.—Section 893 of such Act is further amended in subsection (g), as so redesignated, by striking "means a contractor" and all that follows and inserting "means a contractor that has covered contracts

with the United States Government accounting for greater than 1 percent of its total gross revenue, except that the term does not include any contractor that is exempt, under section 1502 of title 41, United States Code, or regulations implementing that section, from using full cost accounting standards established in that section.".

(d) REPEAL OF OBSOLETE DEADLINE.—Section 893 of such Act is further amended in subsection (a) by striking "Not later than 270 days after the date of the enactment of this Act, the" and inserting "The".

SEC. 894. IMPROVED MANAGEMENT PRACTICES TO REDUCE COST AND IMPROVE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE ORGANIZATIONS.

10 USC 2222 note.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate units, subunits, or entities of the Department of Defense, other than Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, that conduct work that is commercial in nature or is not inherently governmental to prioritize efforts to conduct business operations in a manner that uses modern, commercial management practices and principles to reduce the costs and improve the performance of such organizations.

(b) ADOPTION OF MODERN BUSINESS PRACTICES.—The Secretary shall ensure that each such unit, subunit, or entity of the Department described in subsection (a) is authorized to adopt and implement best commercial and business management practices to achieve the goals described in such subsection.

(c) WAIVERS.—The Secretary shall authorize waivers of Department of Defense, military service, and Defense Agency regulations, as appropriate, to achieve the goals in subsection (a), including in the following areas:

(1) Financial management.
(2) Human resources.
(3) Facility and plant management.
(4) Acquisition and contracting.
(5) Partnerships with the private sector.
(6) Other business and management areas as identified by the Secretary.

(d) GOALS.—The Secretary of Defense shall identify savings goals to be achieved through the implementation of the commercial and business management practices adopted under subsection (b), and establish a schedule for achieving the savings.

(e) BUDGET ADJUSTMENT.—The Secretary shall establish policies to adjust organizational budget allocations, at the Secretary's discretion, for purposes of—

(1) using savings derived from implementation of best commercial and business management practices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will result in further savings to the Department of Defense.

(f) BUDGET BASELINES.—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.

40 USC 11103 note.

SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.

(a) WAIVER AUTHORITY.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision authority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

(b) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term "milestone decision authority" has the meaning given the term in section 2366a(d)(7) of title 10, United States Code.

SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

Section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended—

(1) in subsection (a)(2), by inserting "or Small Business Technology Transfer Program" after "Small Business Innovation Research Program";

(2) in subsection (b)—

(A) by inserting "subparagraphs (A), (B), and (C) of section 2313(a)(2) of title 10, United States Code, and" before "subsection (b) of section 2313"; and

(B) in paragraph (2), by inserting ", and if such performance audit is initiated within 18 months of the contract completion" before the period at the end;

15 USC 638.

(3) by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (b) the following new subsections:

"(c) TREATMENT AS COMPETITIVE PROCEDURES.—Use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

"(d) DISCRETION TO USE NON-CERTIFIED ACCOUNTING SYSTEMS.—In executing programs under this pilot program, the Secretary of Defense shall establish procedures under which a small business or nontraditional contractor may engage an independent certified public accountant for the review and certification of its

accounting system for the purposes of any audits required by regulation, unless the head of the agency determines that this is not appropriate based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

"(e) GUIDANCE AND TRAINING.—The Secretary of Defense shall ensure that acquisition and auditing officials are provided guidance and training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.".

SEC. 897. RAPID PROTOTYPING FUNDS FOR THE MILITARY DEPARTMENTS.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), as amended by section 864 of this Act, is further amended—

(1) in the subsection heading, by striking "FUND" and inserting "FUNDS";

(2) in paragraph (1), by striking "IN GENERAL.—The Secretary" and inserting the following: "DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—

"(A) IN GENERAL.—The Secretary";

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking "this subsection" and inserting "this paragraph"; and

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

"(2) RAPID PROTOTYPING FUNDS FOR THE MILITARY DEPARTMENTS.—The Secretary of each military department may establish a military department-specific fund (and, in the case of the Secretary of the Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available to the military department concerned, for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. Each military department-specific fund shall consist of amounts appropriated or credited to the fund.".

SEC. 898. ESTABLISHMENT OF PANEL ON DEPARTMENT OF DEFENSE AND ABILITYONE CONTRACTING OVERSIGHT, ACCOUNTABILITY, AND INTEGRITY; DEFENSE ACQUISITION UNIVERSITY TRAINING.

10 USC 2302 note.

(a) ESTABLISHMENT OF PANEL ON DEPARTMENT OF DEFENSE AND ABILITYONE CONTRACTING OVERSIGHT, ACCOUNTABILITY, AND INTEGRITY.—

(1) IN GENERAL.—The Secretary of Defense shall establish a panel to be known as the "Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity" (hereafter in this section referred to as the "Panel"). The Panel shall be supported by the Defense Acquisition University, established under section 1746 of title 10, United States Code, and the National Defense University, including administrative support.

(2) COMPOSITION.—The Panel shall be composed of the following:

(A) A representative of the Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the chairman of the Panel.

(B) A representative from the AbilityOne Commission.

(C) A representative of the service acquisition executive of each military department and Defense Agency (as such terms are defined, respectively, in section 101 of title 10, United States Code).

(D) A representative of the Under Secretary of Defense (Comptroller).

(E) A representative of the Inspector General of the Department of Defense and the AbilityOne Commission.

(F) A representative from each of the Army Audit Agency, the Navy Audit Service, the Air Force Audit Agency, and the Defense Contract Audit Agency.

(G) The President of the Defense Acquisition University, or a designated representative.

(H) One or more subject matter experts on veterans employment from a veterans service organization.

(I) A representative of the Commission Directorate of Veteran Employment of the AbilityOne Commission whose duties include maximizing opportunities to employ significantly disabled veterans in accordance with the regulations of the AbilityOne Commission.

(J) One or more representatives from the Department of Justice who are subject matter experts on compliance with disability rights laws applicable to contracts of the Department of Defense and the AbilityOne Commission.

(K) One or more representatives from the Department of Justice who are subject matter experts on Department of Defense contracts, Federal Prison Industries, and the requirements of the Javits-Wagner-O'Day Act.

(L) Such other representatives as may be determined appropriate by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) MEETINGS.—The Panel shall meet as determined necessary by the chairman of the Panel, but not less often than once every three months.

(c) DUTIES.—The Panel shall—

(1) review the status of and progress relating to the implementation of the recommendations of report number DODIG–2016–097 of the Inspector General of the Department of Defense titled "DoD Generally Provided Effective Oversight of AbilityOne Contracts", published on June 17, 2016;

(2) recommend actions the Department of Defense and the AbilityOne Commission may take to eliminate waste, fraud, and abuse with respect to contracts of the Department of Defense and the AbilityOne Commission;

(3) recommend actions the Department of Defense and the AbilityOne Commission may take to ensure opportunities for the employment of significantly disabled veterans and the blind and other severely disabled individuals;

(4) recommend changes to law, regulations, and policy that the Panel determines necessary to eliminate vulnerability to waste, fraud, and abuse with respect to the performance of contracts of the Department of Defense;

(5) recommend criteria for veterans with disabilities to be eligible for employment opportunities through the programs of the AbilityOne Commission that considers the definitions of disability used by the Secretary of Veterans Affairs and the AbilityOne Commission;

(6) recommend ways the Department of Defense and the AbilityOne Commission may explore opportunities for competition among qualified nonprofit agencies or central nonprofit agencies and ensure an equitable selection and allocation of work to qualified nonprofit agencies;

(7) recommend changes to business practices, information systems, and training necessary to ensure that—

(A) the AbilityOne Commission complies with regulatory requirements related to the establishment and maintenence of the procurement list established pursuant to section 8503 of title 41, United States Code; and

(B) the Department of Defense complies with the statutory and regulatory requirements for use of such procurement list; and

(8) any other duties determined necessary by the Secretary of Defense.

(d) CONSULTATION.—To carry out the duties described in subsection (c), the Panel may consult or contract with other executive agencies and with experts from qualified nonprofit agencies or central nonprofit agencies on—

(1) compliance with disability rights laws applicable to contracts of the Department of Defense and the AbilityOne Commission;

(2) employment of significantly disabled veterans; and

(3) vocational rehabilitation.

(e) AUTHORITY.—To carry out the duties described in subsection (c), the Panel may request documentation or other information needed from the AbilityOne Commission, central nonprofit agencies, and qualified nonprofit agencies.

(f) PANEL RECOMMENDATIONS AND MILESTONE DATES.—

(1) MILESTONE DATES FOR IMPLEMENTING RECOMMENDATIONS.—After consulting with central nonprofit agencies and qualified nonprofit agencies, the Panel shall suggest milestone dates for the implementation of the recommendations made under subsection (c) and shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, qualified nonprofit agencies, and central nonprofit agencies of such dates.

(2) NOTIFICATION OF IMPLEMENTATION OF RECOMMENDATIONS.—After the establishment of milestone dates under paragraph (1), the Panel may review the activities, including contracts, of the AbilityOne Commission, the central nonprofit agencies, and the relevant qualified nonprofit agencies to determine if the recommendations made under subsection (c) are being substantially implemented in good faith by the AbilityOne Commission or such agencies. If the Panel determines that the AbilityOne Commission or any such agency is not implementing the recommendations, the Panel shall notify the Secretary of Defense, the congressional defense committees, the Committee on Oversight and Government Reform of the House

of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(g) REMEDIES.—

(1) IN GENERAL.—Upon receiving notification under subsection (f)(2) and subject to the limitation in paragraph (2), the Secretary of Defense may take one of the following actions:

(A) With respect to a notification relating to the AbilityOne Commission, the Secretary may suspend compliance with the requirement to procure a product or service in section 8504 of title 41, United States Code, until the date on which the Secretary notifies Congress, in writing, that the AbilityOne Commission is substantially implementing the recommendations made under subsection (c).

(B) With respect to a notification relating to a qualified nonprofit agency, the Secretary may terminate a contract with such agency that is in existence on the date of receipt of such notification, or elect to not enter into a contract with such agency after such date, until the date on which the AbilityOne Commission certifies to the Secretary that such agency is substantially implementing the recommendations made under subsection (c).

(C) With respect to a notification relating to a central nonprofit agency, the Secretary may include a term in a contract entered into after the date of receipt of such notification with a qualified nonprofit agency that is under such central nonprofit agency that states that such qualified nonprofit agency shall not pay a fee to such central nonprofit agency until the date on which the AbilityOne Commission certifies to the Secretary that such central nonprofit agency is substantially implementing the recommendations made under subsection (c).

(2) LIMITATION.—If the Secretary of Defense takes any of the actions described in paragraph (1), the Secretary shall coordinate with the AbilityOne Commission or the relevant central nonprofit agency, as appropriate, to fully implement the recommendations made under subsection (c). On the date on which such recommendations are fully implemented, the Secretary shall notify Congress, in writing, and the Secretary's authority under paragraph (1) shall terminate.

(h) PROGRESS REPORTS.—

(1) CONSULTATION ON RECOMMENDATIONS.—Before submitting the progress report required under paragraph (2), the Panel shall consult with the AbilityOne Commission on draft recommendations made pursuant to subsection (c). The Panel shall include any recommendations of the AbilityOne Commission in the progress report submitted under paragraph (2).

(2) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Panel shall submit to the Secretary of Defense, the Chairman of the AbilityOne Commission, the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a progress report on the activities of the Panel.

(i) ANNUAL REPORT.—

(1) CONSULTATION ON REPORT.—Before submitting the annual report required under paragraph (2), the Panel shall

consult with the AbilityOne Commission on the contents of the report. The Panel shall include any recommendations of the AbilityOne Commission in the report submitted under paragraph (2).

(2) REPORT.—Not later than September 30, 2017, and annually thereafter for the next three years, the Panel shall submit to the Secretary of Defense, the Chairman of the AbilityOne Commission, the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

(A) a summary of findings and recommendations for the year covered by the report;

(B) a summary of the progress of the relevant qualified nonprofit agencies or central nonprofit agencies in implementing recommendations of the previous year's report, if applicable;

(C) an examination of the current structure of the AbilityOne Commission to eliminate waste, fraud, and abuse and to ensure contracting integrity and accountability for any violations of law or regulations;

(D) recommendations for any changes to the acquisition and contracting practices of the Department of Defense and the AbilityOne Commission to improve the delivery of goods and services to the Department of Defense; and

(E) recommendations for administrative safeguards to ensure the Department of Defense and the AbilityOne Commission are in compliance with the requirements of the Javits-Wagner-O'Day Act, Federal civil rights law, and regulations and policy related to the performance of contracts of the Department of Defense with qualified nonprofit agencies and the contracts of the AbilityOne Commission with central nonprofit agencies.

(j) SUNSET.—The Panel shall terminate on the date of submission of the last annual report required under subsection (i).

(k) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel established pursuant to subsection (a).

(l) DEFENSE ACQUISITION UNIVERSITY TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall establish a training program at the Defense Acquisition University established under section 1746 of title 10, United States Code. Such training shall include—

(A) information about—

(i) the mission of the AbilityOne Commission;

(ii) the employment of significantly disabled veterans through contracts from the procurement list maintained by the AbilityOne Commission;

(iii) reasonable accommodations and accessibility requirements for the blind and other severely disabled individuals; and

(iv) Executive orders and other subjects related to the blind and other severely disabled individuals, as determined by the Secretary of Defense; and

(B) procurement, acquisition, program management, and other training specific to procuring goods and services

for the Department of Defense pursuant to the Javits-Wagner-O'Day Act.

(2) ACQUISITION WORKFORCE ASSIGNMENT.—Members of the acquisition workforce (as defined in section 101 of title 10, United States Code) who have participated in the training described in paragraph (1) are eligible for a detail to the AbilityOne Commission.

(3) ABILITYONE COMMISSION ASSIGNMENT.—Career employees of the AbilityOne Commission may participate in the training program described in paragraph (1) on a non-reimbursable basis for up to three years and on a non-reimbursable or reimbursable basis thereafter.

(4) FUNDING.—Amounts from the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, are authorized for use for the detail of members of the acquisition workforce to the AbilityOne Commission.

(m) DEFINITIONS.—In this section:

(1) The term "AbilityOne Commission" means the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code.

(2) The terms "blind", "qualified nonprofit agency for the blind", "qualified nonprofit agency for other severely disabled", and "severely disabled individual" have the meanings given such terms under section 8501 of such title.

(3) The term "central nonprofit agency" means a central nonprofit agency designated under section 8503(c) of such title.

(4) The term "executive agency" has the meaning given such term in section 133 of such title.

(5) The term "Javits-Wagner-O'Day Act" means chapter 85 of such title.

(6) The term "qualified nonprofit agency" means—

(A) a qualified nonprofit agency for the blind; or

(B) a qualified nonprofit agency for other severely disabled.

(7) The term "significantly disabled veteran" means a veteran (as defined in section 101 of title 38, United States Code) who is a severely disabled individual.

SEC. 899. COAST GUARD MAJOR ACQUISITION PROGRAMS.

(a) FUNCTIONS OF CHIEF ACQUISITION OFFICER.—Section 56(c) of title 14, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting "; and", and adding at the end the following:

"(10)(A) keeping the Commandant informed of the progress of major acquisition programs (as that term is defined in section 581);

"(B) informing the Commandant on a continuing basis of any developments on such programs that may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

"(i) significant cost growth or schedule slippage; and

"(ii) requirements creep (as that term is defined in section 2547(c)(1) of title 10); and

"(C) ensuring that the views of the Commandant regarding such programs on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.".

(b) CUSTOMER SERVICE MISSION OF DIRECTORATE.—

(1) IN GENERAL.—Chapter 15 of title 14, United States Code, is amended—

(A) in section 561(b)—

(i) in paragraph (1), by striking "; and" and inserting a semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) to meet the needs of customers of major acquisition programs in the most cost-effective manner practicable.";

(B) in section 562, by repealing subsection (b) and redesignating subsections (c), (d), (f), and (g) as subsections (b), (c), (d), and (e), respectively;

(C) in section 563, by striking "Not later than 180 days after the date of enactment of the Coast Guard Authorization Act of 2010, the Commandant shall commence implementation of" and inserting "The Commandant shall maintain";

(D) by adding at the end of section 564 the following:

"(c) ACQUISITION OF UNMANNED AERIAL SYSTEMS.—

"(1) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of the Offshore Patrol Cutter, the Commandant—

"(A) may not award a contract for design of an unmanned aerial system for use by the Coast Guard; and

"(B) may acquire an unmanned aerial system only—

"(i) if such a system has been acquired by, or has been used by, the Department of Defense or the Department of Homeland Security, or a component thereof, before the date on which the Commandant acquires the system; and

"(ii) through an agreement with such a department or component, unless the unmanned aerial system can be obtained at less cost through independent contract action.

"(2) LIMITATIONS ON APPLICATION.—

"(A) SMALL UNMANNED AERIAL SYSTEMS.—The limitations in paragraph (1)(B) do not apply to any small unmanned aerial system that consists of—

"(i) an unmanned aircraft weighing less than 55 pounds on takeoff, including all components and equipment on board or otherwise attached to the aircraft; and

"(ii) associated elements (including communication links and the components that control such aircraft) that are required for the safe and efficient operation of such aircraft.

"(B) PREVIOUSLY FUNDED SYSTEMS.—The limitations in paragraph (1) do not apply to the design or acquisition of an unmanned aerial system for which funds for research, development, test, and evaluation have been received from

the Department of Defense or the Department of Homeland Security";

(E) in subchapter II, by adding at the end the following:

14 USC 578.

"§ 578. Role of Vice Commandant in major acquisition programs

"The Vice Commandant—

"(1) shall represent the customer of a major acquisition program with regard to trade-offs made among cost, schedule, technical feasibility, and performance with respect to such program; and

"(2) shall advise the Commandant in decisions regarding the balancing of resources against priorities, and associated trade-offs referred to in paragraph (1), on behalf of the customer of a major acquisition program.

14 USC 579.

"§ 579. Extension of major acquisition program contracts

"(a) IN GENERAL.—Notwithstanding section 564(a)(2) of this title and section 2304 of title 10, and subject to subsections (b) and (c) of this section, the Secretary may acquire additional units procured under a Coast Guard major acquisition program contract, by extension of such contract without competition, if the Director of the Cost Analysis Division of the Department of Homeland Security determines that the costs that would be saved through award of a new contract in accordance with such sections would not exceed the costs of such an award.

"(b) LIMITATION ON NUMBER OF ADDITIONAL UNITS.—The number of additional units acquired under a contract extension under this section may not exceed the number of additional units for which such determination is made.

"(c) DETERMINATION OF COSTS UPON REQUEST.—The Director of the Cost Analysis Division of the Department of Homeland Security shall, at the request of the Secretary, determine for purposes of this section—

"(1) the costs that would be saved through award of a new major acquisition program contract in accordance with section 564(a)(2) for the acquisition of a number of additional units specified by the Secretary; and

"(2) the costs of such award, including the costs that would be incurred due to acquisition schedule delays and asset design changes associated with such award.

"(d) NUMBER OF EXTENSIONS.—A contract may be extended under this section more than once."; and

(F) in section 581—

(i) by redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively, and by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

"(3) CUSTOMER OF A MAJOR ACQUISITION PROGRAM.—The term 'customer of a major acquisition program' means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program."; and

(iii) by inserting after paragraph (7), as so redesignated, the following:

"(8) MAJOR ACQUISITION PROGRAM.—The term 'major acquisition program' means an ongoing acquisition undertaken

by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following: 14 USC 561 prec.

"578. Role of Vice Commandant in major acquisition programs.
"579. Extension of major acquisition program contracts.".

(c) REVIEW REQUIRED.— 14 USC 561 note.

(1) REQUIREMENT.—The Commandant of the Coast Guard shall conduct a review of—

(A) the authorities provided to the Commandant in chapter 15 of title 14, United States Code, and other relevant statutes and regulations related to Coast Guard acquisitions, including developing recommendations to ensure that the Commandant plays an appropriate role in the development of requirements, acquisition processes, and the associated budget practices;

(B) implementation of the strategy prepared in accordance with section 562(b)(2) of title 14, United States Code, as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

(C) acquisition policies, directives, and regulations of the Coast Guard to ensure such policies, directives, and regulations establish a customer-oriented acquisition system.

(2) REPORT.—Not later than March 1, 2017, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing, at a minimum, the following:

(A) The recommendations developed by the Commandant under paragraph (1) and other results of the review conducted under such paragraph.

(B) The actions the Commandant is taking, if any, within the Commandant's existing authority to implement such recommendations.

(3) MODIFICATION OF POLICIES, DIRECTIVES, AND REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Commandant of the Coast Guard shall modify the acquisition policies, directives, and regulations of the Coast Guard as necessary to ensure the development and implementation of a customer-oriented acquisition system, pursuant to the review under paragraph (1)(C).

(d) ANALYSIS OF USING MULTIYEAR CONTRACTING.—

(1) IN GENERAL.—No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of the use of multiyear contracting, including procurement authority provided under section 2306b of title 10, United States Code, and authority similar to that granted to the Navy under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and section 150 of the Continuing Appropriations Act, 2011 (Public Law

111–242; 124 Stat. 3519), to acquire any combination of at least five—

(A) Fast Response Cutters, beginning with hull 43; and

(B) Offshore Patrol Cutters, beginning with hull 5.

(2) CONTENTS.—The analysis under paragraph (1) shall include the costs and benefits of using multiyear contracting, the impact of multiyear contracting on delivery timelines, and whether the acquisitions examined would meet the tests for the use of multiyear procurement authorities.

10 USC 2302 note.

SEC. 899A. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF CERTAIN ACTIVITIES.

(a) IN GENERAL.—Except as provided in subsection (c), in the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATION.—

(1) IN GENERAL.—A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the African region;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security and stability in Africa.

(C) That the product or service is of equivalent quality to a product or service that would have otherwise been acquired without such limitation or preference.

(2) REQUIREMENT FOR EFFECTIVENESS OF ANY PARTICULAR DETERMINATION.—A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United

States Code, is not reasonably available to provide the air transportation.

(c) INAPPLICABILITY OF AUTHORITY TO PROCUREMENT OF ITEMS ON ABILITYONE PROCUREMENT CATALOG.—The authority under subsection (a) may not be used for the procurement of any good that is contained in the procurement list described in section 8503(a) of title 41, United States Code, if such good can be produced and delivered by a qualified non profit agency for the blind or a nonprofit agency for other severely disabled in a timely fashion to support mission requirements.

(d) REPORT ON USE OF AUTHORITY.—Not later than December 31, 2017, the Secretary shall submit to the congressional defense committees a report on the use of the authority in subsection (a). The report shall include, but not be limited to, the following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A list of the countries providing products or services as a result of determinations made pursuant to subsection (b).

(3) A description of the products and services acquired using the authority.

(4) The extent to which the use of the authority has met the one or more of the objectives specified in clause (i), (ii), or (iii) of subsection (b)(1)(B).

(5) Such recommendations for improvements to the authority as the Secretary considers appropriate.

(6) Such other matters as the Secretary considers appropriate.

(e) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term "covered activities" means Department of Defense activities in the African region or a regional neighbor.

(2) COVERED AFRICAN COUNTRY.—The term "covered African country" means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) HOST NATION.—The term "host nation" means a nation that allows the Armed Forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) PRODUCT OR SERVICE OF A COVERED AFRICAN COUNTRY.—The term "product or service of a covered African country" means the following:

(A) A product from a covered African country that is wholly grown, mined, manufactured, or produced in the covered African country.

(B) A service from a covered African country that is performed by a person or entity that—

(i) is properly licensed or registered by appropriate authorities of the covered African country; and

(ii) as determined by the Chief of Mission concerned—

(I) is operating primarily in the covered African country; or

(II) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials,

or labor that are primarily grown, mined, manufactured, produced, or sourced from the covered African country.

(f) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Subtitle B—Organization and Management of the Department of Defense Generally

Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

Subtitle E—Strategies, Reports, and Related Matters

Subtitle F—Other Matters

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Effective on February 1, 2018, chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section: 10 USC 133a note.

"§ 133a. Under Secretary of Defense for Research and Engineering 10 USC 133a.

"(a) UNDER SECRETARY OF DEFENSE.—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive technology, science, or engineering background and experience with managing complex or advanced technological programs. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—

"(1) serving as the chief technology officer of the Department of Defense with the mission of advancing technology and innovation for the armed forces (and the Department);

"(2) establishing policies on, and supervising, all defense research and engineering, technology development, technology transition, prototyping, experimentation, and developmental testing activities and programs, including the allocation of resources for defense research and engineering, and unifying defense research and engineering efforts across the Department; and

"(3) serving as the principal advisor to the Secretary on all research, engineering, and technology development activities and programs in the Department.

"(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

"(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

"(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.".

(2) SERVICE OF INCUMBENT USD FOR ATL IN POSITION.—The individual serving as Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133 of title 10, United States Code, as of February 1, 2018, may 10 USC 133a note.

continue to serve as Under Secretary of Defense for Research and Engineering commencing as of that date, without further appointment under section 133a of such title, as added by paragraph (1).

10 USC 133b note.

(b) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Effective on February 1, 2018, chapter 4 of title 10, United States Code, is further amended by inserting after section 133a, as added by subsection (a), the following new section:

10 USC 133b.

"§ 133b. Under Secretary of Defense for Acquisition and Sustainment

"(a) UNDER SECRETARY OF DEFENSE.—There is an Under Secretary of Defense for Acquisition and Sustainment, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive system development, engineering, production, or management background and experience with managing complex programs. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—

"(1) serving as the chief acquisition and sustainment officer of the Department of Defense with the mission of delivering and sustaining timely, cost-effective capabilities for the armed forces (and the Department);

"(2) establishing policies on, and supervising, all elements of the Department relating to acquisition (including system design, development, and production, and procurement of goods and services) and sustainment (including logistics, maintenance, and materiel readiness);

"(3) establishing policies for access to, and maintenance of, the defense industrial base and materials critical to national security, and policies on contract administration;

"(4) serving as—

"(A) the principal advisor to the Secretary on acquisition and sustainment in the Department;

"(B) the senior procurement executive for the Department for the purposes of section 1702(c) of title 41; and

"(C) the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive;

"(5) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chairman of the Nuclear Weapons Council and the co-chairman of the Council on Oversight of the National Leadership Command, Control, and Communications System;

"(6) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Under Secretary has responsibility, except that the Under Secretary shall exercise supervisory authority over service acquisition programs for which the service acquisition executive is the milestone decision authority; and

"(7) to the extent directed by the Secretary, exercising overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law.

"(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

"(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary of Defense, and the Under Secretary of Defense for Research and Engineering.

"(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, the Under Secretary of Defense for Research and Engineering, and the Secretaries of the military departments.".

(c) CHIEF MANAGEMENT OFFICER.— 10 USC 131 note.

(1) IN GENERAL.—Effective on February 1, 2018, there is a Chief Management Officer of the Department of Defense.

(2) APPOINTMENT.—The Chief Management Officer shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Chief Management Officer shall be appointed from among persons who have an extensive management or business background and experience with managing large or complex organizations. A person may not be appointed as Chief Management Officer within seven years after relief from active duty as a commissioned officer of a regular component of an Armed Force.

(3) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe, including—

(A) serving as the chief management officer of the Department of Defense with the mission of managing the business operations of the Department;

(B) establishing policies on, and supervising, all business operations of the Department, including business transformation, business planning and processes, performance management, and business information technology management and improvement activities and programs, including the allocation of resources for business operations, and unifying business management efforts across the Department;

(C) serving as the principal advisor to the Secretary on all business operations activities and programs in the Department; and

(D) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Management Officer has responsibility.

(4) CONFORMING AMENDMENTS.—Effective on February 1, 2018, section 132 of title 10, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(d) REPEAL OF PENDING AUTHORITY TO ESTABLISH UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—Subsection (a) of section 901 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed.

(e) REPEAL OF CERTAIN ASD AND DIRECTOR POSITIONS.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9); and

(B) by redesignating paragraph (10) as paragraph (6); and

(2) by striking sections 139b and 139c.

10 USC 131 note.

(f) OFFICE OF THE SECRETARY OF DEFENSE.—Effective on February 1, 2018, section 131(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(2) by striking subparagraph (A) and inserting the following new subparagraphs:

"(A) The Under Secretary of Defense for Research and Engineering.

"(B) The Under Secretary of Defense for Acquisition and Sustainment.".

(g) TABLE OF SECTION AMENDMENTS.—

(1) TABLE OF SECTIONS EFFECTIVE ON ENACTMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the items relating to sections 139b and 139c.

10 USC 131 prec.

(2) TABLE OF SECTIONS EFFECTIVE ON DELAYED EFFECTIVE DATE.—Effective on February 1, 2018, the table of sections at the beginning of chapter 4 of such title is further amended by striking the item relating to section 133 and inserting the following new items:

10 USC 131 prec.

"133a. Under Secretary of Defense for Research and Engineering.

"133b. Under Secretary of Defense for Acquisition and Sustainment.".

5 USC 5313 note.

(h) EXECUTIVE SCHEDULE LEVEL II.—Effective on February 1, 2018, section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new items:

"Under Secretary of Defense for Research and Engineering.

"Under Secretary of Defense for Acquisition and Sustainment.".

(i) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a review and identify a recommended organizational and management structure for the Department of Defense that implements the organizational policy guidance expressed in this section and the amendments made by this section.

(2) ELEMENTS.—The review and recommendations shall address, but not be limited to, the following:

(A) The organizational and management structure of the Department including the disposition of leadership positions, subordinate organizations, and defined relationships across such leadership positions and organizations.

(B) The recommended disposition within the Office of the Secretary of Defense of the various Assistant Secretaries of Defense, Deputy Assistant Secretaries of Defense, and Directors affected by the organizational policy guidance.

(C) The specific delineation of roles, responsibilities, and authorities, as directed by the Secretary, for the organizational and management structure covered by subparagraph (A).

(j) REPORTS.—

(1) INTERIM REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees an interim report on the review and recommended organizational and management structure for the Department of Defense as required by subsection (i).

(2) FINAL REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a final report on the review and recommended organizational and management structure, including—

(A) a proposed implementation plan for how the Department would implement its recommendations;

(B) recommendations for revisions to appointments and qualifications, duties and powers, and precedent in the Department;

(C) recommendations for such legislative and administrative action, including conforming and other amendments to law, as the Secretary considers appropriate to implement the plan; and

(D) any other matters that the Secretary considers appropriate.

SEC. 902. RESPONSIBILITIES AND REPORTING OF THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 142(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

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

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

"(E) exercises authority, direction, and control over the Defense Information Systems Agency, or any successor organization;

"(F) has the responsibilities for policy, oversight, guidance, and coordination for all Department of Defense matters related to electromagnetic spectrum, including coordination with other Federal and industry agencies, coordination for classified programs, and in coordination with the Under Secretary for Personnel and Readiness, policies related to spectrum management workforce;

"(G) has the responsibilities for policy, oversight, guidance, and coordination for nuclear command and control systems;

"(H) has the responsibilities for policy, oversight, and guidance for matters related to precision navigation and timing; and

"(I) has the responsibilities for policy, oversight, and guidance for the architecture and programs related to the networking and cyber defense architecture of the Department.".

(b) DIRECT REPORTING.—Section 151(b)(5) of such title is amended by inserting before the period at the end the following: ", who reports directly to the Secretary and Deputy Secretary without intervening authority".

SEC. 903. MAXIMUM NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—Section 143(b) of title 10, United States Code, is amended by striking "and civilian personnel" and inserting ", civilian, and detailed personnel".

(b) JOINT STAFF.—

(1) IN GENERAL.—Section 155 of such title is amended by adding at the end the following new subsection:

"(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 2,069.

"(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

"(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

"(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

10 USC 155 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on December 31, 2019.

(c) OFFICE OF THE SECRETARY OF THE ARMY.—Section 3014(f) of such title is amended—

(1) in paragraph (4), by striking "time of war" and all that follows and inserting "time of war."; and

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

"(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

(d) OFFICE OF THE SECRETARY OF THE NAVY.—Section 5014(f) of such title is amended—

(1) in paragraph (4), by striking "time of war" and all that follows and inserting "time of war."; and

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

"(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 8014(f) of such title is amended—

(1) in paragraph (4), by striking "time of war" and all that follows and inserting "time of war."; and

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

"(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

SEC. 904. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) REPEAL.—Section 185 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185. 10 USC 171 prec.

Subtitle B—Organization and Management of the Department of Defense Generally

SEC. 911. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE. 10 USC 111 note.

(a) ORGANIZATIONAL STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than September 1, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the critical objectives and other organizational outputs for the Department that span multiple functional boundaries and would benefit from the use of cross-functional teams under this section to ensure collaboration and integration across organizations within the Department;

(B) improves the manner in which the Department integrates the expertise and capacities of the functional components of the Department for effective and efficient achievement of such objectives and outputs;

(C) improves the management of relationships and processes involving the Office of the Secretary of Defense, the Joint Staff, the combatant commands, the military departments, and the Defense Agencies with regard to such objectives and outputs;

(D) improves the ability of the Department to work effectively in interagency processes with regard to such objectives and outputs in order to better serve the President; and

(E) achieves an organizational structure that enhances performance with regard to such objectives and outputs.

(2) ELEMENTS.—The strategy shall provide for the following:

(A) The appropriate use of cross-functional teams to manage critical objectives and outputs of the Department described in paragraph (1)(A).

(B) The furtherance and advancement of a collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action, and supports cross-functional teaming and integration.

(b) ACTIONS IN SUPPORT OF STRATEGY.—

(1) STUDY.—The Department of Defense shall conduct a study of the following in order to determine how best to implement effective cross-functional teams in the Department to achieve the strategic objectives of the Secretary of Defense:

(A) Lessons learned, as reflected in academic literature, business and management school case studies, and the work of leading management consultant firms, on the successful and failed application of cross-functional teams in the private sector and government, and on the cultural factors necessary to support effective cross-functional teams.

(B) The historical and current use by the Department of cross-functional working groups, integrated process teams, councils, and committees, and the reasons why such entities have or have not achieved high levels of teamwork or effectiveness.

(2) CONDUCT OF STUDY.—The study required by paragraph (1) shall be conducted by an independent organization with widely acknowledged expertise in modern organizational management and teaming selected by the Secretary for purposes of the study.

(3) SCHEDULE.—The Secretary shall award any necessary contract for the study required by paragraph (1) pursuant to paragraph (2) by not later than March 15, 2017, and shall provide the results of the study to the congressional defense committees by not later than July 15, 2017.

(c) CROSS-FUNCTIONAL TEAMS.—In support of the strategy required by subsection (a):

(1) IN GENERAL.—The Secretary of Defense shall establish cross-functional teams to address critical objectives and outputs for such teams as are determined to be appropriate in accordance with the organizational strategy issued under subsection (a), with initial teams established by not later than September 30, 2017.

(2) PURPOSES.—The purposes of cross-functional teams established pursuant to this subsection shall be, as determined appropriate by the Secretary—

(A) to provide for effective collaboration and integration across organizational and functional boundaries in the Department of Defense;

(B) to develop, at the direction of the Secretary, recommendations for comprehensive and fully integrated policies, strategies, plans, and resourcing decisions;

(C) to make decisions on cross-functional issues, to the extent authorized by the Secretary and within parameters established by the Secretary; and

(D) to provide oversight for and, as directed by the Secretary, supervise the implementation of approved policies, strategies, plans, and resourcing decisions approved by the Secretary.

(3) GUIDANCE ON TEAMS.—Not later than September 30, 2017, the Secretary shall issue guidance—

(A) addressing the role, authorities, reporting relationships, resourcing, manning, training, and operations of cross-functional teams established pursuant to this subsection;

(B) delineating decision-making authority of such teams;

(C) providing that the leaders of functional components of the Department that provide personnel to such teams respect and respond to team needs and activities; and

(D) emphasizing that personnel selected for assignment to such teams shall faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the team concerned.

(4) PARTICIPANTS.—In establishing a cross-functional team pursuant to this subsection, the Secretary shall consider personnel from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in all functional areas that the Secretary considers appropriate.

(5) TEAM PERSONNEL.—For each cross-functional team established by the Secretary pursuant to this subsection, the Secretary shall—

(A) assign as leader of such team a senior qualified and experienced individual, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade who are recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or by the director of a Defense Agency;

(C) provide the team leader with necessary full time support from team members, and the means to co-locate team members;

(D) ensure that team members and all leaders in functional organizations that are in the supervisory chain for personnel serving on such team receive training in elements of successful cross-functional teams, including teamwork, collaboration, conflict resolution, and appropriately representing the views and expertise of their functional components; and

(E) ensure that the congressional defense committees are provided information on the progress and results of such team upon request.

(6) TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.—

(A) IN GENERAL.—The Secretary shall ensure that the objectives of each cross-functional team established pursuant to this subsection are clearly established in writing, through a memorandum, statement, charter, or similar document.

(B) METRICS.—To improve team performance and accountability, the Secretary shall task each team, as appropriate, to establish a strategy to achieve the objectives specified by the Secretary, metrics for evaluation of the achievement of such objectives by such team, and the alignment of individual and team goals for the achievement of such objectives by such team.

(C) DELEGATION OF AUTHORITY.—The Secretary may delegate to a team any decision-making authority that, and shall delegate such authority as, the Secretary considers appropriate to permit such team to achieve the objectives established by the Secretary.

(7) REVIEW OF TEAMS.—Not later than 18 months after the date on which the first cross-functional team is established pursuant to this subsection, the Secretary shall complete an analysis, with support from external experts in organizational and management sciences, of the successes and failures of teams established pursuant to this subsection, and determine how to apply the lessons learned from that analysis.

(8) REPORT ON ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of cross-functional teams under this subsection, including descriptions from the leaders of teams established prior to the date on which this report is submitted of the manner in which the teams were designed and how they functioned.

(d) DIRECTIVE ON COLLABORATIVE CULTURE AND BEHAVIOR.—The guidance issued by the Secretary of Defense pursuant to subsection (c)(3) shall also—

(1) articulate the shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that are required to promote a team-oriented, collaborative, results-driven culture within the Office to support the primary objectives of the Department of Defense;

(2) ensure that collaboration across functional and organizational boundaries is an important factor in the performance review of leaders of cross-functional teams established pursuant to subsection (c), members of teams, and other appropriate leaders of the Department; and

(3) identify key practices that senior leaders of the Department should follow with regard to leadership, organizational practice, collaboration, and the functioning of cross-functional teams, and the types of personnel behavior that senior leaders should encourage and discourage.

(e) STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY THE SENATE.—

(1) IN GENERAL.—Within three months of the appointment of an individual to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate, the individual shall complete a course of instruction in leadership, modern organizational practice, collaboration, and the operation of teams described in subsection (c).

(2) WAIVER.—The President may waive the requirement in paragraph (1) with respect to an individual if the Secretary determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 912. POLICY, ORGANIZATION, AND MANAGEMENT GOALS AND PRIORITIES OF THE SECRETARY OF DEFENSE FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines specified in subsection (b), a report on the policy, organization, and management goals and priorities of the Secretary for the Department of Defense. Each report shall include, current as of the date of such report, an identification of the following:

(1) Policy goals and priorities, including specific and measurable performance and implementation targets.

(2) Organization and management goals and priorities, including specific and measurable performance and implementation targets that address, but are not limited to, the following:

(A) The elimination or consolidation of any unnecessary or redundant functions within the Department.

(B) Force management and shaping, including recommendations for such legislative action as is required to meet force management and shaping goals and priorities.

(C) The delayering or reorganization of headquarters organizations across the Department.

(3) Any other goals or priorities for the Department the Secretary considers appropriate.

(b) DEADLINES.—The deadlines for the submittal of reports under subsection (a) are April 1, 2017, and February 1 of each year thereafter though 2022.

(c) BRIEFINGS SATISFY LATER REPORTING REQUIREMENTS.—Any report required under subsection (a) after the initial report may be provided in the form of a briefing.

SEC. 913. SECRETARY OF DEFENSE DELIVERY UNIT.

10 USC 131 note.

(a) IN GENERAL.—The Secretary of Defense serving in that position as of March 1, 2017, may establish within the Office of the Secretary of Defense a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in an effort to improve the implementation of policies and priorities across the Department. The unit may be known as the "delivery unit".

(b) COMPOSITION.—The unit established pursuant to subsection (a) shall consist of not more than 30 individuals selected by the

Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organizational architecture, relationship management, or data analytics.

(c) DUTIES.—The unit established pursuant to subsection (a) shall have the duties as follows:

(1) To advise the Secretary on improving the implementation and delivery of policies and priorities of the Department, including making recommendations on establishing performance or implementation targets, assisting in the development of delivery plans to achieve targets, and monitoring and measuring progress.

(2) To work across organizations, missions, and functions of the Department in order to identify obstacles to improving the implementation of policies and priorities of the Department, including organization, culture, and incentives, and to recommend options to the Secretary for addressing such obstacles.

(d) SUNSET.—The unit established pursuant to subsection (a) shall sunset on January 31, 2021.

SEC. 914. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.—(1) Functions performed by civilian personnel should not be performed by military personnel except—

"(A) if the Secretary of the military department concerned determines in writing based on mission requirements that the performance of such functions by military personnel, including a permanent conversion of such functions to performance by military personnel, is cost-effective or required by a mission; or

"(B) if the performance of such functions by military personnel is required to address critical staffing needs resulting from a reduction in personnel or budgetary resources by reason of an Act of Congress, in which case such functions may not be performed by military personnel for a period in excess of one year.

"(2) In determining the workforce mix between civilian and military personnel, the Secretary of a military department shall reserve military personnel for the performance of the functions that, in the estimation of the Secretary, are required to be performed by military personnel in order to achieve national defense goals or in order to enable the proper functioning of the military department. In making workforce decisions, the Secretary shall account for the relative budgetary impact of military versus civilian personnel in determining the functions required to be performed by military personnel.".

SEC. 915. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.

(a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

(1) CONSULTATION BY CHAIRMAN.—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking "as he considers appropriate" and inserting "as necessary".

(2) MODIFICATION OF ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Such section is further amended—

(A) in subsection (b)(2), by striking "subsections (d) and (e)" and inserting "subsection (d)";

(B) in subsection (d)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (1), as redesignated by clause (i), the following new paragraph (1):

"(1) After first informing the Secretary of Defense and the Chairman, the members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors, may provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter on the judgment of the military member."; and

(C) by striking subsection (e).

(b) TERM AND REAPPOINTMENT OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 152(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "two years, beginning on October 1 of odd-numbered years" and all that follows and inserting "four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war."; and

(B) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) The President may extend to eight years the combined period of service of an officer as Chairman and Vice Chairman if the President determines that such action is in the national interest. The limitation in this paragraph does not apply in time of war.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2019, and shall apply to individuals appointed as Chairman of the Joint Chiefs of Staff on or after that date. 10 USC 152 note.

(c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The text of section 153 of title 10, United States Code, is amended to read as follows:

"Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following

"(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary in providing for the strategic direction of the armed forces.

"(2) STRATEGIC AND CONTINGENCY PLANNING.—In matters relating to strategic and contingency planning—

"(A) developing strategic frameworks and preparing strategic plans, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary;

"(B) advising the Secretary on the production of the national defense strategy required by section 113(g) of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

"(C) preparing military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the President and the Secretary;

"(D) providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary; and

"(E) preparing joint logistic and mobility plans to support national defense strategies and recommending the assignment of responsibilities to the armed forces in accordance with such plans.

"(3) GLOBAL MILITARY INTEGRATION.—In matters relating to global military strategic and operational integration—

"(A) providing advice to the President and the Secretary on ongoing military operations; and

"(B) advising the Secretary on the allocation and transfer of forces among geographic and functional combatant commands, as necessary, to address transregional, multi-domain, and multifunctional threats.

"(4) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness—

"(A) evaluating the overall preparedness of the joint force to perform the responsibilities of that force under national defense strategies and to respond to significant contingencies worldwide;

"(B) assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and developing risk mitigation options;

"(C) advising the Secretary on critical deficiencies and strengths in joint force capabilities (including manpower, logistics, and mobility support) identified during the preparation and review of national defense strategies and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans;

"(D) advising the Secretary on the missions and functions that are likely to require contractor or other external support to meet national security objectives and policy and strategy, and the risks associated with such support; and

"(E) establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

"(5) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development—

"(A) identifying new joint military capabilities based on advances in technology and concepts of operation needed to maintain the technological and operational superiority of the armed forces, and recommending investments and experiments in such capabilities to the Secretary;

"(B) performing military net assessments of the joint capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries;

"(C) advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands;

"(D) advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in national defense strategies and with the priorities established for the requirements of the unified and specified combatant commands;

"(E) advising the Secretary on new and alternative joint military capabilities, and alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D);

"(F) assessing joint military capabilities and identifying, approving, and prioritizing gaps in such capabilities to meet national defense strategies, pursuant to section 181 of this title; and

"(G) recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this paragraph in the most effective and efficient manner.

"(6) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities—

"(A) developing doctrine for the joint employment of the armed forces;

"(B) formulating policies and technical standards, and executing actions, for the joint training of the armed forces;

"(C) formulating policies for coordinating the military education of members of the armed forces;

"(D) formulating policies for concept development and experimentation for the joint employment of the armed forces;

"(E) formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces; and

"(F) advising the Secretary on development of joint command, control, communications, and cybercapability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

"(7) OTHER MATTERS.—In other matters—

"(A) recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command;

"(B) providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

"(C) performing such other duties as may be prescribed by law or by the President or the Secretary.".

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is amended by striking "for a term of two years" and all that follows and inserting "for a single term of four years, beginning on October 1 of an odd-numbered year, except that the term may not begin in the same year as the term of a Chairman. In time of war, there is no limit on the number of reappointments.".

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

"(4)(A) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces.

"(B) The President may waive subparagraph (A) if the President determines such action is necessary in the national interest.".

10 USC 154 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2021, and shall apply to individuals appointed as Vice Chairman of the Joint Chiefs of Staff on or after that date.

(e) COMMANDERS OF THE COMBATANT COMMANDS.—Section 164 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

"(A) To produce plans for the employment of the armed forces to execute national defense strategies and respond to significant military contingencies.

"(B) To take actions, as necessary, to deter conflict.

"(C) To command United States armed forces as directed by the Secretary and approved by the President."; and

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

"(h) SUPPORT TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The commander of a combatant command shall provide such information to the Chairman of the Joint Chiefs of Staff as may be necessary for the Chairman to perform the duties of the Chairman under section 153 of this title.".

SEC. 922. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(4) of title 10, United States Code, is amended by adding

at the end the following new sentence: "Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

"(A) Exercise authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

"(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

"(i) Irregular warfare, combating terrorism, and the special operations activities specified by section 167(k) of this title.

"(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide for required special operations forces and capabilities.

"(iii) Such other matters as may be specified by the Secretary and the Under Secretary.".

(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 901(e)(2) of this Act, is further amended by inserting after section 139a the following new section:

"§ 139b. Special Operations Policy and Oversight Council 10 USC 139b.

"(a) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, or the designee of the Assistant Secretary, shall establish and lead a team to be known as the 'Special Operations Policy and Oversight Council' (in this section referred to as the 'Council').

"(b) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

"(c) MEMBERSHIP.—The Council shall include the following:

"(1) The Assistant Secretary, who shall act as leader of the Council.

"(2) Appropriate senior representatives of each of the following:

"(A) The Under Secretary of Defense for Research and Engineering.

"(B) The Under Secretary of Defense for Management and Support.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence.

"(F) The General Counsel of the Department of Defense.

"(G) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

"(H) The military departments.

"(I) The Joint Staff.

"(J) The United States Special Operations Command.

"(K) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

"(d) OPERATION.—The Council shall operate continuously.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(g)(1) of this Act, is further amended by inserting after the item relating to section 139a the following new item:

10 USC 131 prec.

"139b. Special Operations Policy and Oversight Council.".

(c) US SPECIAL OPERATIONS COMMAND MATTERS.—

(1) AUTHORITY OF COMMANDER.—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking "The commander" and inserting "Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander"; and

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

"(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.".

(2) ADMINISTRATIVE CHAIN OF COMMAND.—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

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

"(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

"(A) from the President to the Secretary of Defense;

"(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

"(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

"(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces.".

SEC. 923. ESTABLISHMENT OF UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS.

(a) ESTABLISHMENT OF CYBER COMMAND.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

"§ 167b. Unified combatant command for cyber operations 10 USC 167b.

"(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for cyber operations forces (hereinafter in this section referred to as the 'cyber command'). The principal function of the command is to prepare cyber operations forces to carry out assigned missions.

"(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve cyber operations forces of the armed forces stationed in the United States shall be assigned to the cyber command.

"(c) GRADE OF COMMANDER.—The commander of the cyber command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating that officer's permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

"(d) COMMAND OF ACTIVITY OR MISSION.—(1) Unless otherwise directed by the President or the Secretary of Defense, a cyber operations activity or mission shall be conducted under the command of the commander of the unified combatant command in whose geographic area the activity or mission is to be conducted.

"(2) The commander of the cyber command shall exercise command of a selected cyber operations mission if directed to do so by the President or the Secretary of Defense.

"(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the cyber command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to cyber operations activities.

"(2)(A) Subject to the authority, direction, and control of the Principal Cyber Advisor, the commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to cyber operations activities (whether or not relating to the cyber command):

"(i) Developing strategy, doctrine, and tactics.

"(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for cyber operations forces and for other forces assigned to the cyber command.

"(iii) Exercising authority, direction, and control over the expenditure of funds—

"(I) for forces assigned directly to the cyber command; and

"(II) for cyber operations forces assigned to unified combatant commands other than the cyber command, with respect to all matters covered by section 807 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 114–92; 129 Stat. 886; 10 U.S.C. 2224 note) and,

with respect to a matter not covered by such section, to the extent directed by the Secretary of Defense.

"(iv) Training and certification of assigned joint forces.

"(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

"(vi) Validating requirements.

"(vii) Establishing priorities for requirements.

"(viii) Ensuring the interoperability of equipment and forces.

"(ix) Formulating and submitting requirements for intelligence support.

"(x) Monitoring the promotion of cyber operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of cyber operation forces.

"(B) The authority, direction, and control exercised by the Principal Cyber Advisor for purposes of this section is authority, direction, and control with respect to the administration and support of the cyber command, including readiness and organization of cyber operations forces, cyber operations-peculiar equipment and resources, and civilian personnel.

"(C) Nothing in this section shall be construed as providing the Principal Cyber Advisor authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not cyber-operations peculiar and that are in the purview of the armed forces.

"(3) The commander of the cyber command shall be responsible for—

"(A) ensuring the combat readiness of forces assigned to the cyber command; and

"(B) monitoring the preparedness to carry out assigned missions of cyber forces assigned to unified combatant commands other than the cyber command.

"(C) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the cyber operations command and such other inspector general functions as may be assigned.

"(f) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 167a the following new item:

10 USC 161 prec.

"167b. Unified combatant command for cyber operations.".

SEC. 924. ASSIGNED FORCES OF THE COMBATANT COMMANDS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "Except as provided in paragraph (2)" and inserting "As directed by the Secretary of Defense";

(B) by striking "all forces" and inserting "specified forces"; and

(C) by striking the second sentence;

(2) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable."; and

(3) in paragraph (4)—

(A) by striking "operating with the geographic area" and

(B) by striking "assigned to, and".

SEC. 925. MODIFICATIONS TO THE REQUIREMENTS PROCESS.

(a) IN GENERAL.—The text of section 181 of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

"(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall assist the Chairman of the Joint Chiefs of Staff in—

"(1) assessing joint military capabilities, and identifying, approving, and prioritizing gaps in such capabilities, to meet applicable requirements in the national defense strategy under section 118 of this title;

"(2) reviewing and validating whether a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense fulfills a gap in joint military capabilities;

"(3) developing recommendations, in consultation with the advisors to the Council under subsection (d), for program cost and fielding targets pursuant to section 2448a of this title that—

"(A) require a level of resources that is consistent with the level of priority assigned to the associated capability gap; and

"(B) have an estimated period of time for the delivery of an initial operational capability that is consistent with the urgency of the associated capability gap;

"(4) establishing and approving joint performance requirements that—

"(A) ensure interoperability, where appropriate, between and among joint military capabilities; and

"(B) are necessary, as designated by the Chairman of the Joint Chiefs of Staff, to fulfill capability gaps of more than one armed force, Defense Agency, or other entity of the Department;

"(5) reviewing performance requirements for any existing or proposed capability that the Chairman of the Joint Chiefs of Staff determines should be reviewed by the Council;

"(6) identifying new joint military capabilities based on advances in technology and concepts of operation; and

"(7) identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title.

"(c) COMPOSITION.—

"(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

"(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs of Staff for making recommendations about joint military capabilities or joint performance requirements.

"(B) An Army officer in the grade of general.

"(C) A Navy officer in the grade of admiral.

"(D) An Air Force officer in the grade of general.

"(E) A Marine Corps officer in the grade of general.

"(2) SELECTION OF MEMBERS.—Members of the Council under subparagraphs (B), (C), (D), and (E) of paragraph (1) shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for selection by the Secretary of the military department concerned.

"(3) RECOMMENDATIONS.—In making any recommendation to the Chairman of the Joint Chiefs of Staff as described in paragraph (1)(A), the Vice Chairman of the Joint Chiefs of Staff shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

"(d) ADVISORS.—

"(1) IN GENERAL.—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

"(A) The Under Secretary of Defense for Policy.

"(B) The Under Secretary of Defense for Intelligence.

"(C) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(D) The Under Secretary of Defense (Comptroller).

"(E) The Director of Cost Assessment and Program Evaluation.

"(F) The Director of Operational Test and Evaluation.

"(G) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

"(2) INPUT FROM COMBATANT COMMANDS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b).

"(3) INPUT FROM CHIEFS OF STAFF.—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense under subsection (b)(2) and joint performance requirements pursuant to subsection (b)(3).

"(e) PERFORMANCE REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCES.—The Chief of Staff of an armed force is responsible for all performance requirements for that armed force and, except for performance requirements specified in subsections (b)(4) and (b)(5), such performance requirements do not need to be validated by the Joint Requirements Oversight Council.

"(f) ANALYTIC SUPPORT.—The Secretary of Defense shall ensure that analytical organizations within the Department of Defense, such as the Office of Cost Assessment and Program Evaluation, provide resources and expertise in operations research, systems analysis, and cost estimation to the Joint Requirements Oversight Council to assist the Council in performing the mission in subsection (b).

"(g) AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

"(h) DEFINITIONS.—In this section:

"(1) The term 'joint military capabilities' means the collective capabilities across the joint force, including both joint and force-specific capabilities, that are available to conduct military operations.

"(2) The term 'performance requirement' means a performance attribute of a particular system considered critical or essential to the development of an effective military capability.

"(3) The term 'joint performance requirement' means a performance requirement that is critical or essential to ensure interoperability or fulfill a capability gap of more than one armed force, Defense Agency, or other entity of the Department of Defense, or impacts the joint force in other ways such as logistics.

"(4) The term 'oversight information' means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.".

(b) PROGRAM COST AND FIELD TARGETS.—The Secretary of Defense shall establish a process to develop program cost and fielding targets pursuant to section 2448a of title 10, United States Code, that— 10 USC 2448a note.

(1) is co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff;

(2) is supported by—

(A) the Joint Staff, to provide expertise on joint military capabilities, capability gaps, and performance requirements;

(B) the Office of Cost Assessment and Program Evaluation, to provide expertise in resource allocation, operations research, systems analysis, and cost estimation; and

(C) other Department of Defense organizations determined appropriate by the Secretary; and

(3) ensures that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives and procurement quantity objectives.

SEC. 926. REVIEW OF COMBATANT COMMAND ORGANIZATION.

(a) REVIEWS REQUIRED.—

(1) IN GENERAL.—The entities specified in paragraph (2) shall each conduct a review of the organizational structures of the combatant commands, and shall develop recommendations for improving the overall effectiveness of the combatant commands, and addressing threats that span multiple regions, functions, and domains.

(2) ENTITIES.—The entities specified in this paragraph are the following:

(A) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.

(B) An independent entity with appropriate expertise, selected by the Secretary and with which the Secretary shall enter into a contract by not later than 30 days after the date of the enactment of this Act.

(b) ELEMENTS.—Each review under subsection (a) shall include an examination of the following:

(1) The evolution of combatant command mission requirements and the ability of combatant commands to satisfy those mission requirements.

(2) The evolution of the organizational structures, compositions, and sizes of the combatant commands, and how such factors may have contributed to combatant command performance in satisfying mission requirements, planning, and maintaining force readiness.

(3) The resources of combatant commands, including the degree to which combatant command force requirements are resourced.

(4) The benefits, drawbacks, and resource implications of eliminating or consolidating combatant commands, or of altering the relationships among combatant commands and their component command organizations or the command and control structures of the combatant commands.

(5) Organizational structures of the combatant commands, including Joint Task Forces or task-organized forces operating below the combatant command level, and the benefits, drawbacks, and resource implications of alternative organizational structures.

(c) REPORT.—Not later than September 30, 2017, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of each review required by subsection (a).

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 931. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) SECRETARY OF THE ARMY.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: "The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience,

including persons with appropriate management or leadership experience.".

(b) SECRETARY OF THE NAVY.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: "The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.".

(c) SECRETARY OF THE AIR FORCE.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: "The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.".

SEC. 932. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting "(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—" before "The manpower requirements"; and

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

"(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

"(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

"(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

"(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

"(A) The adjutant general of the jurisdiction concerned shall be considered the head of the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

"(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance,

claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

"(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

"(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

"(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.".

SEC. 933. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF FAMILY POLICY.—

(1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking "Office of Family Policy" and inserting "Office of Military Family Readiness Policy"; and

(B) by striking "Director of Family Policy" and inserting "Director of Military Family Readiness Policy".

(2) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E) of section 1781a of such title is amended by striking "Office of Community Support for Military Families with Special Needs" and inserting "Office of Military Family Readiness Policy".

(3) CONFORMING AMENDMENT.—Section 131(b)(8)(G) of such title is amended by striking "Director of Family Policy" and inserting "Director of Military Family Readiness Policy".

(4) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 1781 of such title is amended to read as follows:

10 USC 1781.

"§ 1781. Office of Military Family Readiness Policy".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

10 USC 1781 prec.

"1781. Office of Military Family Readiness Policy.".

(b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking "Office of Community Support for Military Families with Special Needs" and inserting "Office of Special Needs".

(2) REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.—Such subsection is further amended by striking "Office of the Under Secretary of Defense for Personnel and Readiness" and inserting "Office of Military Family Readiness Policy".

(3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG

OFFICER.—Such section is further amended by striking subsection (c).

(4) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking "subsection (e)" each place it appears and inserting "subsection (d)";

(C) in subsection (c), as so redesignated, by striking "subsection (f)" in paragraph (2) and inserting "subsection (e)"; and

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking "subsection (d)(3)" and inserting "subsection (c)(3)"; and

(ii) in paragraph (2)(B), by striking "subsection (d)(4)" and inserting "subsection (c)(4)".

(5) HEADING AND CLERICAL AMENDMENTS.—

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

"§ 1781c. Office of Special Needs". 10 USC 1781c.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item: 10 USC 1781 prec.

"1781c. Office of Special Needs.".

SEC. 934. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking "Assistant Secretary of the Air Force for Acquisition" and inserting "Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics"; and

(2) by inserting ", technology, and logistics" after "acquisition".

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics. 10 USC 8016 note.

Subtitle E—Strategies, Reports, and Related Matters

SEC. 941. NATIONAL DEFENSE STRATEGY.

(a) NATIONAL DEFENSE STRATEGY.—Subsection (g) of section 113 of title 10, United States Code, is amended to read as follows:

"(g)(1)(A) Except as provided in subparagraph (E), in January every four years, and intermittently otherwise as may be appropriate, the Secretary of Defense shall provide to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands,

and the heads of all Defense Agencies and Field Activities of the Department of Defense and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, and to the congressional defense committees, a defense strategy. Each strategy shall be known as the 'national defense strategy', and shall support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

"(B) Each national defense strategy shall including the following:

"(i) The priority missions of the Department of Defense, and the assumed force planning scenarios and constructs.

"(ii) The assumed strategic environment, including the most critical and enduring threats to the national security of the United States and its allies posed by state or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

"(iii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize among the threats described in clause (ii) and the missions specified pursuant to clause (i), how the Department will allocate and mitigate the resulting risks, and how the Department will make resource investments.

"(iv) The roles and missions of the armed forces to carry out the missions described in clause (i), and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners.

"(v) The force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support such strategy.

"(vi) The major investments in defense capabilities, force structure, force readiness, force posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in clause (iii).

"(C) The Secretary shall seek the military advice and assistance of the Chairman of the Joint Chiefs of Staff in preparing each national defense strategy required by this subsection.

"(D) Each national defense strategy under this subsection shall be presented to the congressional defense committees in classified form with an unclassified summary.

"(E) In a year following an election for President, which election results in the appointment by the President of a new Secretary of Defense, the Secretary shall present the national defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

"(F) In February of each year in which the Secretary does not submit a new defense strategy as required by paragraph (A), the Secretary shall submit to the congressional defense committees an assessment of the current national defense strategy, including an assessment of the implementation of the strategy by the Department and an assessment whether the strategy requires revision as a result of changes in assumptions, policy, or other factors.

"(2) In implementing a national defense strategy under paragraph (1), the Secretary, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to

the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components to guide the development of forces. Such guidance shall include—

"(A) the national security interests and objectives;

"(B) the priority military missions of the Department, including the assumed force planning scenarios and constructs;

"(C) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support the strategy;

"(D) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective; and

"(E) a discussion of any changes in the defense strategy and assumptions underpinning the strategy, as required by paragraph (1).

"(3) In implementing the guidance under paragraph (2), the Secretary, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide, every two years or more frequently as needed, to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall include guidance on the employment of forces, including specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

"(4) Not later than February 15 in any calendar year in which any written guidance is required pursuant to paragraph (2) or (3), the Secretary shall provide to the congressional defense committees a detailed classified briefing summarizing such guidance developed pursuant to such paragraphs.".

(b) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 118 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118. 10 USC 111 prec.

SEC. 942. COMMISSION ON THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on the National Defense Strategy for the United States" (in this section referred to as the "Commission"). The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members appointed as follows:

(A) Three members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(B) Three members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three members appointed by the chair of the Committee on Armed Services of the Senate.

(D) Three members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIR; VICE CHAIR.—

(A) CHAIR.—The chair of the Committee on Armed Services of the House of Representative and the chair of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as chair of the Commission.

(B) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the House of Representative and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as vice chair of the Commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) DUTIES.—

(1) REVIEW.—The Commission shall review the current national defense strategy of the United States, including the assumptions, missions, force posture and structure, and strategic and military risks associated with the strategy.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Commission shall conduct a comprehensive assessment of the strategic environment, the threats to the United States, the size and shape of the force, the readiness of the force, the posture and capabilities of the force, the allocation of resources, and strategic and military risks in order to provide recommendations on the national defense strategy for the United States.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(e) REPORT.—

(1) FINAL REPORT.—Not later than December 1, 2017, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report on the Commission's findings, conclusions, and recommendations. The report shall address, but not be limited to, each of the following:

(A) The strategic environment, including threats to the United States and the potential for conflicts arising

from such threats, security challenges, and the national security interests of the United States.

(B) The military missions for which the Department of Defense should prepare and the force planning construct.

(C) The roles and missions of the Armed Forces to carry out those missions and the roles and capabilities provided by other United States Government agencies and by allies and international partners.

(D) The force planning construct, size and shape, posture and capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy.

(E) The resources necessary to support the strategy, including budget recommendations.

(F) The risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.

(2) INTERIM BRIEFING.—Not later than June 1, 2017, the Commission shall provide to the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a briefing on the status of its review and assessment, and include a discussion of any interim recommendations.

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

(f) FUNDING.—Of the amounts authorized to be appropriated by to this Act for the Department of Defense, $5,000,000 is available to fund the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 6 months after the date on which it submits the report required by subsection (e).

SEC. 943. REFORM OF THE NATIONAL MILITARY STRATEGY.

(a) IN GENERAL.—Paragraph (1) of section 153(b) of title 10, United States Code, is amended to read as follows:

"(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this paragraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such National Military Strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report of the Secretary of Defense, if any, under paragraph (4).

"(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of the review, that a modification is needed.

"(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will support the objectives of the United States as articulated in—

"(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

"(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

"(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 113 of this title;

"(iv) the most recent policy guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

"(v) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

"(D) At a minimum, each National Military Strategy (or update) submitted under this paragraph shall—

"(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

"(ii) assess military ends, ways, and means to support the objectives referred to in subparagraph (C);

"(iii) provide the framework for the assessment by the Chairman of military strategic and operational risks, and for the development of risk mitigation options;

"(iv) develop military options to address threats and opportunities;

"(v) assess joint force capabilities, capacities, and resources; and

"(vi) establish military guidance for the development of the joint force and the total force building on guidance by the President and the Secretary of Defense as referred to in subparagraph (C).".

(b) MODIFICATION TO RISK ASSESSMENT.—Paragraph (2) of such section is amended—

(1) in the third sentence of subparagraph (A), by striking "of the report" and inserting "in the report"; and

(2) in subparagraph (B)—

(A) by inserting "(or update)" after "National Military Strategy" each place it appears;

(B) in clause (ii), by striking "strategic risks to United States interests" and all that follows and inserting "military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update).";

(C) in clause (iii), by striking "distinguishing between the concepts of probability and consequences";

(D) in clause (iv)(II), by striking "most"; and

(E) in clause (v), by striking "or support of—" and all the follows and inserting "of external support, as appropriate.".

(c) FORM.—Paragraph (3) of such section is amended by adding at the end the following new subparagraph:

"(C) The National Military Strategy (or update) and Risk Assessment submitted under this subsection shall be classified in form, but shall include an unclassified summary.".

SEC. 944. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking "in both a classified form and an unclassified form" and inserting "to Congress in classified form, but may include an unclassified summary".

SEC. 945. MODIFICATION TO INDEPENDENT STUDY OF NATIONAL SECURITY STRATEGY FORMULATION PROCESS.

Section 1064(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 989) is amended—

(1) in subparagraph (D), by inserting ", including Congress," after "Federal Government"; and

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

"(E) The capabilities and limitations of the Department of Defense workforce responsible for conducting strategic planning, including recommendations for improving the workforce through training, education, and career management.".

Subtitle F—Other Matters

SEC. 951. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

10 USC 1564 note.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY PLAN REQUIRED.—The Secretary of Defense shall develop an implementation plan for the Defense Security Service to conduct, after October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department. The Secretary shall submit the implementation plan to the congressional defense committees by not later than August 1, 2017.

(2) PLAN FOR POTENTIAL TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DEFENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload that would be assumed by the Department if the plan required by paragraph (1) were implemented.

(3) REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that would be required by the Defense Security Service to carry out the plan developed under paragraph (1).

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.
(E) Counterintelligence.
(F) User activity monitoring.
(G) Information assurance.
(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ELEMENTS OF SYSTEM.—

(1) IN GENERAL.—In developing a system for the performance of background investigations for personnel in carrying out subsection (a), the Secretary shall—

(A) conduct a review of security clearance business processes and, to the extent practicable, modify such processes to maximize compatibility with the security clearance information technology architecture to minimize the need for customization of the system;

(B) conduct business process mapping of the business processes described in subparagraph (A);

(C) use spiral development and incremental acquisition practices to rapidly deploy the system, including through the use of prototyping and open architecture principles;

(D) establish a process to identify and limit interfaces with legacy systems and to limit customization of any commercial information technology tools used;

(E) establish automated processes for measuring the performance goals of the system;

(F) incorporate capabilities for the continuous monitoring of network security and the mitigation of insider threats to the system;

(G) institute a program to collect and maintain data and metrics on the background investigation process; and

(H) establish a council (to be known as the "Department of Defense Background Investigations Rate Council") to advise and advocate for rate efficiencies for background clearance investigation rates, and to negotiate rates for background investigation services provided to outsides entities and agencies when requested.

(2) COMPLETION DATE.—The Secretary shall complete the development and implementation of the system described in paragraph (1) by not later than September 30, 2019.

(c) ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary considers appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) POLICIES AND PROCEDURES.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—The Secretary shall ensure that access to classified information under the

program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(d) UPDATED GUIDANCE AND REVIEW OF POLICIES.—

(1) REVIEW OF APPLICABLE LAWS.—The Secretary shall review laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government, including the investigation timeline metrics established in the Intelligence Reform and Prevention of Terrorism Act of 2004 (Public Law 108–458). The review should also identify recommendations to eliminate duplicative or outdated authorities in current executive orders, regulations and guidance. Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(A) the results of the review; and

(B) recommendations, if any, for consolidating and clarifying laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government.

(2) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(3) IMPLEMENTATION DIRECTIVES.—The Secretary, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(e) WAIVER OF CERTAIN DEADLINES.—For each of fiscal years 2017 through 2019, the Secretary may waive any background investigation timeline specified in the Intelligence Reform and Prevention of Terrorism Act of 2004 if the Secretary submits to the appropriate committees of Congress a written notification on the waiver not later than 30 days before the beginning of the fiscal year concerned.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 3001(a)(8) of the Intelligence Reform and Prevention of Terrorism Act of 2004 (50 U.S.C. 3341(a)(8)).

(2) The term "business process mapping" has the meaning given that term in section 2222(i) of title 10, United States Code.

(3) The term "insider threat" means, with respect to the Department, a threat presented by a person who—

(A) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(B) wittingly, or unwittingly, commits—

(i) an act in contravention of law or policy that resulted in, or might result in, harm through the loss or degradation of government or company information, resources, or capabilities; or

(ii) a destructive act, which may include physical harm to another in the workplace.

SEC. 952. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

"(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

"(2) The Secretary may designate military or civilian personnel to perform law enforcement functions and military, civilian, or contract personnel to perform security functions for such buildings, grounds, property, and persons, including, with regard to civilian personnel designated under this section, duty in areas outside the property referred to in paragraph (1) to the extent necessary to protect that property and persons on that property. Subject to the authorization of the Secretary, any such military or civilian personnel so designated may exercise the authorities listed in paragraphs (1) through (5) of section 2672(c) of this title.

"(3) The powers granted under paragraph (2) to military and civilian personnel designated under that paragraph shall be exercised in accordance with guidelines prescribed by the Secretary and approved by the Attorney General.

"(4) Nothing in this subsection shall be construed to—

"(A) preclude or limit the authority of any Defense Criminal Investigative Organization or any other Federal law enforcement agency;

"(B) restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

"(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

"(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

"(E) restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

"(F) restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).".

(b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5) of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting ", whichever is greater" before the period at the end.

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

(1) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

"§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States"; and 10 USC 714.

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item: 10 USC 711 prec.

"714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.".

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsections (a), (b)(1), and (d)(1), by striking "Armed Forces" and inserting "armed forces";

(B) in subsection (c)—

(i) by striking "section:" and all that follows through "Forces' and" and inserting "section, the terms 'qualified members of the armed forces' and"; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking ", United States Code".

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking "Chiefs of the Services" and inserting "Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman";

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking "through (8)" and inserting "through (7)".

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO "MILITARY MEMBER".—Subsection (b)(2)(A) of such section is amended—

(A) by striking ", military member,"; and

(B) by inserting after "of the Department of Defense" the following: "or member of the armed forces".

SEC. 953. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DEFENSE POW/MIA ACCOUNTING AGENCY TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting "from past conflicts" after "matters relating to missing persons";

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(C) by inserting "from past conflicts" after "missing persons" each place it appears;

(3) in paragraph (4)—

(A) by striking "for personal recovery (including search, rescue, escape, and evasion) and"; and

(B) by inserting "from past conflicts" after "missing persons"; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended by striking "designated Agency Director" in paragraphs (1), (2), and (3) and inserting "Secretary of Defense".

(c) DEFINITION OF "ACCOUNTED FOR".—Section 1513(3)(B) of such title is amended by inserting "to the extent practicable" after "are recovered".

SEC. 954. MODIFICATIONS TO CORROSION REPORT.

(a) MODIFICATIONS TO REPORT TO CONGRESS.—Section 2228(e)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after "2009" the following: "and ending with the budget for fiscal year 2022";

(2) by amending subparagraph (B) to read as follows:

"(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.";

(3) by amending subparagraph (D) to read as follows:

"(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities."; and

(4) in subparagraph (F), by striking "pilot".

(b) REPORT TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.—Section 2228(e)(2) of such title is amended—

(1) by inserting "(A)" before "Each report";

(2) by striking "a copy of" and all that follows through the period and inserting "a summary of the most recent report required by subparagraph (B).."; and

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

"(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—

"(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and

"(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).".

(c) CONFORMING REPEAL.—Section 903(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2228 note) is amended by striking paragraph (5).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Subtitle B—Counterdrug Activities

Subtitle C—Naval Vessels and Shipyards

Subtitle D—Counterterrorism

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional

defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

10 USC 2222 note.

SEC. 1003. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure or develop, as soon as practicable, technologies or services, including those based on commercially available information technologies and services to improve data collection and analyses to support preparation of auditable financial statements for the Department of Defense.

(b) USE OF FUNDING AND RESOURCES.—The Secretary of Defense may use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) REPORT ON PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

SEC. 1004. SENSE OF CONGRESS ON SEQUESTRATION.

It is the sense of the Congress that—

(1) the fiscal challenges of the Federal Government are a top priority for Congress, and sequestration—non-strategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the Federal Government;

(2) budget caps imposed by the Budget Control Act of 2011 (Public Law 112–25) impose unacceptable limitations on the budget and increase risk to the national security of the United States; and

(3) the budget caps imposed by the Budget Control Act of 2011 must be modified or eliminated through a bipartisan legislative agreement.

SEC. 1005. REQUIREMENT TO TRANSFER FUNDS FROM DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO THE TREASURY.

(a) TRANSFER REQUIRED.—During fiscal year 2017, the Secretary of Defense shall transfer, from amounts available in the Department of Defense Acquisition Workforce Development Fund from amounts credited to the Fund pursuant to section 1705(d)(2) of title 10, United States Code, $475,000,000 to the Secretary of the Treasury for deposit in the general fund of the Treasury.

(b) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

Subtitle B—Counterdrug Activities

SEC. 1011. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTERDRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) CODIFICATION AND MODIFICATION.—

(1) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 384. Support for counterdrug activities and activities to counter transnational organized crime 10 USC 384.

"(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

"(1) in the case of support described in subsection (b), such support is requested—

"(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

"(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

"(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government, in coordination with the Secretary of State, that has counterdrug responsibilities or responsibilities for countering transnational organized crime.

"(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

"(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

"(A) preserving the potential future utility of such equipment for the Department of Defense; and

"(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

"(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

"(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

"(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

"(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

"(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

"(5) Counterdrug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

"(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

"(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

"(9) The provision of linguist and intelligence analysis services.

"(10) Aerial and ground reconnaissance.

"(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

"(1) PURPOSES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

"(A) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

"(B) The establishment (including small scale construction) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

"(C) The detection, monitoring, and communication of the movement of—

"(i) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(ii) surface traffic outside the geographic boundaries of the United States.

"(D) Establishment of command, control, communications, and computer networks for improved integration of United States Federal and foreign law enforcement entities and United States Armed Forces.

"(E) The provision of linguist and intelligence analysis services.

"(F) Aerial and ground reconnaissance.

"(2) COORDINATION WITH SECRETARY OF STATE.—In providing support for a purpose described in this subsection, the Secretary shall coordinate with the Secretary of State.

"(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

"(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

"(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

"(g) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

"(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counterdrug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

"(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

"(h) CONGRESSIONAL NOTIFICATION.—

"(1) IN GENERAL.—Not less than 15 days before providing support for an activity under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

"(A) In the case of support for a purpose described in subsection (c)—

"(i) the country the capacity of which will be built or enabled through the provision of such support;

"(ii) the budget, implementation timeline with milestones, anticipated delivery schedule for support, and completion date for the purpose or project for which support is provided;

"(iii) the source and planned expenditure of funds provided for the project or purpose;

"(iv) a description of the arrangements, if any, for the sustainment of the project or purpose and the source of funds to support sustainment of the capabilities and performance outcomes achieved using such support, if applicable;

"(v) a description of the objectives for the project or purpose and evaluation framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient;

"(vi) information, including the amount, type, and purpose, about the support provided the country during the three fiscal years preceding the fiscal year for which the support covered by the notice is provided under this section under—

"(I) this section;

"(II) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

"(III) peacekeeping operations;

"(IV) the International Narcotics Control and Law Enforcement program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

"(V) Nonproliferation, Anti-Terrorism, Demining, and Related Programs;

"(VI) counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85); or

"(VII) any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate;

"(vii) an evaluation of the capacity of the recipient country to absorb the support provided; and

"(viii) an evaluation of the manner in which the project or purpose for which the support is provided fits into the theater security cooperation strategy of the applicable geographic combatant command.

"(B) In the case of support for a purpose described in subsection (b) or (c), a description of any small scale construction project for which support is provided.

"(2) COORDINATION WITH SECRETARY OF STATE.—In providing notice under this subsection for a purpose described in subsection (c), the Secretary of Defense shall coordinate with the Secretary of State.

"(i) DEFINITIONS.—In this section:

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

"(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

"(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

"(2) The term 'Indian tribe' means a Federally recognized Indian tribe.

"(3) The term 'small scale construction' means construction at a cost not to exceed $750,000 for any project.

"(4) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

"(5) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.

"(6) The term 'transnational organized crime' means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item: 10 USC 371 prec.

"384. Support for counterdrug activities and activities to counter transnational organized crime.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CURRICULA AND PROGRAM STRUCTURES OF NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) IN GENERAL.—Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 32 U.S.C. 112 note) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) CURRICULUM REVIEW.—The Secretary of Defense shall review the curriculum and program structure of each school established under this section.".

(b) TECHNICAL AMENDMENT.—Subsection (d)(1) of such section is amended by striking "section 112(b) of that title 32" and inserting "section 112(b) of title 32".

SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended—

(1) in subsection (a)(1), by striking "2017" and inserting "2019"; and

(2) in subsection (c), by striking "2017" and inserting "2019".

10 USC 271 note.

SEC. 1014. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing of military training by the Department of Defense.

(b) FORMAL MECHANISM OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall establish a formal mechanism through which the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing military training by the Department of Defense.

(2) DISSEMINATION TO THE ARMED FORCES.—To the extent practicable, the Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so the Armed Forces may take into account the information needs of civilian law enforcement when planning and executing training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—To the maximum extent practicable, the Secretary of Defense shall ensure that the planning and execution of training described in paragraph (2) is coordinated with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly formulate guidance to ensure that the information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the international borders of the United States is provided promptly to relevant officials in accordance with section 371 of title 10, United States Code.

(d) ANNUAL REPORTS.—

(1) DEPARTMENT OF DEFENSE REPORT.—

(A) IN GENERAL.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on any assistance provided by the Department of Defense to the border security mission of the Department of Homeland Security at the international borders of the United States during the fiscal year preceding the fiscal year during which the report is submitted.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include each of the following:

(i) A description of the military training and operational activities of each military component leveraged, pursuant to section 371 of title 10, United States Code,

to support the border security mission of the Department of Homeland Security at the southern border of the United States.

(ii) For each activity described in clause (i), each of the following, identified by component:

(I) The Department of Homeland Security information need that was supported.

(II) The military training or operational activity leveraged to provide support.

(III) The duration of the support.

(IV) The cost of the support.

(iii) A description of any Department of Defense activities provided in response to a request for assistance from the Department of Homeland Security.

(iv) For each activity described in clause (iii)—

(I) The stated rationale of the Department of Homeland Security for requesting assistance from the Department of Defense.

(II) The capability provided by the Department of Defense.

(III) The duration of the assistance provided by the capability.

(IV) The statutory authority under which the assistance was provided.

(V) The cost of the assistance provided.

(VI) Whether the Department of Defense was reimbursed by the Department of Homeland Security for the assistance provided.

(VII) In the case of assistance for which the Department of Defense was not reimbursed, the justification for non-reimbursement.

(v) A description of any Department of Defense excess property provided to U. S. Customs and Border Protection.

(vi) The status of the implementation of this section.

(vii) A description of any other activity the Secretary of Defense determines relevant.

(2) DEPARTMENT OF HOMELAND SECURITY REPORT.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) any activities of the Department of Homeland Security to reduce, mitigate, or eliminate the demand for Department of Defense support at the international borders of the United States; and

(B) the status of implementation of this section.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) or (2) shall terminate on January 31, 2020.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RESPECT TO OVERHAUL, REPAIR, OR MAINTENANCE OF NAVAL VESSELS.

Section 7299a(c)(4) of title 10, United States Code, is amended by striking "six months" and inserting "10 months".

SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING CONTRACTS.

(a) WARRANTY REQUIREMENTS.—

(1) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 7318.

"§ 7318. Warranty requirements for shipbuilding contracts

"(a) REQUIREMENT.—A contracting officer for a contract for new construction for which funds are expended from the Shipbuilding and Conversion, Navy account shall require, as a condition of the contract, that the work performed under the contract is covered by a warranty for a period of at least one year.

"(b) WAIVER.—If the contracting officer for a contract covered by the requirement under subsection (a) determines that a limited liability of warranted work is in the best interest of the Government, the contracting officer may agree to limit the liability of the work performed under the contract to a level that the contracting officer determines is sufficient to protect the interests of the Government and in keeping with historical levels of warranted work on similar vessels.".

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

10 USC 7291 prec.

"7318. Warranty requirements for shipbuilding contracts.".

10 USC 7318 note.

(b) EFFECTIVE DATE.—Section 7318 of title 10, United States Code, as added by subsection (a), shall take effect on the later of the following dates:

(1) The date of the enactment of the National Defense Authorization for Fiscal Year 2018.

(2) September 30, 2017.

SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COMMON MISSILE COMPARTMENT.—Section 2218a of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COMMON MISSILE COMPARTMENT.—(1) To implement the continuous production of the common missile compartment, the Secretary of the Navy may use funds deposited in the Fund, in conjunction with funds appropriated for the procurement of other nuclear-powered vessels, to enter into one or more multiyear contracts (including

economic ordering quantity contracts), for the procurement of critical contractor-furnished and Government-furnished components for the common missile compartments of national sea-based deterrence vessels. The authority under this subsection extends to the procurement of equivalent critical parts, components, systems, and subsystems common with and required for other nuclear-powered vessels.

"(2) In each annual budget request submitted to Congress, the Secretary shall clearly identify funds requested for the common missile compartment and the individual ships and programs for which such funds are requested.

"(3) Any contract entered into pursuant to paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose and that the total liability to the Government for the termination of the contract shall be limited to the total amount of funding obligated for the contract as of the date of the termination.".

(b) DEFINITION OF NATIONAL SEA-BASED DETERRENCE VESSEL.—Subsection (k)(2) of such section, as redesignated by subsection (b), is amended—

(1) by striking "any vessel" and inserting "any submersible vessel constructed or purchased after fiscal year 2016 that is"; and

(2) by inserting "and" before "that carries".

SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA-CLASS CRUISERS OR DOCK LANDING SHIPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be obligated or expended—

(1) to retire, prepare to retire, or inactivate a cruiser or dock landing ship; or

(2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490).

Subtitle D—Counterterrorism

SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPERATIONS BRIEFINGS.

(a) IN GENERAL.—Subsection (a) of section 485 of title 10, United States Code is amended by striking "quarterly" and inserting "monthly".

(b) SECTION HEADING.—The section heading for such section is amended by striking "**Quarterly**" and inserting "**Monthly**".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item: 10 USC 480 prec.

"485. Monthly counterterrorism operations briefings.".

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUB, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term "individual detained at Guantanamo" has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S. C. 801 note).

SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.
(2) Somalia.
(3) Syria.
(4) Yemen.

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 may be used—

(1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;

(2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or

(3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

SEC. 1036. CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY OPERATIONS.

(a) TIMING OF NOTIFICATIONS.—Subsection (a) of section 130f of title 10, United States Code, is amended in the first sentence, by inserting "no later than 48 hours" before "following such operation".

(b) PROCEDURES.—Subsection (b) of such section is amended—

(1) In paragraph (1), by adding at the end the following new sentence: "The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes"; and

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

"(3) In the event of an unauthorized disclosure of a sensitive military operation covered by this section, the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned. The notification under this paragraph may be verbal or written, but in the event of a verbal notification a written notification shall be provided by not later than 48 hours after the provision of the verbal notification.".

(c) BRIEFING REQUIREMENTS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (c), by inserting before the period at the end the following: ", including Department of Defense support to such operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)".

(d) DEFINITION OF SENSITIVE MILITARY OPERATION.—Subsection (d) of such section is amended by striking "means" and all that follows and inserting "means the following:"

"(1) A lethal operation or capture operation—

"(A) conducted by the armed forces outside a declared theater of active armed conflict; or

"(B) conducted by a foreign partner in coordination with the armed forces that targets a specific individual or individuals.

"(2) An operation conducted by the armed forces outside a declared theater of active armed conflict in self-defense or in defense of foreign partners, including during a cooperative operation.".

(e) REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) CONFORMING AMENDMENTS.—

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

"§ 130f. Notification requirements for sensitive military operations".

10 USC 121 prec.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and inserting the following new item:

"130f. Notification requirements for sensitive military operations.".

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION BY THE DEPARTMENT OF DEFENSE OF NON-DEPARTMENT OF DEFENSE PERSONNEL AND CARGO.

(a) TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO.—Subsection (c) of section 2649 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "PERSONNEL" and inserting "AND CIVILIAN PERSONNEL AND CARGO";

(2) by striking "Until January 6, 2016, when" and inserting "When"; and

(3) by striking "allied forces or civilians", and inserting "allied and civilian personnel and cargo".

(b) COMMERCIAL INSURANCE.—Such section is further amended by adding at the end the following new subsection:

"(d) COMMERCIAL INSURANCE.—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper's cargo. Any such contract or arrangement shall provide that—

"(1) any insurance premium is collected by the commercial provider;

"(2) any claim for loss or damage is processed and paid by the commercial provider;

"(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and

"(4) the contract between the commercial provider and the insured shall contain a provision whereby the insured waives any claim against the United States for loss or damage that is within the scope of enumerated risks covered by the insurance product.".

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—Subsection (b) of such section is amended by striking "this section" both places it appears and inserting "subsection (a)".

SEC. 1042. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The Secretary of the Navy shall ensure that—

"(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

"(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

"(B) October 1, 2025;

"(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

"(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.".

(b) REPEAL OF SUPERSEDED REQUIREMENT.—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1043. MODIFICATION TO SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.

Section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended— 10 USC 372 note.

(1) in subsection (d)—

(A) by striking "report on the use of the authority under subsection (a)" and all that follows and inserting "report that includes—"

"(A) a description of—

"(i) each use of the authority under subsection (a); and

"(ii) for each such use, the specific material made available and to whom it was made available; and

"(B) a description of—

"(i) any instance in which the Department of Defense made available to a State, a unit of local government, or a private entity any biological select agent or toxin for the development or testing of any biodefense technology; and

"(ii) for each such instance, the specific material made available and to whom it was made available."; and

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

"(3) The requirement to submit a report under paragraph (1) shall terminate on January 31, 2021."; and

(2) in subsection (e), by striking "this section" and all that follows and inserting "this section:"

"(1) The terms 'precursor', 'protective purposes', and 'toxic chemical' have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

"(2) The term 'biological select agent or toxin' means any agent or toxin identified under any of the following:

"(A) Section 331.3 of title 7, Code of Federal Regulations.

"(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

"(C) Section 73.3 or section 73.4 of title 42, Code of Federal Regulations.".

SEC. 1044. PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.

Section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 47 U.S.C. 921 note) is amended by adding at the end the following:

"(d) PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.—If the report required by subsection (a) determines that reallocation and auction of the spectrum described in the report would harm national security by impacting existing terrestrial Federal spectrum operations at the Nevada Test and Training Range, the Commission, in coordination with the Secretary shall, prior to the auction described in subsection (c)(1)(B), establish rules for licensees in such spectrum sufficient to mitigate harmful interference to such operations.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).".

SEC. 1045. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITIONS.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) WAIVER.—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine

countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

SEC. 1046. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NON-PREMIUM AVIATION INSURANCE.

Section 44310(b) of title 49, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

SEC. 1047. EVALUATION OF NAVY ALTERNATE COMBINATION COVER AND UNISEX COMBINATION COVER.

(a) MANDATORY POSSESSION OR WEAR DATE.—The Secretary of the Navy shall change the mandatory possession or wear date of the alternate combination cover or the unisex combination cover from October 31, 2016, to October 31, 2018.

(b) EVALUATION AND REPORT.—Not later than February 1, 2017, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation of the Navy female service dress uniforms based on surveying a representative group of female officer and enlisted service members. Such evaluation shall include each of the following:

(1) An identification of the operational need addressed by the alternate combination cover or the unisex combination cover.

(2) An assessment of the individual cost of service dress uniform items to members of the Armed Forces as a percentage of their monthly pay.

(3) The composition of each uniform item's wear test group.

(4) An identification of the costs to the Navy and to individual members of the Armed Forces for uniform changes identified in the Navy administrative message 236/15 dated October 9, 2015.

(5) The opinions of a representative group of female officer and enlisted service members of the Navy active and reserve components.

(6) Any other rationale the Secretary determines appropriate.

SEC. 1048. INDEPENDENT EVALUATION OF DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit such evaluation to the congressional defense committees.

(b) ELEMENTS OF EVALUATION.—The evaluation required under paragraph (1) shall include each of the following:

(1) A review of the current listing of "authorized", "controlled", and "prohibited" items as defined by Executive Order 13688 and by Department of Defense policy, guidance, and instruction, as well as why each item is currently assigned to each category.

(2) A review of the preferences and any associated prioritization provided to Federal, State, and local law enforcement agency requests for excess equipment to be used in border

security, counterdrug, and counterterrorism activities, pursuant to section 2576a(a)(1)(A) of title 10 United States Code, including the overall numbers and percentages of equipment provided and used under these preferential categories.

(3) Whether the Department of Defense has bought a type of equipment and declared as excess the same type of equipment during the same year, and if so, how much such equipment.

(4) The type of information being collected by State coordinators and the Defense Logistics Agency when a request for equipment is made, and whether or not that information is sufficient to demonstrate a need for the equipment requested by the law enforcement agency making the request.

(5) The extent to which State coordinators and the Defense Logistics Agency deny requests for equipment and the reasons for such denials.

(6) The extent to which law enforcement agencies have been suspended from participating in the program and the reasons for such suspensions.

(7) Any other matters the Secretary determines appropriate.

6 USC 221 note.

SEC. 1049. WAIVER OF CERTAIN POLYGRAPH EXAMINATION REQUIREMENTS.

The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, may waive the polygraph examination requirement under section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) for any applicant who—

(1) the Commissioner determines is suitable for employment;

(2) holds a current, active Top Secret clearance and is able to access sensitive compartmented information;

(3) has a current single scope background investigation;

(4) was not granted any waivers to obtain the clearance; and

(5) is a veteran (as such term is defined in section 2108 or 2109a of title 5, United States Code).

10 USC 113 note.

SEC. 1050. USE OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL TO GAIN ACCESS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) ACCESS TO INSTALLATIONS FOR CREDENTIALED TRANSPORTATION WORKERS.—During the period that the Secretary is developing and fielding physical access standards, capabilities, processes, and electronic access control systems, the Secretary shall, to the maximum extent practicable, ensure that the Transportation Worker Identification Credential (TWIC) shall be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers.

(b) CREDENTIALED TRANSPORTATION WORKERS WITH SECRET CLEARANCE.—TWIC-carrying transportation workers who also have a current Secret Level Clearance issued by the Department of Defense shall be considered exempt from further vetting when seeking unescorted access at Department of Defense facilities. Access security personnel shall verify such person's security clearance in a timely manner and provide them with unescorted access to complete their freight service.

SEC. 1051. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN LANDMINES AND BRIEFING ON DEVELOPMENT OF REPLACEMENT ANTI-PERSONNEL LANDMINE MUNITIONS.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of anti-personnel landmine munitions before the date on which the Secretary of Defense submits the report required by section 1058(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986).

(b) EXCEPTION FOR SAFETY.—Subsection (a) shall not apply to any anti-personnel landmine munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the current state of research and development into operational alternatives to anti-personnel landmine munitions.

(2) FORM OF BRIEFING.—The briefing required by paragraph (1) may contain classified information.

(d) ANTI-PERSONNEL LANDMINE MUNITIONS DEFINED.—In this section, the term "anti-personnel landmine munitions" includes anti-personnel landmines and sub-munitions as defined by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as determined by the Secretary.

SEC. 1052. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.

10 USC 8062 note.

(a) TRANSITION REQUIRED.—The Secretary of the Air Force shall transition the Air Force to an organizational model for all Air Force remotely piloted aircraft that uses a significant number of enlisted personnel as operators of such aircraft rather than officers only.

(b) DEADLINES.—

(1) REGULAR COMPONENT.—For the regular component of the Air Force, the transition required by subsection (a) shall be completed not later than September 30, 2020.

(2) RESERVE COMPONENTS.—For the Air Force Reserve and Air National Guard, the transition required by subsection (a) shall be completed not later than September 30, 2023.

(c) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed description of the

plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(E) The assumptions used to complete the transition.

(F) Risks associated with implementing the transition.

(2) REPORTS ON PROGRESS OF IMPLEMENTATION.—Not later than March 1, 2018, and each March 1 thereafter until the transition required by subsection (a) is completed, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph and in achieving the transition required by subsection (a).

SEC. 1053. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

50 USC 3524.

SEC. 1054. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—In order to improve the provision of support to, and the receipt of support from, the Central Intelligence Agency, and to improve deconfliction of the activities of the Central Intelligence Agency and the Department of Defense, the Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:

(A) To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to

the commanders of the combatant commands and subordinate task forces and commands.

(2) POLICIES.—The Under Secretary shall develop and supervise the implementation of policies to integrate and communicate Department of Defense requirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

SEC. 1055. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

10 USC 113 note.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees, and, when the part of the Department of Defense providing the sensitive support is a member of the intelligence community, the congressional intelligence committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, the term "defense sensitive support" means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

10 USC 948a note.

SEC. 1056. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER SEX.

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the sex of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC..—The prohibition or restriction described in subsection (a) shall, upon motion, apply to any order, ruling, finding, or other determination described in that subsection that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of such motion.

(c) MILITARY COMMISSION DEFINED.—In this section, the term "military commission" means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

Subtitle F—Studies and Reports

10 USC 111 note.

SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) EXCEPTIONS TO REPORTS TERMINATION PROVISION.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (c) of such section 1080.

(b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

(2) REPORTS EXEMPTED FROM TERMINATION.—The termination dates specified in paragraph (1) and section 1080 of the National Defense Authorization Act for Fiscal Year 2016 do not apply to the following:

(A) The submission of the reports on the National Military Strategy and Risk Assessment under section 153(b)(3) of title 10, United States Code.

(B) The submission of the future-years defense program (including associated annexes) under section 221 of title 10, United States Code.

(C) The submission of the future-years mission budget for the military programs of the Department of Defense under section 221 of such title.

(D) The submission of audits of contracting compliance by the Inspector General of the Department of Defense under section 1601(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2533a note).

(c) REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:

(1) Section 113(i).
(2) Section 117(e).
(3) 118a(d).
(4) Section 119(a) and (b).
(5) Section 127b(f).
(6) Section 139(h).
(7) Section 139b(d).
(8) Sections 153(c).
(9) Section 171a(e) and (g)(2).
(10) Section 179(f).
(11) Section 196(d)(1), (d)(4), and (e)(3).
(12) Section 223a(a).
(13) Section 225(c)
(14) Section 229.
(15) Section 231.
(16) Section 231a.
(17) Section 238.
(18) Section 341(f) of title 10, United States Code, as amended by section 1246 of this Act.
(19) Section 401(d).
(20) Section 407(d).
(21) Section 481a(c).
(22) Section 482(a).
(23) Section 488(c).
(24) Section 494(b).
(25) Section 526(j).
(26) Section 946(c) (Article 146 of the Uniform Code of Military Justice).
(27) Section 981(c).
(28) Section 1116(d).
(29) Section 1566(c)(3).
(30) Section 1557(e).
(31) Section 1781a(e).
(32) Section 1781c(h).
(33) Section 2011(e).
(34) Section 2166(i).
(35) Section 2218(h).
(36) Section 2228(e).
(37) Section 2229(d).
(38) Section 2229a.
(39) Section 2249c(c).
(40) Section 2275.
(41) Section 2276(e).
(42) Section 2367(d).
(43) Section 2399(g).
(44) Section 2445b.
(45) Section 2464(d).
(46) Section 2466(d).

(47) Section 2504.
(48) Section 2561(c).
(49) Section 2684a(g).
(50) Section 2687a.
(51) Section 2711.
(52) Sections 2884(b) and (c).
(53) Section 2911(a) and (b)(3).
(54) Section 2925.
(55) Section 2926(c)(4).
(56) Section 4361(d)(4)(B).
(57) Section 4721(e).
(58) Section 6980(d)(4)(B).
(59) Section 7310(c).
(60) Section 9361(d)(4)(B).
(61) Section 10216(c).
(62) Section 10541.
(63) Section 10543.

(d) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291):

(1) Section 546(d) (10 U.S.C. 1561 note).
(2) Section 1003 (10 U.S.C. 221 note).
(3) Section 1026(d) (128 Stat. 3490).
(4) Section 1055 (128 Stat. 3498).
(5) Section 1204(b) (10 U.S.C. 2249e note).
(6) Section 1205(e) (128 Stat. 3537).
(7) Section 1206(e) (10 U.S.C. 2282 note).
(8) Section 1211 (128 Stat. 3544).
(9) Section 1225 (128 Stat. 3550).
(10) Section 1235 (128 Stat. 3558).
(11) Section 1245 (128 Stat. 3566).
(12) Section 1253(b) (22 U.S.C. 2151 note).
(13) Section 1275(b) (128 Stat. 3591).
(14) Section 1343 (128 Stat. 3605; 50 U.S.C. 3743).
(15) Section 1650 (128 Stat. 3653).
(16) Section 1662(c)(2) and (d)(2) (128 Stat. 3657; 10 U.S.C. 2431 note).
(17) Section 2821(a)(3) (10 U.S.C. 2687 note).

(e) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

(1) Section 704(e) (10 U.S.C. 1074 note).
(2) Sections 713(f), (g), and (h) (10 U.S.C. 1071 note).
(3) Section 904(d)(2) (10 U.S.C. 111 note).
(4) Section 1205(f)(3) (32 U.S.C. 107 note).

(f) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239):

(1) Section 524(c)(2) (10 U.S.C. 1222 note).
(2) Section 904(h)(1) and (2) (10 U.S.C. 133 note).

(3) Section 1009 (126 Stat. 1906).
(4) Section 1023 (126 Stat. 1911).
(5) Section 1052(b)(4) (126 Stat. 1936; 49 U.S.C. 40101 note).

(g) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383):

(1) Section 123 (10 U.S.C. 167 note).
(2) Section 1216(c) (124 Stat. 4392).
(3) Section 1217(i) (22 U.S.C. 7513 note).
(4) Section 1631(d) (10 U.S.C. 1561 note).

(h) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84):

(1) Section 711(d) (10 U.S.C. 1071 note).
(2) Section 1003(b) (10 U.S.C. 2222 note).
(3) Section 1244(d) (22 U.S.C. 1928 note).
(4) Section 1245 (123 Stat. 2542).
(5) Section 1806 (10 U.S.C. 948a note).

(i) REPORTS REQUIRED BY OTHER LAWS.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:

(1) Sections 1412(i) and (j) of the National Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

(2) Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523).

(3) Section 717(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1073 note).

(4) Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367).

(5) Section 1309(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note).

(6) Section 1237(b)(2) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).

(7) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note).

(8) Section 232(h)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

(9) Section 366(a)(5) and (c)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note).

(10) Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086).

(11) Section 1208(d) of the National Defense Authorization Act for 2006 (Public Law 109–163; 119 Stat. 3459).

(12) Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 801 note).

(13) Section 122(f)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104).

(14) Section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294).

(15) Section 1017(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2631 note).

(16) Section 1517(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2443).

(17) Section 911(f)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2271 note).

(18) Section 1034(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 309).

(19) Section 1107(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 358).

(20) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393).

(21) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394).

(22) Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note).

(23) Section 533(i) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–417).

(24) Section 1047(d)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–417; 10 U.S.C. 2366b note).

(25) Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619).

(26) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641).

(27) Section 103A(b)(3) of the Sikes Act (16 U.S.C. 670c–1(b)(3)).

(28) Section 1511(h) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(h)).

(29) Section 901(f) of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 32 U.S.C. 112 note), as added by section 1008 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(30) Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

(31) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(32) Section 112(f) of title 32, United States Code.

(33) Section 310b(i)(2) of title 37, United States Code.

(j) CONFORMING AMENDMENT.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) is amended—

(1) by striking "on the date that is two years after the date of the enactment of this Act" and inserting "November 25, 2017"; and

(2) by striking "effective".

(k) REPORT TO CONGRESS.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

(1) A list of all reports that are required to be submitted to Congress as of the date of the enactment of this Act that will no longer be required to be submitted to Congress as of November 25, 2017.

(2) For each such report, a citation to the provision of law under which the report is or was required to be submitted.

SEC. 1062. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

10 USC 119a.

"(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

"(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

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

"(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

"(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

"(i) a brief description of the program;

"(ii) a brief discussion of the major milestones established for the program;

"(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

"(iv) the estimated total cost of the program and the estimated cost of the program for—

"(I) the current fiscal year;

"(II) the fiscal year for which that budget is submitted; and

"(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

"(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

"(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

"(b) ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.—

"(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

"(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

"(B) a justification for such designation.

"(2) ADDITIONAL ELEMENTS.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

"(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term 'new program being managed under alternative compensatory control measures' means a program in the Department that has not previously been covered by a report under this subsection.

"(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

"(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

"(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

"(d) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

"(e) WAIVER.—

"(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

"(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

"(A) the congressional defense committees are notified of the program; and

"(B) a period of 30 days elapses after such notification is received.

"(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.".

10 USC 111 prec.

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

"119a. Programs managed under alternative compensatory control measures: congressional oversight.".

SEC. 1063. MATTERS FOR INCLUSION IN REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID UNDER DEPARTMENT OF DEFENSE REWARDS PROGRAM.

Section 127b(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting "and justification" after "reason"; and

(2) by amending paragraph (3) to read as follows:

"(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.".

SEC. 1064. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS AND ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

(a) ANNUAL REPORTS REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

10 USC 222a.

"§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

"(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

"(b) OFFICERS.—The officers specified in this subsection are the following:

"(1) The Chief of Staff of the Army.

"(2) The Chief of Naval Operations.

"(3) The Chief of Staff of the Air Force.

"(4) The Commandant of the Marine Corps.

"(5) The commanders of the combatant commands established under section 161 of this title.

"(c) ELEMENTS.—

"(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

"(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

"(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

"(C) Account information with respect to such priority, including the following (as applicable):

"(i) Line Item Number (LIN) for applicable procurement accounts.

"(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

"(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

"(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

"(d) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement that—

"(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

"(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

"(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

"(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

"(B) the program, activity, or mission requirement has emerged since the budget was formulated.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item: 10 USC 221 prec.

"222a. Unfunded priorities of the armed forces and combatant commands: annual report.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113–239; 126 Stat. 1903) is repealed.

(c) SUBMITTAL OF ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—Section 153(c)(1) of title 10, United States Code, is amended by striking "At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31" and inserting "Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31".

SEC. 1065. MANAGEMENT AND REVIEWS OF ELECTROMAGNETIC SPECTRUM.

(a) MANAGEMENT AND REVIEWS.—

(1) IN GENERAL.—Section 488 of title 10, United States Code, is amended to read as follows:

"§ 488. Management and review of electromagnetic spectrum

"(a) ORGANIZATION.—The Secretary of Defense shall—

"(1) ensure the effective organization and management of the electromagnetic spectrum used by the Department of Defense; and

"(2) establish an enduring review and evaluation process that—

"(A) considers all requirements relating to such spectrum; and

"(B) ensures that all users of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or reallocating of such spectrum, or the relocation of the uses by the Department of such spectrum.

"(b) REPORTS.—(1) From time to time as the Secretary and the Chairman of the Joint Chiefs of Staff determine useful for the effective oversight of the access by the Department to electromagnetic spectrum, but not less frequently than every two years, the Secretary and the Chairman shall jointly submit to the congressional defense committees a report on national policy plans regarding implications for such access in bands identified for study for potential reallocation, or under consideration for potential reallocation, by the Policy and Plans Steering Group established by the National Telecommunications and Information Administration.

"(2) Each report under paragraph (1) shall address, with respect to the electromagnetic spectrum used by the Department that is covered by the report, the implications to the missions of the Department resulting from sharing, reassigning, or reallocating the spectrum, or relocating the uses by the Department of such spectrum, if the Secretary and the Chairman jointly determine that such sharing, reassigning, reallocating, or relocation—

"(A) would potentially create a loss of essential military capability to the missions of the Department, as determined under feasibility assessments to ensure comparable capability; or

"(B) would not likely be possible within the 10-year period beginning on the date of the report.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 488 and inserting the following new item:

10 USC 480 prec.

"488. Management and review of electromagnetic spectrum.".

(b) ISSUANCE OF INSTRUCTION OR DIRECTIVE.—The Secretary of Defense shall—

10 USC 488 note.

(1) not later than 180 days after the date of the enactment of this Act, issue a Department of Defense Instruction or a Department of Defense Directive to carry out section 488(a) of title 10, United States Code, as amended by subsection (a); and

(2) upon the date of the issuance of the instruction or directive issued under paragraph (1), submit to the congressional defense committees such instruction or directive.

(c) INITIAL REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report described in section 488(b) of title 10, United States Code, as amended by subsection (a), with respect to—

(1) the plan by the National Telecommunications and Information Administration titled "Sixth Interim Progress Report on the Ten-Year Plan and Timetable" issued in June 2016; and

(2) the seventh such interim progress report issued (or to be issued) by the National Telecommunications and Information Administration.

SEC. 1066. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting ", the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives" after "committees" each place it appears.

SEC. 1067. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL SELECT AGENT AND TOXIN THEFT, LOSS, OR RELEASE INVOLVING THE DEPARTMENT OF DEFENSE.

50 USC 1528.

(a) NOTIFICATION REQUIREMENT.—Not later than 15 days after notice of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is provided to the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, as specified by section 331.19 of part 7 of the Code of Federal Regulations, the Secretary of Defense shall provide to the congressional defense committees notice of such theft, loss, or release.

(b) ELEMENTS.—Notice of a theft, loss, or release of a biological select agent or toxin under subsection (a) shall include each of the following:

(1) The name of the agent or toxin and any identifying information, including the strain or other relevant characterization information.

(2) An estimate of the quantity of the agent or toxin stolen, lost, or released.

(3) The location or facility from which the theft, loss, or release occurred.

(4) In the case of a release, any hazards posed by the release and the number of individuals potentially exposed to the agent or toxin.

(5) Actions taken to respond to the theft, loss, or release.

SEC. 1068. REPORT ON SERVICE-PROVIDED SUPPORT AND ENABLING CAPABILITIES TO UNITED STATES SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a written report on service-common support and enabling capabilities contributed from each of the military services to special operations forces. Such report shall include each of the following:

(1) A definition of the terms "service-common" and "special operations-peculiar".

(2) A description of the factors and process used by the Department of Defense to determine whether combat support, combat service support, base operating support, and enabling capabilities are service-common or special operations-peculiar.

(3) A detailed accounting of the resources allocated by each military service to provide combat support, combat service support, base operating support, and enabling capabilities for special operations forces.

(4) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services to special operations forces in the current fiscal year when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

(5) An assessment of the specific effects that the budget request for the current fiscal year and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

(6) Any other matters the Secretary determines relevant.

(b) ANNUAL UPDATES.—For each of fiscal years 2018 through 2020, at the same time the Secretary of Defense submits to Congress the budget request for such fiscal year, the Secretary shall submit to the congressional defense committees an update to the report required under subsection (a).

(c) FORM OF REPORT.—The report required under subsection (a) and each update provided under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1069. REPORT ON CITIZEN SECURITY RESPONSIBILITIES IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on military units that have been assigned to policing or citizen security responsibilities in Guatemala, Honduras, and El Salvador.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) The following information, as of the date of the enactment of this Act, with respect to military units assigned to policing or citizen security responsibilities in each of Guatemala, Honduras, and El Salvador:

(A) The proportion of individuals in each such country's military who participate in policing or citizen security activities relative to the total number of individuals in that country's military.

(B) Of the military units assigned to policing or citizen security responsibilities, the types of units conducting police activities.

(C) The role of the Department of Defense and the Department of State in training individuals for purposes of participation in such military units.

(D) The number of individuals who participated in such military units who received training by the Department of Defense, and the types of training they received.

(2) Any other information that the Secretary of Defense or the Secretary of State determines to be necessary to help better understand the relationships of the militaries of Guatemala, Honduras, and El Salvador to public security in such countries.

(3) A description of the plan of the United States to assist the militaries of Guatemala, Honduras, and El Salvador to

carry out their responsibilities in a manner that adheres to democratic principles.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) PUBLIC AVAILABILITY.—The unclassified matter of the report required by subsection (a) shall be posted on a publicly available Internet website of the Department of Defense and a publicly available Internet website of the Department of State.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1070. REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) IN GENERAL.—Not later than July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.

(b) MATTERS INCLUDED.—The report required under subsection (a) shall include each of the following:

(1) A complete list and assessment of existing and proposed capabilities and technologies for support of United States nonproliferation policy and counterproliferation policy, with regard to—

(A) interdiction;
(B) elimination;
(C) threat reduction cooperation;
(D) passive defenses;
(E) security cooperation and partner activities;
(F) offensive operations;
(G) active defenses; and
(H) weapons of mass destruction consequence management.

(2) For the existing and proposed capabilities and technologies identified under paragraph (1), an identification of goals, a description of ongoing efforts, and recommendations for further enhancements.

(3) A complete description of requirements and priorities for the development and deployment of highly effective capabilities and technologies, including identifying areas for capability enhancement and deficiencies in existing capabilities and technologies.

(4) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options for meeting requirements and eliminating deficiencies, including the annual funding requirements and completion dates established for each such option.

(5) An outline of interagency activities and initiatives.

(6) Any other matters the Secretary considers appropriate.

(c) FORMS OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1071. REPORT ON TESTING AND INTEGRATION OF MINEHUNTING SONAR SYSTEMS TO IMPROVE LITTORAL COMBAT SHIP MINEHUNTING CAPABILITIES.

(a) REPORT TO CONGRESS.—Not later than April 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that contains the findings of an assessment of all operational minehunting Synthetic Aperture Sonar (hereinafter referred to as "SAS") technologies suitable to meet the requirements for use on the Littoral Combat Ship Mine Countermeasures Mission Package.

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

(1) an explanation of the future acquisition strategy for the minehunting mission package;

(2) specific details regarding the capabilities of all in-production SAS systems available for integration into the Littoral Combat Ship Mine Countermeasure Mission Package;

(3) an assessment of key performance parameters for the Littoral Combat Ship Mine Countermeasures Mission Package with each of the assessed SAS technologies; and

(4) a review of the Department of the Navy's efforts to evaluate SAS technologies in operation with allied Navies for future use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(c) SYSTEM TESTING.—The Secretary of the Navy is encouraged to perform at-sea testing and experimentation of sonar systems in order to provide data in support of the assessment required by subsection (a).

SEC. 1072. QUARTERLY REPORTS ON PARACHUTE JUMPS CONDUCTED AT FORT BRAGG AND POPE ARMY AIRFIELD AND AIR FORCE SUPPORT FOR SUCH JUMPS.

For the period beginning on January 31, 2017, and ending on January 31, 2018, the Secretary of the Air Force and the Secretary of the Army shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports on the parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command. Each such report shall include, for the calendar quarter covered by the report—

(1) the total parachute drop requirement, by month;

(2) the total parachute drops requested, by month;

(3) the total parachute drops for which the Secretary of the Air Force entered into a contract, by month;

(4) the total parachute drops executed by non-Air Force entities pursuant to contracts, by month;

(5) the total parachute drops executed by the Air Force, by month;

(6) if the total parachute drop requirement was not fulfilled for the quarter, the reasons why such requirement was not fulfilled and the assessment of the Secretary of the Army of any effects on Army readiness caused by the unfulfilled portion of the requirement; and

(7) any other clarifying information, as appropriate, the Secretaries determine the Committees would need to understand important aspects of the Air Force implementing off-site airlift support for XVIII Airborne Corps, the 82nd Airborne

Division, and the United States Army Special Operations Command, and the ability of the Air Force to meet the training requirements of the Army and the United States Special Operations Command.

SEC. 1073. STUDY ON MILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, shall—

(1) conduct a study on the effects of military helicopter noise on National Capital Region communities and individuals; and

(2) develop recommendations for the reduction of the effects of military helicopter noise on individuals, structures, and property values in the National Capital Region.

(b) FOCUS.—In conducting the study under subsection (a), the Secretary and the Administrator shall focus on air traffic control, airspace design, airspace management, and types of aircraft to address helicopter noise problems and shall take into account the needs of law enforcement, emergency, and military operations.

(c) CONSIDERATION OF VIEWS.—In conducting the study under subsection (a), the Secretary shall consider the views of representatives of—

(1) members of the Armed Forces;

(2) law enforcement agencies;

(3) community stakeholders, including residents and local government officials; and

(4) organizations with an interest in reducing military helicopter noise.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) AVAILABILITY TO THE PUBLIC.—The Secretary shall make the report required under paragraph (1) publicly available.

SEC. 1074. INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—In fiscal year 2018, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) CONDUCT OF REVIEW.—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) ELEMENTS.—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(F) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands, including an appraisal of the Arctic ambitions of actors in the Indo-Asia-Pacific region in the context of current and projected capabilities, and recommendations to mitigate the effects of those seams.

(G) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after commencing the review under subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

SEC. 1075. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, shall provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

(3) An assessment by each of the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 130h is amended by striking "subsection (a) and (b)" both places it appears and inserting "subsections (a) and (b)".

(2) Section 187(a)(2)(C) is amended by striking "Acquisition, Logistics, and Technology" and inserting "Acquisition, Technology, and Logistics".

(3) Section 196(c)(1)(A)(ii) is amended by striking "section 139(i)" and inserting "section 139(j)".

(4) Subsection (b)(1)(B) of section 1415 is amended by adding a period at the end of clause (ii).

(5) Section 1705(g)(1) is amended by striking "of of" and inserting "of".

(6) Section 2222 is amended—

(A) in subsection (d)(1)(B), by inserting "to" before "eliminate";

(B) in subsection (g)(1)(E), by inserting "the system" before "is in compliance"; and

(C) in subsection (i)(5), by striking "PROGRAM" in the heading.

(7) Subsection (d) of section 2431b is amended to read as follows:

"(d) DEFINITIONS.—

"(1) CONCURRENCY.—The term 'concurrency' means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

"(2) MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR SYSTEM.—The terms 'major defense acquisition program' and 'major system' have the meanings provided in section 2431a of this title.".

(b) AMENDMENTS RELATED TO ELIMINATION OF TITLE 50 APPENDIX.—

(1) MILITARY SELECTIVE SERVICE ACT CITATION CHANGES.—

(A) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(i) Section 101(d)(6)(B)(v) is amended by striking "(50 U.S.C. App. 460(b)(2))" and inserting "(50 U.S.C. 3809(b)(2))".

(ii) Section 513(c) is amended—

(I) by striking "(50 U.S.C. App. 451 et seq.)" and inserting "(50 U.S.C. 3801 et seq.)"; and

(II) by inserting "(50 U.S.C. 3806(c)(2)(A))" after "of that Act".

(iii) Section 523(b)(7) is amended by striking "(50 U.S.C. App. 460(b)(2))" and inserting "(50 U.S.C. 3809(b)(2))".

(iv) Section 651(a) is amended by striking "(50" and all that follows through "shall serve" and inserting "(50 U.S.C. 3806(d)(1))".

(v) Section 671(c)(1) is amended by striking "(50 U.S.C. App. 454(a))" and inserting "(50 U.S.C. 3803(a))".

(vi) Section 1475(a)(5)(B) is amended by striking "(50 U.S.C. App. 451 et seq.)" and inserting "(50 U.S.C. 3801 et seq.)".

(vii) Section 12103 is amended—

(I) in subsections (b) and (d), by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)"; and

(II) in subsection (d), by striking "section 6(c)(2)(A)(ii) and (iii) of such Act" and inserting "clauses (ii) and (iii) of section 6(c)(2)(A) of such Act (50 U.S.C. 3806(c)(2)(A))".

(viii) Section 12104(a) is amended by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)".

(ix) Section 12208(a) is amended by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)".

(B) TITLE 37, UNITED STATES CODE.—Section 209(a)(1) of title 37, United States Code, is amended by striking "(50 U.S.C. App. 456(d)(1))" and inserting "(50 U.S.C. 3806(d)(1))".

(2) SERVICEMEMBERS CIVIL RELIEF ACT CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 987 is amended—

(i) in subsection (e)(2), by inserting "(50 U.S.C. 3901 et seq.)" before the semicolon; and

(ii) in subsection (g), by striking "(50 U.S.C. App. 527)" and inserting "(50 U.S.C. 3937)".

(B) Section 1408(b)(1)(D) is amended by striking "(50 U.S.C. App. 501 et seq.)" and inserting "(50 U.S.C. 3901 et seq.)".

(3) EXPORT ADMINISTRATION ACT OF 1979 CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 130(a) is amended by striking "(50 U.S.C. App. 2401–2420)" and inserting "(50 U.S.C. 4601 et seq.)".

(B) Section 2249a(a)(1) is amended by striking "(50 U.S.C. App. 2405(j)(1)(A))" and inserting "(50 U.S.C. 4605(j)(1)(A))".

(C) Section 2327 is amended—

(i) in subsection (a), by striking "(50 U.S.C. App. 2405(j)(1)(A))" and inserting "(50 U.S.C. 4605(j)(1)(A))"; and

(ii) in subsection (b)(2), by striking "(50 U.S.C. App. 2405(j)(1)(A))" and inserting "(50 U.S.C. 4605(j)(1)(A))".

(D) Section 2410i(a) is amended by striking "(50 U.S.C. App. 2402(5)(A))" and inserting "(50 U.S.C. 4602(5)(A))".

(E) Section 7430(e) is amended by striking "(50 U.S.C. App. 2401 et seq.)" and inserting "(50 U.S.C. 4601 et seq.)".

(4) DEFENSE PRODUCTION ACT OF 1950 CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 139c is amended—

(i) in subsection (b)—

(I) in paragraph (11), by striking "(50 U.S.C. App. 2171)" and inserting "(50 U.S.C. 4567)"; and

(II) in paragraph (12)—

(aa) by striking "(50 U.S.C. App. 2062(b))" and inserting "(50 U.S.C. 4502(b))"; and

(bb) by striking "(50 U.S.C. App. 2061 et seq.)" and inserting "(50 U.S.C. 4501 et seq.)"; and

(ii) in subsection (c), by striking "(50 U.S.C. App. 2170(k))" and inserting "(50 U.S.C. 4565(k))".

(B) Section 2537(c) is amended by striking "(50 U.S.C. App. 2170(a))" and inserting "(50 U.S.C. 4565(a))".

(C) Section 9511(6) is amended by striking "(50 U.S.C. App. 2071)" and inserting "(50 U.S.C. 4511)".

(D) Section 9512(e) is amended by striking "(50 U.S.C. App. 2071)" and inserting "(50 U.S.C. 4511)".

(5) MERCHANT SHIP SALES ACT OF 1946 CITATION CHANGES.—Section 2218 of title 10, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "(50 U.S.C. App. 1744)" and inserting "(50 U.S.C. 4405)"; and

(B) in subsection (k)(3)(B), by striking "(50 U.S.C. App. 1744)" and inserting "(50 U.S.C. 4405)".

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—Effective as of November 25, 2015, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows: 10 USC 2222 note.

(1) Section 563(a) is amended by striking "Section 5(c)(5)" and inserting "Section 5(c)(2)". 38 USC 1712A note.

(2) Section 804(d)(3) is amended by inserting "within 5 business days after such transfer" before the period at the end of the first sentence. 10 USC 2302 note.

(3) Section 809(e)(2)(A) is amended by striking "repealed" and inserting "rescinded".

(4) Section 883(a)(2) is amended by striking "such chapter" and inserting "chapter 131 of such title".

(5) Section 883 is amended by adding at the end the following new subsection: 10 USC 2201 prec.

"(f) CONFORMING AMENDMENTS.— 10 USC 2222 note.

"(1) Effective on the effective date specified in subsection (a)(1) of section 901 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462; 10 U.S.C. 132a note), section 2222 of title 10, United States Code, is amended—

"(A) by striking 'Deputy Chief Management Officer of the Department of Defense' each place it appears in subsections (c)(2), (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B)

and inserting 'Under Secretary of Defense for Business Management and Information'; and

"(B) by striking 'Deputy Chief Management Officer' in subsection (f)(1) and inserting 'Under Secretary of Defense for Business Management and Information'.

"(2) The second paragraph (3) of section 901(k) of such Act (Public Law 113–291; 128 Stat. 3468; 10 U.S.C. 2222 note) is repealed.".

(6) Section 1079(a) is amended to read as follows:

"(a) ANNUAL REPORT ON PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title 10, United States Code, is amended—

"(1) by striking subsection (f); and

"(2) by redesignating subsection (g) as subsection (f).".

10 USC 1564 note.

(7) Section 1086(f)(11)(A) is amended by striking "Not later than\ one year" and inserting "Not later than one year".

10 USC 101 note.

(d) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. INCREASE IN MAXIMUM AMOUNT AVAILABLE FOR EQUIPMENT, SERVICES, AND SUPPLIES PROVIDED FOR HUMANITARIAN DEMINING ASSISTANCE.

Section 407(c)(3) of title 10, United States Code, is amended by striking "$10,000,000" and inserting "$15,000,000".

SEC. 1083. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.

(a) LIQUIDATION OF UNPAID CREDITS.—Section 2345 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Any credits of the United States accrued as a result of the provision of logistic support, supplies, and services under the authority of this subchapter that remain unliquidated more than 18 months after the date of delivery of the logistic support, supplies, or services may, at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be liquidated by offsetting the credits against any amount owed by the Department of Defense, pursuant to a transaction or transactions concluded under the authority of this subchapter, to the government or international organization to which the logistic support, supplies, or services were provided by the United States.

"(2) The amount of any credits offset pursuant to paragraph (1) shall be credited as specified in section 2346 of this title as if it were a receipt of the United States.".

10 USC 2345 note.

(b) EFFECTIVE DATE.—Subsection (c) of section 2345 of title 10, United States Code, as added by subsection (a), shall apply with respect to credits accrued by the United States that—

(1) were accrued prior to, and remain unpaid as of, the date of the enactment of this Act; or

(2) are accrued after the date of the enactment of this Act.

SEC. 1084. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).";

(2) in paragraph (2), by striking "in the report" and all that follows and inserting "by the Army Reserve, the Air Force Reserve, the National Guard Bureau, State adjutants general, and the Secretary of Defense in the course of reviewing all military technician positions for purposes of implementing this section."; and

(3) in paragraph (3), by striking "may fill" and inserting "shall fill".

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

"(e) CONVERSION OF POSITIONS.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

"(2) By not later than October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

"(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

"(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.".

(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense under title 5, United States Code, required to best contribute to the readiness of the National Guard and the Reserves.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term "active Guard and Reserve duty" has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1085. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

(a) IN GENERAL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

"SEC. 101. NATIONAL SECURITY COUNCIL.

"(a) NATIONAL SECURITY COUNCIL.—There is a council known as the National Security Council (in this section referred to as the 'Council').

"(b) FUNCTIONS.—Consistent with the direction of the President, the functions of the Council shall be to—

"(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

"(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

"(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and such other officers of the United States Government as the President may designate.

"(2) ATTENDANCE AND PARTICIPATION IN MEETINGS.—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

"(d) PRESIDING OFFICERS.—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

"(e) STAFF.—

"(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

"(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and

fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

"(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 200 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving substantially in support or administrative positions.

"(f) SPECIAL ADVISOR TO THE PRESIDENT ON INTERNATIONAL RELIGIOUS FREEDOM.—It is the sense of Congress that there should be within the staff of the Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.".

(b) EFFECTIVE DATE OF LIMITATION ON NUMBER OF PROFESSIONAL STAFF.—The limitation on the number of professional staff of the National Security Council specified in subsection (e)(3) of section 101 of the National Security Act of 1947, as amended by subsection (a) of this section, shall take effect on the date that is 18 months after the date of the enactment of this Act. 50 USC 3021 note.

SEC. 1086. NATIONAL BIODEFENSE STRATEGY. 6 USC 104.

(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—The Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall jointly develop a national biodefense strategy and associated implementation plan, which shall include a review and assessment of biodefense policies, practices, programs and initiatives. Such Secretaries shall review and, as appropriate, revise the strategy biennially.

(b) ELEMENTS.—The strategy and associated implementation plan required under subsection (a) shall include each of the following:

(1) An inventory and assessment of all existing strategies, plans, policies, laws, and interagency agreements related to biodefense, including prevention, deterrence, preparedness, detection, response, attribution, recovery, and mitigation.

(2) A description of the biological threats, including biological warfare, bioterrorism, naturally occurring infectious diseases, and accidental exposures.

(3) A description of the current programs, efforts, or activities of the United States Government with respect to preventing the acquisition, proliferation, and use of a biological weapon, preventing an accidental or naturally occurring biological outbreak, and mitigating the effects of a biological epidemic.

(4) A description of the roles and responsibilities of the Executive Agencies, including internal and external coordination procedures, in identifying and sharing information related to, warning of, and protection against, acts of terrorism using biological agents and weapons and accidental or naturally occurring biological outbreaks.

(5) An articulation of related or required interagency capabilities and whole-of-Government activities required to support the national biodefense strategy.

(6) Recommendations for strengthening and improving the current biodefense capabilities, authorities, and command structures of the United States Government.

(7) Recommendations for improving and formalizing interagency coordination and support mechanisms with respect to providing a robust national biodefense.

(8) Any other matters the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture determine necessary.

(c) SUBMITTAL TO CONGRESS.—Not later than 275 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall submit to the appropriate congressional committees the strategy and associated implementation plan required by subsection (a). The strategy and implementation plan shall be submitted in unclassified form, but may include a classified annex.

(d) BRIEFINGS.—Not later than March 1, 2017, and annually thereafter until March 1, 2019, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall provide to the Committee on Armed Services of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Agriculture of the House of Representatives a joint briefing on the strategy developed under subsection (a) and the status of the implementation of such strategy.

(e) GAO REVIEW.—Not later than 180 days after the date of the submittal of the strategy and implementation plan under subsection (c), the Comptroller General of the United States shall conduct a review of the strategy and implementation plan to analyze gaps and resources mapped against the requirements of the National Biodefense Strategy and existing United States biodefense policy documents.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.

10 USC 3013 note.

(a) PROGRAM AUTHORIZED.—The Secretary of the Army shall carry out a program to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

(b) GOALS.—The Global Cultural Knowledge Network shall support the following goals:

(1) Provide socio-cultural analysis support to any unit deployed, or preparing to deploy, to an exercise or operation in the assigned region of responsibility of the unit being supported.

(2) Make recommendations or support policy or doctrine development to increase the social science expertise of military and civilian personnel of the Department of the Army.

(3) Provide reimbursable support to other military departments or Federal agencies if requested through an operational needs request process.

(c) ELEMENTS OF THE PROGRAM.—The Global Cultural Knowledge Network shall include the following elements:

(1) A center in the continental United States (referred to in this section as a "reach-back center") to support requests for information, research, and analysis.

(2) Outreach to academic institutions and other Federal agencies involved in social science research to increase the network of resources for the reach-back center.

(3) Training with operational units during annual training exercises or during pre-deployment training.

(4) The training, contracting, and human resources capacity to rapidly respond to contingencies in which social science expertise is requested by operational commanders through an operational needs request process.

(d) DIRECTIVE REQUIRED.—The Secretary of the Army shall issue a directive within one year after the date of the enactment of this Act for the governance of the Global Cultural Knowledge Network, including oversight and process controls for auditing the activities of personnel of the Network, the employment of the Global Cultural Knowledge Network by operational forces, and processes for requesting support by operational Army units and other Department of Defense and Federal entities.

(e) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL CULTURAL KNOWLEDGE NETWORK.—

(1) PROHIBITION.—The Secretary of the Army may not deploy social scientists of the Global Cultural Knowledge Network in a conflict zone.

(2) WAIVER.—The Secretary of the Army may waive the prohibition in paragraph (1) if the Secretary submits, at least 10 days before the deployment, to the Committees on Armed Services of the House of Representatives and the Senate—

(A) notice of the waiver; and

(B) a certification that there is a compelling national security interest for the deployment or there will be a benefit to the safety and welfare of members of the Armed Forces from the deployment.

(3) ELEMENTS OF WAIVER NOTICE.—A waiver notice under this subsection also shall include the following:

(A) The operational unit, or units, requesting support, including the location or locations where the social scientists are to be deployed.

(B) The number of Global Cultural Knowledge Network personnel to be deployed and the anticipated duration of such deployments.

(C) The anticipated resource needs for such deployment.

SEC. 1088. SENSE OF CONGRESS REGARDING CONNECTICUT'S SUBMARINE CENTURY.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 2, 1867, Congress enacted a naval appropriations Act that authorized the Secretary of the Navy to "receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land with not less than one mile of shore front on the Thames River near New London, Connecticut, to be held by the United States for naval purposes".

(2) The people of Connecticut and the towns and cities in the southeastern region of Connecticut subsequently gifted land to establish a military installation to fulfil the Nation's need for a naval facility on the Atlantic coast.

(3) On April 11, 1868, the Navy accepted the deed of gift of land from Connecticut to establish a naval yard and storage depot along the eastern shore of the Thames River in Groton, Connecticut.

(4) Between 1868 and 1912, the New London Navy Yard supported a diverse range of missions, including berthing inactive Civil War era ironclad warships and serving as a coaling station for refueling naval ships traveling in New England waters.

(5) Congress rejected the Navy's proposal to close New London Navy Yard in 1912, following an impassioned effort by Congressman Edwin W. Higgins, who stated that "this action proposed is not only unjust but unreasonable and unsound as a military proposition".

(6) The outbreak of World War I and the enemy use of submarines to sink allied military and civilian ships in the Atlantic sparked a new focus on developing submarine capabilities in the United States.

(7) October 18, 1915, marked the arrival at the New London Navy Yard of the submarines G–1, G–2, and G–4 under the care of the tender USS Ozark and the arrival of submarines E–1, D–1, and D–3 under the care of the tender USS Tonopah. November 1, 1915, marked the arrival of the first ship built as a submarine tender, the USS Fulton (AS–1).

(8) On June 21, 1916, Commander Yeates Stirling assumed the command of the newly designated Naval Submarine Base New London, the New London Submarine Flotilla, and the Submarine School.

(9) In the 100 years since the arrival of the first submarines to the base, Naval Submarine Base New London has grown to occupy more than 680 acres along the east side of the Thames River, with more than 160 major facilities, 15 nuclear submarines, and more than 70 tenant commands and activities, including the Submarine Learning Center, Naval Submarine School, the Naval Submarine Medical Research Laboratory,

the Naval Undersea Medical Institute, and the newly established Undersea Warfighting Development Center.

(10) In addition to being the site of the first submarine base in the United States, Connecticut was home to the foremost submarine manufacturers of the time, the Lake Torpedo Boat Company in Bridgeport and the Electric Boat Company in Groton, which later became General Dynamics Electric Boat.

(11) General Dynamics Electric Boat, its talented workforce, and its Connecticut-based and nationwide network of suppliers have delivered more than 200 submarines from its current location in Groton, Connecticut, including the first nuclear-powered submarine, the USS Nautilus (SSN 571), and nearly half of the nuclear submarines ever built by the United States.

(12) The Submarine Force Museum, located adjacent to Naval Submarine Base New London in Groton, Connecticut, is the only submarine museum operated by the United States Navy and today serves as the primary repository for artifacts, documents, and photographs relating to the bold and courageous history of the Submarine Force and highlights as its core exhibit the Historic Ship Nautilus (SSN 571) following her retirement from service.

(13) Reflecting the close ties between Connecticut and the Navy that began with the gift of land that established the base, the State of Connecticut has set aside $40,000,000 in funding for critical infrastructure investments to support the mission of the base, including construction of a new dive locker building, expansion of the Submarine Learning Center, and modernization of energy infrastructure.

(14) On September 29, 2015, Connecticut Governor Dannel Malloy designated October 2015 through October 2016 as Connecticut's Submarine Century, a year-long observance that celebrates 100 years of submarine activity in Connecticut, including the Town of Groton's distinction as the Submarine Capital of the World, to coincide with the centennial anniversary of the establishment of Naval Submarine Base New London and the Naval Submarine School.

(15) Whereas Naval Submarine Base New London still proudly proclaims its motto of "The First and Finest".

(16) Congressman Higgins' statement before Congress in 1912 that "Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense" remains true today.

(b) SENSE OF CONGRESS.—Congress—

(1) commends the longstanding dedication and contribution to the Navy and submarine force by the people of Connecticut, both through the initial deed of gift that established what would become Naval Submarine Base New London and through their ongoing commitment to support the mission of the base and the Navy personnel assigned to it;

(2) honors the submariners who have trained and served at Naval Submarine Base New London throughout its history in support of the Nation's security and undersea superiority;

(3) recognizes the contribution of the industry and workforce of Connecticut in designing, building, and sustaining the Navy's submarine fleet; and

(4) encourages the recognition of Connecticut's Submarine Century by Congress, the Navy, and the American people by honoring the contribution of the people of Connecticut to the defense of the United States and the important role of the submarine force in safeguarding the security of the United States for more than a century.

SEC. 1089. SENSE OF CONGRESS REGARDING THE REPORTING OF THE MV–22 MISHAP IN MARANA, ARIZONA, ON APRIL 8, 2000.

It is the sense of Congress that—

(1) in the report accompanying H.R. 1735 of the 114th Congress (House Report 114–102), the Committee on Armed Services of the House of Representatives encouraged the Secretary of Defense to "publicly clarify the causes of the MV-22 mishap at Marana Northwest Regional Airport, Arizona, in a way consistent with the results of all investigations as soon as possible";

(2) the Deputy Secretary of Defense Robert O. Work did an excellent job reviewing the investigations of such mishap and concluded that there was a misrepresentation of facts by the media which incorrectly identified pilot error as the cause of the mishap which the Deputy Secretary publicly made known in March 2016; and

(3) Congress is grateful for the successful conclusion to this tragic situation.

SEC. 1090. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Internet website of the Department of Defense the costs to each United States taxpayer of each of the wars in Afghanistan, Iraq, and Syria.

SEC. 1091. RECONNAISSANCE STRIKE GROUP MATTERS.

(a) MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—

(1) ANALYSES REQUIRED.—The Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the commanding general of the United States European Command, shall each conduct a separate analysis of alternative Army operational concepts and organizational designs, known as the Reconnaissance Strike Group, as recommended by the National Commission on the Future of the United States Army.

(2) ASSESSMENT OF ANALYSES.—The Chairman of the Joint Chiefs of Staff and Chief of Staff of the Army shall then each separately assess the operational merits, feasible force mix under programmed end-strength, estimated costs for assessed potential force structure changes, and strategic force sufficiency and risk of each analysis conducted under paragraph (1).

(b) REPORTS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each submit to the Committees on Armed Services of the Senate and House of Representatives a separate report on the alternative designs and operational concepts analyzed under subsection (a)(1). Each such report shall include an assessment of the merits and

sufficiency of such designs and concepts, the potential for future experimentation (such as a follow-on pilot program), and the recommendation of the Chairman and Chief of Staff, as the case may be, regarding the Reconnaissance Strike Group.

(c) INDEPENDENT ASSESSMENTS REQUIRED.—Before submittal of the reports required under subsection (b), the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each select a Federally Funded Research and Development Center to review and evaluate each report. The review and evaluation of each report shall be submitted to the Committees on Armed Services of the Senate and House of Representatives together with the reports under subsection (b).

SEC. 1092. BORDER SECURITY METRICS.

6 USC 223.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Homeland Security of the House of Representatives.

(2) CONSEQUENCE DELIVERY SYSTEM.—The term "Consequence Delivery System" means the series of consequences applied by U.S. Border Patrol in collaboration with other Federal agencies to persons unlawfully entering the United States, in order to prevent unlawful border crossing recidivism.

(3) GOT AWAY.—The term "got away" means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States;

(B) is not apprehended; and

(C) is not a turn back.

(4) KNOWN MARITIME MIGRANT FLOW.—The term "known maritime migrant flow" means the sum of the number of undocumented migrants—

(A) interdicted in the waters over which the United States has jurisdiction;

(B) identified at sea either directly or indirectly, but not interdicted;

(C) if not described in subparagraph (A) or (B), who were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) MAJOR VIOLATOR.—The term "major violator" means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including the following:

(A) Possession of illicit drugs.

(B) Smuggling of prohibited products.

(C) Human smuggling.

(D) Possession of illegal weapons.

(E) Use of fraudulent documents.

(F) Any other offense that is serious enough to result in an arrest.

(6) SECRETARY.—The term "the Secretary" means the Secretary of Homeland Security.

(7) SITUATIONAL AWARENESS.—The term "situational awareness" means knowledge and understanding of current unlawful cross-border activity, including the following:

(A) Threats and trends concerning illicit trafficking and unlawful crossings.

(B) The ability to forecast future shifts in such threats and trends.

(C) The ability to evaluate such threats and trends at a level sufficient to create actionable plans.

(D) The operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(8) TRANSIT ZONE.—The term "transit zone" means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(9) TURN BACK.—The term "turn back" means an unlawful border crosser who, after making an unlawful entry into the United States, responds to United States enforcement efforts by returning promptly to the country from which such crosser entered.

(10) UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.—The term "unlawful border crossing effectiveness rate" means the percentage that results from dividing the number of apprehensions and turn backs by the sum of the number of apprehensions, estimated undetected unlawful entries, turn backs, and got aways.

(11) UNLAWFUL ENTRY.—The term "unlawful entry" means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, known-flow data, and technologically-measured data, of the following:

(i) The rate of apprehension of attempted unlawful border crossers.

(ii) The number of detected unlawful entries.

(iii) The number of estimated undetected unlawful entries.

(iv) Turn backs.

(v) Got aways.

(B) A measurement of situational awareness achieved in each U.S. Border Patrol sector.

(C) An unlawful border crossing effectiveness rate in each U.S. Border Patrol sector.

(D) A probability of detection rate, which compares the estimated total unlawful border crossing attempts not

detected by U.S. Border Patrol to the unlawful border crossing effectiveness rate under subparagraph (C), as informed by subparagraph (A).

(E) The number of apprehensions in each U.S. Border Patrol sector.

(F) The number of apprehensions of unaccompanied alien children, and the nationality of such children, in each U.S. Border Patrol sector.

(G) The number of apprehensions of family units, and the nationality of such family units, in each U.S. Border Patrol sector.

(H) An illicit drugs seizure rate for drugs seized by U.S. Border Patrol between ports of entry, which compares the ratio of the amount and type of illicit drugs seized between ports of entry in any fiscal year to the average of the amount and type of illicit drugs seized between ports of entry in the immediately preceding five fiscal years.

(I) Estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years.

(J) An examination of each consequence under the Consequence Delivery System referred to in subparagraph (I), including the following:

(i) Voluntary return.
(ii) Warrant of arrest or notice to appear.
(iii) Expedited removal.
(iv) Reinstatement of removal.
(v) Alien transfer exit program.
(vi) Criminal consequence program.
(vii) Standard prosecution.
(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, with the heads of other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) MANNER OF COLLECTION.—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all U.S. Border Patrol sectors, informed by situational awareness.

(c) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, and randomized secondary screening data, of the following:

(i) Total inadmissible travelers who attempt to, or successfully, enter the United States at a port of entry.

(ii) The rate of refusals and interdictions for travelers who attempt to, or successfully, enter the United States at a port of entry.

(iii) The number of unlawful entries at a port of entry.

(B) The amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at ports of entry during the previous fiscal year.

(C) An illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding five fiscal years.

(D) The number of infractions related to travelers and cargo committed by major violators who are interdicted by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not so interdicted.

(E) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine seizure effectiveness rate, which is the percentage resulting from dividing the amount of cocaine seized by the Office of Field Operations by the total estimated cocaine flow rate at ports of entry along the United States land border with Mexico and Canada.

(F) A measurement of how border security operations affect crossing times, including the following:

(i) A wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each land port of entry.

(ii) An infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each land port of entry.

(iii) A secondary examination rate that measures the frequency of secondary examinations at each land port of entry.

(iv) An enforcement rate that measures the effectiveness of such secondary examinations at detecting major violators.

(G) A seaport scanning rate that includes the following:

(i) The number of all cargo containers that are considered potentially "high-risk", as determined by the Executive Assistant Commissioner of the Office of Field Operations.

(ii) A comparison of the number of potentially high-risk cargo containers scanned by the Office of Field Operations at each sea port of entry during a fiscal year to the total number of high-risk cargo containers entering the United States at each such sea port of entry during the previous fiscal year.

(iii) The number of potentially high-risk cargo containers scanned upon arrival at a United States sea port of entry.

(iv) The number of potentially high-risk cargo containers scanned before arrival at a United States sea port of entry.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with heads of other appropriate agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) MANNER OF COLLECTION.—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all United States ports of entry, informed by situational awareness.

(d) METRICS FOR SECURING THE MARITIME BORDER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Situational awareness achieved in the maritime environment.

(B) A known maritime migrant flow rate.

(C) An illicit drugs removal rate for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the maritime security components of the Department of Homeland Security in any fiscal year to the average of the amount and type of illicit drugs removed by such maritime components for the immediately preceding five fiscal years.

(D) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine removal effectiveness rate for cocaine removed inside a transit zone and outside a transit zone, which compares the amount of cocaine removed by the maritime security components of the Department of Homeland Security by the total documented cocaine flow rate, as contained in Federal drug databases.

(E) A response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside or outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information.

(F) An intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United

States Government entities to respond to and resolve actionable maritime threats, whether inside or outside a transit zone, with the number of such threats detected.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with the heads of other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice.

(3) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner by the maritime security components of the Department of Homeland Security, informed by situational awareness.

(e) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of Air and Marine Operations of U.S. Customs and Border Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) A flight hour effectiveness rate, which compares Air and Marine Operations flight hours requirements to the number of flight hours flown by Air and Marine Operations.

(B) A funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to Air and Marine Operations to the number of actual flight hours flown by Air and Marine Operations.

(C) A readiness rate, which compares the number of aviation missions flown by Air and Marine Operations to the number of aviation missions cancelled by Air and Marine Operations due to maintenance, operations, or other causes.

(D) The number of missions cancelled by Air and Marine Operations due to weather compared to the total planned missions.

(E) The number of individuals detected by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(F) The number of apprehensions assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(G) The number and quantity of illicit drug seizures assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(H) The number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with the heads of other departments and agencies, including the Department of Justice.

(3) MANNER OF COLLECTION.—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner by Air and Marine Operations, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, law enforcement communities, and academic research communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data referred to in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States an annual report containing the metrics required under this section and the data and methodology used to develop such metrics.

(B) PERMISSIBLE DISCLOSURES.—The Secretary, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the Center for Borders, Trade, and Immigration Research of the Centers of Excellence network of the Department of Homeland Security;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A) and biennially thereafter for the following ten years with respect to every other such report, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in each such report; and

(B) includes recommendations on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) STATE OF THE BORDER REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2026, the Secretary shall submit to the appropriate congressional committees a "State of the Border" report that—

(A) provides trends for each metric under this section for the last ten fiscal years, to the greatest extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including undocumented migrant flows and stock estimation techniques;

(C) provides selected analysis into related aspects of legal flow rates; and

(D) includes any other information that the Secretary determines appropriate.

(4) METRICS UPDATE.—

(A) IN GENERAL.—After submitting the tenth report to the Comptroller General under paragraph (1), the Secretary may reevaluate and update any of the metrics developed in accordance with this section to ensure that such metrics are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics pursuant to subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

36 USC 101 note prec.

SEC. 1093. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) COMMEMORATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) WORK WITH NONGOVERNMENTAL ORGANIZATIONS.—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) SCHEDULE.—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America's commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(d) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name "The United States of America Tomb of the Unknown Soldier Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATION FUND.—

(1) IN GENERAL.—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the "Tomb of the Unknown Soldier Commemoration Fund" (in this subsection referred to as the "Fund"). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) USE OF FUND.—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) AVAILABILITY.—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of

Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

SEC. 1094. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC–46A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC–46A aircraft at installations in the Continental United States (in this section referred to as "CONUS") and forward-basing outside the Continental United States (in this section referred to as "OCONUS").

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC–46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

SEC. 1095. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Arctic is a region of growing strategic importance to the national security interest of the United States and that the Department

of Defense must better align its posture and capabilities to meet the growing array of challenges in the region.

(b) ARCTIC DEFINED.—In this section, the term "Arctic" has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report containing an assessment of the future security requirements for one or more strategic ports in the Arctic.

(d) CONTENTS OF REPORT.—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the reports required under section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 992), the report required under subsection (c) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;
(B) maritime surface and subsurface warning;
(C) maritime control and defense;
(D) maritime domain awareness;
(E) homeland defense;
(F) defense support to civil authorities;
(G) humanitarian relief;
(H) search and rescue;
(I) disaster relief;
(J) oil spill response;
(K) medical stabilization and evacuation; and
(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in paragraph (2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in paragraph (2).

(e) DESIGNATION OF STRATEGIC ARCTIC PORTS.—

(1) DESIGNATION CRITERIA AND RECOMMENDATIONS.—Upon completion of the report required under subsection (c), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of

the Coast Guard, the Administrator of the Maritime Administration, shall—

(A) establish criteria for the designation of a port as a "Department of Defense Strategic Arctic Port"; and

(B) if the report required under subsection (c) includes a determination that one or more strategic Arctic ports are necessary to fulfill future security requirements in the Arctic, not later than 18 months after the date of the completion of the report, submit to the congressional defense committees recommendations for the designation of one or more ports as Department of Defense Strategic Arctic Ports.

(2) COST ESTIMATES.—The recommendations submitted under paragraph (1)(B) shall include the estimated cost of sufficient construction necessary to initiate and sustain expected operations at the ports designated as Department of Defense Strategic Arctic Ports.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port recommended pursuant to this section.

SEC. 1096. RECOVERY OF EXCESS RIFLES, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

36 USC 40728B.

"§ 40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons

"(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any rifle, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

"(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

"(B) lawfully acquired by such person.

"(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

"(3) The Secretary of the Army may accept rifles, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

"(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

"(c) AVAILABILITY FOR TRANSFER.—Any rifles, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

"(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

"(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any rifles, ammunition, repair parts, or supplies under this paragraph.

"(d) MARKET VALUE.—The Secretary of the Army may only transfer an item under subsection (c) if the Secretary receives fair market value for the item.

"(e) CONTRACTS.—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

"(f) AECA.—Transfers authorized under this section may only be made in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2778).

"(g) RIFLE DEFINED.—In this section, the term 'rifle' has the meaning given such term in section 921 of title 18.".

(b) SALE.—Section 40732 of such title is amended—

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

"(d) SALES BY OTHER PERSONS.—A person who receives a rifle or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such rifle, ammunition, repair parts, or supplies. With respect to rifles other than caliber .22 rimfire and caliber .30 rifles, the seller shall obtain a license as a dealer in rifles and abide by all requirements imposed on persons licensed under chapter 44 of title 18, including maintaining acquisition and disposition records, and conducting background checks."; and

(2) in subsection (c)(1), by striking "The corporation may not" and inserting "No person acquiring a firearm under this chapter may".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item: 36 USC 40701 prec.

"40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.".

(d) REPORT.— 36 USC 40728B note.

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the acquisition and transfer of excess rifles, ammunition, repair parts, and other supplies described in section 40731(a) of title 36, United States Code, that were provided to a country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961. The report shall include each of the following:

(A) A list of excess rifles, ammunition, repair parts, and other supplies known to the United States Army as eligible for transfer under section 40731(a) of title 36, United States Code.

(B) An assessment of whether and how the Secretary of the Army intends to use the authorities under section 40728B of title 36, United States Code, as added by this section.

(C) Any other issue that the Secretary of the Army considers appropriate.

(2) PROHIBITION ON TRANSFERS PENDING SUBMITTAL OF REPORT.—No rifle, ammunition, repair part, or supplies acquired under section 40728B(a) of title 36, United States Code, may be transferred until the date that is 90 days after the date of the submittal of the report required under paragraph (1).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

Subtitle C—Governmentwide Matters

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) MODIFICATION OF MANAGEMENT LIMITATIONS.—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "solely";

(B) in the second sentence—

(i) by striking "The management of such personnel in any fiscal year shall not be subject to any" and inserting "Any"; and

(ii) by inserting before the period the following: "shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances"; and

(C) in the third sentence, by striking "unless such reduction" and all that follows and inserting "except in accordance with the requirements of this section and section 129a of this title.";

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c):

"(c)(1) Not later than February 1 of each year—

"(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

"(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

"(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

"(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

"(B) If the projected size of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce.

"(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.".

(b) CONFORMING AMENDMENTS.—

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

"§ 129. Civilian personnel management".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

10 USC 121 prec.

"129. Civilian personnel management.".

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

10 USC 111 prec.

SEC. 1103. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) TRAINING REQUIRED.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k), respectively; and

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

"(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

"(2) For purposes of this subsection, covered personnel are employees of the Department who—

"(A) carry out functions relating to—

"(i) the management of human resources and the civilian workforce of the Department; or

"(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

"(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.".

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) ONGOING REPORTS.—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking "supervisors of employees in qualified positions at the Department on the use of the new authorities" and inserting "employees described in subsection (f)(2) on the use of authorities under this section".

SEC. 1104. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599g. Public-private talent exchange

10 USC 1599g.

"(a) ASSIGNMENT AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may, with the agreement of a private-sector organization and the consent of the employee, arrange for the temporary assignment of an employee to such private-sector organization, or from such private-sector organization to a Department of Defense organization under this section.

"(b) AGREEMENTS.—(1) The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

"(A) shall require that the employee of the Department of Defense, upon completion of the assignment, will serve in the Department of Defense, or elsewhere in the civil service if approved by the Secretary, for a period equal to twice the length of the assignment;

"(B) shall provide that if the employee of the Department of Defense or of the private-sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense; and

"(C) shall contain language ensuring that such employee of the Department does not improperly use pre-decisional or draft deliberative information that such employee may be privy to or aware of related to Department programing, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization.

"(2) An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

"(3) The Secretary may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

"(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

"(d) DURATION.—(1) An assignment under this section shall be for a period of not less than three months and not more than two years, renewable up to a total of four years. No employee of the Department of Defense may be assigned under this section for more than a total of 4 years inclusive of all such assignments.

"(2) An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

"(e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO PRIVATE-SECTOR ORGANIZATIONS.—(1) An employee of the Department of Defense who is assigned to a private-sector organization under this section shall be considered, during the period of assignment,

to be on detail to a regular work assignment in the Department for all purposes. The written agreement established under subsection (b)(1) shall address the specific terms and conditions related to the employee's continued status as a Federal employee.

"(2) In establishing a temporary assignment of an employee of the Department of Defense to a private-sector organization, the Secretary of Defense shall—

"(A) ensure that the normal duties and functions of such employee can be reasonably performed by other employees of the Department of Defense without the transfer or reassignment of other personnel of the Department of Defense, including members of the armed forces;

"(B) ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary assignment, performed or augmented by contractor personnel in violation of the provisions of section 2461 of this title; and

"(C) certify that the temporary assignment of such employee shall not have an adverse or negative impact on mission attainment, warfighter support, or organizational capabilities associated with the assignment.

"(f) TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

"(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is assigned and shall not receive pay or benefits from the Department of Defense, except as provided in paragraph (2);

"(2) is deemed to be an employee of the Department of Defense for the purposes of—

"(A) chapters 73 and 81 of title 5;

"(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

"(C) sections 1343, 1344, and 1349(b) of title 31;

"(D) the Federal Tort Claims Act and any other Federal tort liability statute;

"(E) the Ethics in Government Act of 1978; and

"(F) chapter 21 of title 41;

"(3) shall not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned;

"(4) may perform work that is considered inherently governmental in nature only when requested in writing by the Secretary of Defense; and

"(5) may not be used to circumvent the provision of section 2461 of this title nor to circumvent any limitation or restriction on the size of the Department's workforce.

"(g) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department organization under this section for the period of the assignment.

"(h) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

"(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5);

"(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees; and

"(3) shall take into consideration, where applicable, areas of particular private sector expertise, such as cybersecurity.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: 10 USC 1580 prec.

"1599g. Public-private talent exchange.".

SEC. 1105. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE. 10 USC 1580 note prec.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) NO EXTENSION AVAILABLE.—An appointment made under paragraph (1) may not be extended.

(c) REGULATIONS.—The Secretary may prescribe regulations to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term "temporary appointment" means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term "term appointment" means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES. 10 USC 1580 note prec.

(a) HIRING AUTHORITY.—Without regard to sections 3309 through 3318, 3327, and 3330 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to competitive service positions in professional and administrative occupations within the Department of Defense.

(b) LIMITATION ON APPOINTMENTS.—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under

subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS–11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) LOWER LIMIT ON APPOINTMENTS.—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(3) PUBLIC NOTICE AND ADVERTISING.—To the extent practical, as determined by the Secretary, the Secretary shall publicly advertise positions available under this section. In carrying out the preceding sentence, the Secretary shall—

(A) take into account merit system principles, mission requirements, costs, and organizational benefits of any advertising of positions; and

(B) advertise such positions in the manner the Secretary determines is most likely to provide diverse and qualified candidates and ensure potential applicants have appropriate information relevant to the positions available.

(d) SUNSET.—The authority provided under this section shall terminate on September 30, 2021.

(e) DEFINITIONS.—In this section:

(1) The term "current post-secondary student" means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term "recent graduate", with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

5 USC 9902 note.

SEC. 1107. TEMPORARY INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

During the period beginning on the date of enactment of this Act and ending on September 30, 2018, section 9902(f)(5)(A)(ii) of title 5, United States Code, shall be applied by substituting

"an amount determined by the Secretary, not to exceed $40,000" for "$25,000".

SEC. 1108. EXTENSION OF RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking "September 30, 2017" and inserting "September 30, 2018".

SEC. 1109. LIMITATION ON NUMBER OF DOD SES POSITIONS. 5 USC 3133 note.

(a) LIMITATION ON NUMBER OF DOD SES POSITIONS.—

(1) IN GENERAL.—Not later than December 31, 2022, the total number of Senior Executive Service positions authorized under section 3133 of title 5, United States Code, for the Department of Defense may not exceed 1,260.

(2) HIGHLY QUALIFIED EXPERTS.—Of the total number of positions authorized under paragraph (1), not more than 200 of such positions may be occupied by an individual appointed under the authority provided in section 9903 of such title.

(b) PLAN TO ACHIEVE REQUIRED LIMITATION.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to achieve the limitation required by subsection (a) that includes—

(A) the distribution of Senior Executive Service positions across the Office of the Secretary of Defense, the Joint Staff, the Military Departments, the Defense Agencies and Field Activities, the unified and specified combatant commands, and other key elements of the Department of Defense;

(B) the by-year reductions to Senior Executive Service positions consistent with the distribution required under subparagraph (A); and

(C) recommendations for any legislative action that may be necessary for personnel management and shaping authorities to achieve the required limitation.

(2) SUBMISSION OF PLAN.—Not less than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan developed under paragraph (1).

(3) PROGRESS REPORTS.—The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives semi-annual progress report briefings describing and assessing the progress of the Secretary in implementing the plan developed under paragraph (1).

(c) CONFORMING AMENDMENT.—Section 3133(c) of title 5, United States Code, is amended by adding at the end the following new sentence: "Beginning in 2023, the number of such positions authorized under the preceding sentence for the Department of Defense may not exceed the limitation provided in section 1109 of the National Defense Authorization Act for Fiscal Year 2017.".

(d) DEFINITION OF SENIOR EXECUTIVE SERVICE POSITION.—In this section, the term "Senior Executive Service position" has the meaning given such term in section 3132(a)(2) of title 5, United States Code.

10 USC 1580 note prec.

SEC. 1110. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) AUTHORITY.—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) SECRETARY CONCERNED.—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) POSITIONS.—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(7) Business and business administration positions.

(d) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) EMPLOYEE DEFINED.—In this section, the term "employee" has the meaning given that term in section 2105 of title 5, United States Code.

(g) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2022.

SEC. 1111. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.

Section 3326(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding "or" at the end;

(2) in paragraph (2), by striking "; or" and inserting a period; and

(3) by striking paragraph (3).

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PERMANENT PERSONNEL MANAGEMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, as amended by section 1104 of this Act, is further amended by adding at the end the following new section:

"§ 1599h. Personnel management authority to attract experts in science and engineering 10 USC 1599h.

"(a) PROGRAMS AUTHORIZED.—

"(1) LABORATORIES OF THE MILITARY DEPARTMENTS.—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

"(2) DARPA.—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

"(3) DOTE.—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

"(b) PERSONNEL MANAGEMENT AUTHORITY.—Under a program under subsection (a), the official responsible for administration of the program may—

"(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

"(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

"(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 5 such positions may be positions of administration or management of the Agency; and

"(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

"(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive

branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

"(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

"(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

"(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

"(c) LIMITATION ON TERM OF APPOINTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

"(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

"(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.".

10 USC 1580 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:

"1599h. Personnel management authority to attract experts in science and engineering.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) is repealed.

10 USC 1599h note.

(c) APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as in effect on the day before such date) shall remain employed under section 1599h of title 10, United States Code (as added by subsection (a)), after

such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.

(2) DATE OF APPOINTMENT.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as so in effect).

SEC. 1122. CODIFICATION AND MODIFICATION OF CERTAIN AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) CODIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§ 2358a. Authorities for certain positions at science and technology reinvention laboratories 10 USC 2358a.

"(a) AUTHORITY TO MAKE DIRECT APPOINTMENTS.—

"(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS AT SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—The director of any Science and Technology Reinvention Laboratory (hereinafter in this section referred to as an 'STRL') may appoint qualified candidates possessing a bachelor's degree to positions described in paragraph (1) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

"(2) VETERAN CANDIDATES FOR SIMILAR POSITIONS AT RESEARCH AND ENGINEERING FACILITIES.—The director of any STRL may appoint qualified veteran candidates to positions described in paragraph (2) of subsection (b) as an employee at a laboratory, agency, or organization specified in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5.

"(3) STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The director of any STRL may appoint qualified candidates enrolled in a program of undergraduate or graduate instruction leading to a bachelor's or an advanced degree in a scientific, technical, engineering or mathematical course of study at an institution of higher education (as that term is defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002)) to positions described in paragraph (3) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

"(4) NONCOMPETITIVE CONVERSION TO PERMANENT APPOINTMENT.—With respect to any student appointed by the director of an STRL under paragraph (3) to a temporary or term appointment, upon graduation from the applicable institution of higher education (as defined in such paragraph), the director may noncompetitively convert such student to a permanent

appointment within the STRL without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title), provided the student meets all eligibility and Office of Personnel Management qualification requirements for the position.

"(b) COVERED POSITIONS.—

"(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS.—The positions described in this paragraph are scientific and engineering positions that may be temporary, term, or permanent in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

"(2) QUALIFIED VETERAN CANDIDATES.—The positions described in this paragraph are scientific, technical, engineering, and mathematics positions, including technicians, in the following:

"(A) Any laboratory referred to in paragraph (1).

"(B) Any other Department of Defense research and engineering agency or organization designated by the Secretary for purposes of subsection (a)(2).

"(3) CANDIDATES ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The positions described in this paragraph are scientific and engineering positions that may be temporary or term in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

"(c) LIMITATION ON NUMBER OF APPOINTMENTS ALLOWABLE IN A CALENDAR YEAR.—The authority under subsection (a) may not, in any calendar year and with respect to any laboratory, agency, or organization described in subsection (b), be exercised with respect to a number of candidates greater than the following:

"(1) In the case of a laboratory described in subsection (b)(1), with respect to appointment authority under subsection (a)(1), the number equal to 6 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

"(2) In the case of a laboratory, agency, or organization described in subsection (b)(2), with respect to appointment authority under subsection (a)(2), the number equal to 3 percent of the total number of scientific, technical, engineering, mathematics, and technician positions in such laboratory, agency, or organization that are filled as of the close of the fiscal year last ending before the start of such calendar year.

"(3) In the case of a laboratory described in subsection (b)(3), with respect to appointment authority under subsection (a)(3), the number equal to 10 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

"(d) SENIOR SCIENTIFIC TECHNICAL MANAGERS.—

"(1) ESTABLISHMENT.—There is hereby established in each STRL a category of senior professional scientific and technical positions, the incumbents of which shall be designated as 'senior scientific technical managers' and which shall be positions

classified above GS–15 of the General Schedule, notwithstanding section 5108(a) of title 5. The primary functions of such positions shall be—

"(A) to engage in research and development in the physical, biological, medical, or engineering sciences, or another field closely related to the mission of such STRL; and

"(B) to carry out technical supervisory responsibilities.

"(2) APPOINTMENTS.—The positions described in paragraph (1) may be filled, and shall be managed, by the director of the STRL involved, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director of the laboratory involved shall determine the number of such positions at such laboratory, not to exceed 2 percent of the number of scientists and engineers employed at such laboratory as of the close of the last fiscal year before the fiscal year in which any appointments subject to that numerical limitation are made.

"(e) EXCLUSION FROM PERSONNEL LIMITATIONS.—

"(1) IN GENERAL.—The director of an STRL shall manage the workforce strength, structure, positions, and compensation of such STRL—

"(A) without regard to any limitation on appointments, positions, or funding with respect to such STRL, subject to subparagraph (B); and

"(B) in a manner consistent with the budget available with respect to such STRL.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to Senior Executive Service positions (as defined in section 3132(a) of title 5) or scientific and professional positions authorized under section 3104 of such title.

"(f) DEFINITIONS.—In this section:

"(1) The term 'employee' has the meaning given that term in section 2105 of title 5.

"(2) The term 'veteran' has the meaning given that term in section 101 of title 38.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item: 10 USC 2351 prec.

"2358a. Authorities for certain positions at science and technology reinvention laboratories.".

(b) REPEAL OF SUPERSEDED SECTION.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is hereby repealed.

SEC. 1123. MODIFICATION TO INFORMATION TECHNOLOGY PERSONNEL EXCHANGE PROGRAM.

Section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C. 3702 note) is amended—

(1) in the section heading, by inserting "**CYBER AND**" before "**INFORMATION**".

(2) in subsections (a)(1)(A), (a)(1)(C), and (g)(2), by inserting "cyber operations or" before "information";

(3) in subsection (d), by striking "2018" and inserting "2022";

(4) in subsection (g)(1), by inserting "to or" before "from"; and

(5) in subsection (h), by striking "10" and inserting "50".

10 USC 2358 note.

SEC. 1124. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department concerned.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021,

of basic pay at rates fixed under this section before that date for positions having terms that continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term "science and technology reinvention laboratories of the Department of Defense" means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

SEC. 1125. TEMPORARY DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES, THE MAJOR RANGE AND TEST FACILITIES BASE, AND THE OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

10 USC 1580 note.

(a) DEFENSE INDUSTRIAL BASE FACILITY AND MRTFB.—During fiscal years 2017 and 2018, the Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, qualified candidates to positions in the competitive service at any defense industrial base facility or the Major Range and Test Facilities Base.

(b) OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—During fiscal years 2017 through 2021, the Secretary of Defense may, acting through the Director of Operational Test and Evaluation, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(c) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—In this section, the term "defense industrial base facility" means any Department of Defense depot, arsenal, or shipyard located within the United States.

Subtitle C—Governmentwide Matters

SEC. 1131. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMITATION FOR NONCOMPETITIVE APPOINTMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES.

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) NO TIME LIMITATION ON APPOINTMENT.—A relocating spouse of a member of the Armed Forces remains eligible for noncompetitive appointment under this section for the duration of the spouse's relocation to the permanent duty station of the member.".

SEC. 1132. TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

10 USC 1580 note prec.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, during fiscal years 2017 and 2018, an employee of a defense

industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at (A) any such facility, Base, or any other component of the Department of Defense when such facility, Base, or component (as the case may be) is accepting applications from individuals within the facility, Base, or component's workforce under merit promotion procedures, or (B) any agency when the agency is accepting applications from individuals outside its own workforce under merit promotion procedures of the applicable agency, if—

(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 of such title to the time-limited appointment;

(2) the employee has served under 1 or more time-limited appointments by a defense industrial base facility or the Major Range and Test Facilities Base for a period or periods totaling more than 24 months without a break of 2 or more years; and

(3) the employee's performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

(b) WAIVER OF AGE REQUIREMENT.—In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

(c) STATUS.—An individual appointed under this section—

(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

(2) acquires competitive status upon appointment.

(d) FORMER EMPLOYEES.—A former employee of a defense industrial base facility or the Major Range and Test Facilities Base who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

(2) such employee's most recent separation was for reasons other than misconduct or performance.

(e) BENEFITS.—Any employee of a defense industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service shall be provided with benefits that are comparable to the benefits provided to similar employees not serving under time-limited appointments at the defense industrial base facility or the Major Range and Test Facilities Base concerned, including professional development opportunities, eligibility for awards programs, and designation as status applicants for purposes of eligibility for positions in the civil service.

(f) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—In this section, the term "defense industrial base facility" means any Department of Defense depot, arsenal, or shipyard located within the United States.

SEC. 1133. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking "2017" and inserting "2018".

SEC. 1134. ADVANCE PAYMENTS FOR EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) IN GENERAL.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by striking "(a) The head" and inserting "(a)(1) The head"; and

(2) by adding at the end the following:

"(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 4 pay periods, to an employee who is assigned to a position in the agency that is located—

"(A) outside of the employee's commuting area; and

"(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.".

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting "or assigned" after "appointed"; and

(2) in paragraph (2)(B)—

(A) by inserting "or assignment" after "appointment"; and

(B) by inserting "or assigned" after "appointed".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting "**and employees relocating within the United States and its territories**" after "**appointees**".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections of chapter 55 of such title is amended to read as follows: 5 USC 5501 prec.

"5524a. Advance payments for new appointees and employees relocating within the United States and its territories.".

SEC. 1135. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.

Section 9602 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency" and inserting "such land management agency when such agency is accepting applications from individuals within the agency's workforce under merit promotion

procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency"; and

(2) in subsection (d) by inserting "of the agency from which the former employee was most recently separated" after "deemed a time-limited employee".

SEC. 1136. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER FEDERAL EMPLOYEES BEFORE REHIRING.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

5 USC 3330e.

"§ 3330e. Review of official personnel file of former Federal employees before rehiring

"(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider merit-based information relating to such employee's former period or periods of service such as official personnel actions, employee performance ratings, and disciplinary actions, if any, in such employee's official personnel record file.

"(b) In subsection (a), the term 'former Government employee' means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.

"(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section. Such regulations may not contain provisions that would increase the time required for agency hiring actions.".

5 USC 3330e note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act.

5 USC 3301 prec.

(c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"3330e. Review of official personnel file of former Federal employees before rehiring.".

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking "through 2016" and inserting "through 2017".

Administrative Leave Act of 2016. 5 USC 101 note. 5 USC 6329a note.

SEC. 1138. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the "Administrative Leave Act of 2016".

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

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment; and

(B) transfer;

(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§ 6329a. Administrative leave 5 USC 6329a.

"(a) DEFINITIONS.—In this section—

"(1) the term 'administrative leave' means leave—

"(A) without loss of or reduction in—

"(i) pay;

"(ii) leave to which an employee is otherwise entitled under law; or

"(iii) credit for time or service; and

"(B) that is not authorized under any other provision of law;

"(2) the term 'agency'—

"(A) means an Executive agency (as defined in section 105 of this title);

"(B) includes the Department of Veterans Affairs; and

"(C) does not include the Government Accountability Office; and

"(3) the term 'employee'—

"(A) has the meaning given the term in section 2105; and

"(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

"(b) ADMINISTRATIVE LEAVE.—

"(1) IN GENERAL.—During any calendar year, an agency may place an employee in administrative leave for a period of not more than a total of 10 work days.

"(2) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

"(c) REGULATIONS.—

"(1) OPM REGULATIONS.—Not later than 270 calendar days after the date of enactment of this section, the Director of the Office of Personnel Management shall—

"(A) prescribe regulations to carry out this section; and

"(B) prescribe regulations that provide guidance to agencies regarding—

"(i) acceptable agency uses of administrative leave; and

"(ii) the proper recording of—

"(I) administrative leave; and

"(II) other leave authorized by law.

"(2) AGENCY ACTION.—Not later than 270 calendar days after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

"(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

5 USC 6301 prec.

"6329a. Administrative leave.".

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

5 USC 6329b.

"§ 6329b. Investigative leave and notice leave

"(a) DEFINITIONS.—In this section—

"(1) the term 'agency'—

"(A) means an Executive agency (as defined in section 105 of this title);

"(B) includes the Department of Veterans Affairs; and

"(C) does not include the Government Accountability Office;

"(2) the term 'Chief Human Capital Officer' means—

"(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

"(B) the equivalent;

"(3) the term 'committees of jurisdiction', with respect to an agency, means each committee of the Senate or House of Representatives with jurisdiction over the agency;

"(4) the term 'Director' means the Director of the Office of Personnel Management;

"(5) the term 'employee'—

"(A) has the meaning given the term in section 2105; and

"(B) does not include—

"(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

"(ii) the Inspector General of an agency;

"(6) the term 'investigative entity' means—

"(A) an internal investigative unit of an agency granting investigative leave under this section;

"(B) the Office of Inspector General of an agency granting investigative leave under this section;

"(C) the Attorney General; and

"(D) the Office of Special Counsel;

"(7) the term 'investigative leave' means leave—

"(A) without loss of or reduction in—

"(i) pay;

"(ii) leave to which an employee is otherwise entitled under law; or

"(iii) credit for time or service;

"(B) that is not authorized under any other provision of law; and

"(C) in which an employee who is the subject of an investigation is placed;

"(8) the term 'notice leave' means leave—

"(A) without loss of or reduction in—

"(i) pay;

"(ii) leave to which an employee is otherwise entitled under law; or

"(iii) credit for time or service;

"(B) that is not authorized under any other provision of law; and

"(C) in which an employee who is in a notice period is placed; and

"(9) the term 'notice period' means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

"(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

"(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

"(A) investigative leave if the employee is the subject of an investigation;

"(B) notice leave if the employee is in a notice period; or

"(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

"(i) the agency proposes or initiates an adverse action against the employee; and

"(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in paragraph (2)(A).

"(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

"(A) made a determination with respect to the employee that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, as applicable, may—

"(i) pose a threat to the employee or others;

"(ii) result in the destruction of evidence relevant to an investigation;

"(iii) result in loss of or damage to Government property; or

"(iv) otherwise jeopardize legitimate Government interests;

"(B) considered—

"(i) assigning the employee to duties in which the employee no longer poses a threat described in clauses (i) through (iv) of subparagraph (A);

"(ii) allowing the employee to take leave for which the employee is eligible;

"(iii) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; and

"(iv) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; and

"(C) determined that none of the available options under clauses (i) through (iv) of subparagraph (B) is appropriate.

"(3) DURATION OF LEAVE.—

"(A) INVESTIGATIVE LEAVE.—Upon the expiration of the 10 work day period described in section 6329a(b)(1) with respect to an employee, and if an agency determines that an extended investigation of the employee is necessary, the agency may place the employee in investigative leave for a period of not more than 30 work days.

"(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

"(4) EXPLANATION OF LEAVE.—

"(A) IN GENERAL.—If an agency places an employee in leave under this subsection, the agency shall provide the employee a written explanation of whether the employee was placed in investigative leave or notice leave.

"(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

"(i) the applicable limitations under paragraph (3); and

"(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the

period of leave, the agency shall take an action under paragraph (5).

"(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under paragraph (1), an agency shall—

"(A) return the employee to regular duty status;

"(B) take 1 or more of the actions under clauses (i) through (iv) of paragraph (2)(B);

"(C) propose or initiate an adverse action against the employee as provided under law; or

"(D) extend the period of investigative leave under subsections (c) and (d).

"(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (c) and (d).

"(c) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

"(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 work days.

"(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 90 work days.

"(3) DESIGNATION GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

"(4) EXTENSIONS FOR OIG EMPLOYEES.—

"(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

"(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

"(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

"(B) GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is

at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

"(d) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

"(1) REPORT.—After reaching the limit under subsection (c)(2) and if an investigative entity submits a certification under paragraph (2) of this subsection, an agency may further extend a period of investigative leave for an employee for periods of not more than 30 work days each if, not later than 5 business days after granting each further extension, the agency submits to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction, a report containing—

"(A) the title, position, office or agency subcomponent, job series, pay grade, and salary of the employee;

"(B) a description of the duties of the employee;

"(C) the reason the employee was placed in investigative leave;

"(D) an explanation as to why—

"(i) the employee poses a threat described in clauses (i) through (iv) of subsection (b)(2)(A); and

"(ii) the agency is not able to reassign the employee to another position within the agency;

"(E) in the case of an employee required to telework under section 6502(c) during the investigation of the employee—

"(i) the reasons that the agency required the employee to telework under that section; and

"(ii) the duration of the teleworking requirement;

"(F) the status of the investigation of the employee;

"(G) the certification described in paragraph (2); and

"(H) in the case of a completed investigation of the employee—

"(i) the results of the investigation; and

"(ii) the reason that the employee remains in investigative leave.

"(2) CERTIFICATION.—If, after an employee has reached the limit under subsection (c)(2), an investigative entity determines that additional time is needed to complete the investigation of the employee, the investigative entity shall—

"(A) certify to the appropriate agency that additional time is needed to complete the investigation of the employee; and

"(B) include in the certification an estimate of the amount of time that is necessary to complete the investigation of the employee.

"(3) NO EXTENSIONS AFTER COMPLETION OF INVESTIGATION.—An agency may not further extend a period of investigative leave of an employee under paragraph (1) on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity.

"(e) CONSULTATION GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator

and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

"(1) pose a threat to the employee or others;

"(2) result in the destruction of evidence relevant to an investigation;

"(3) result in loss of or damage to Government property; or

"(4) otherwise jeopardize legitimate Government interests.

"(f) REPORTING AND RECORDS.—

"(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

"(A) the basis for the determination made under subsection (b)(2)(A);

"(B) an explanation of why an action under clauses (i) through (iv) of subsection (b)(2)(B) was not appropriate;

"(C) the length of the period of leave;

"(D) the amount of salary paid to the employee during the period of leave;

"(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (c)(1);

"(F) whether the employee is required to telework under section 6502(c) during the investigation, including the reasons for requiring the employee to telework; and

"(G) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (c) or (d).

"(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

"(A) to any committee of jurisdiction, upon request;

"(B) to the Office of Personnel Management; and

"(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

"(g) RECOURSE TO THE OFFICE OF SPECIAL COUNSEL.—For purposes of subchapter II of chapter 12 and section 1221, placement on investigative leave under subsection (b) of this section for a period of not less than 70 work days shall be considered a personnel action under paragraph (8) or (9) of section 2302(b).

"(h) REGULATIONS.—

"(1) OPM ACTION.—Not later than 270 calendar days after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

"(A) acceptable purposes for the use of—

"(i) investigative leave; and

"(ii) notice leave;

"(B) the proper recording of—

"(i) the leave categories described in subparagraph (A); and

"(ii) other leave authorized by law;

"(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

"(i) pose a threat to the employee or others;

"(ii) result in the destruction of evidence relevant to an investigation;

"(iii) result in loss or damage to Government property; or

"(iv) otherwise jeopardize legitimate Government interests; and

"(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (c) or (d).

"(2) AGENCY ACTION.—Not later than 270 calendar days after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

"(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.".

5 USC 6329a note.

(2) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) of this section and paragraph (1) of this subsection, respectively, including—

(A) the number of times that an agency, under subsection (c)(1) of such section 6329b—

(i) consulted with the investigator responsible for conducting the investigation to which an employee was subject with respect to the decision of the agency to grant an extension under that subsection; and

(ii) did not have a consultation described in clause (i), including the reasons that the agency failed to have such a consultation;

(B) an assessment of the use of the authority provided under subsection (d) of such section 6329b by agencies, including data regarding the number and length of extensions granted under that subsection;

(C) an assessment of the compliance with the requirements of subsection (f) of such section 6329b by agencies;

(D) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (b)(2)(A)(iv) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence; and

(E) an assessment of the effectiveness of subsection (g) of such section 6329b in preventing and correcting the use of extended investigative leave as a tool of reprisal for making a protected disclosure or engaging in protected

activity as described in paragraph (8) or (9) of section 2302(b) of title 5, United States Code.

(3) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

"(c) REQUIRED TELEWORK.—If an agency places an employee in investigative leave under section 6329b, the agency may require the employee to, through telework, perform duties similar to the duties that the employee performs on-site if—

"(1) the agency determines that such a requirement would not—

"(A) pose a threat to the employee or others;

"(B) result in the destruction of evidence relevant to an investigation;

"(C) result in the loss of or damage to Government property; or

"(D) otherwise jeopardize legitimate Government interests;

"(2) the employee is eligible to telework under subsections (a) and (b) of this section; and

"(3) the agency determines that it would be appropriate for the employee to perform the duties of the employee through telework.".

(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following: 5 USC 6301 prec.

"6329b. Investigative leave and notice leave.".

(e) WEATHER AND SAFETY LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

"§ 6329c. Weather and safety leave 5 USC 6329c.

"(a) DEFINITIONS.—In this section—

"(1) the term 'agency'—

"(A) means an Executive agency (as defined in section 105 of this title);

"(B) includes the Department of Veterans Affairs; and

"(C) does not include the Government Accountability Office; and

"(2) the term 'employee'—

"(A) has the meaning given the term in section 2105; and

"(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

"(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

"(1) an act of God;

"(2) a terrorist attack; or

"(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

"(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

"(d) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

"(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

"(2) the proper recording of leave provided under this section.

"(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.".

5 USC 6301 prec.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

"6329c. Weather and safety leave.".

5 USC 3304 note.

SEC. 1139. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS–15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1140. RECORD OF INVESTIGATION OF PERSONNEL ACTION IN SEPARATED EMPLOYEE'S OFFICIAL PERSONNEL FILE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after section 3321 the following:

5 USC 3322.

"§ 3322. Voluntary separation before resolution of personnel investigation

"(a) With respect to any employee occupying a position in the competitive service or the excepted service who is the subject of a personnel investigation and resigns from Government employment prior to the resolution of such investigation, the head of the agency from which such employee so resigns shall, if an adverse finding was made with respect to such employee pursuant to such investigation, make a permanent notation in the employee's official personnel record file. The head shall make such notation not later than 40 days after the date of the resolution of such investigation.

"(b) Prior to making a permanent notation in an employee's official personnel record file under subsection (a), the head of the agency shall—

"(1) notify the employee in writing within 5 days of the resolution of the investigation and provide such employee a copy of the adverse finding and any supporting documentation;

"(2) provide the employee with a reasonable time, but not less than 30 days, to respond in writing and to furnish affidavits and other documentary evidence to show why the adverse finding was unfounded (a summary of which shall be included in any notation made to the employee's personnel file under subsection (d)); and

"(3) provide a written decision and the specific reasons therefore to the employee at the earliest practicable date.

"(c) An employee is entitled to appeal the decision of the head of the agency to make a permanent notation under subsection (a) to the Merit Systems Protection Board under section 7701.

"(d)(1) If an employee files an appeal with the Merit Systems Protection Board pursuant to subsection (c), the agency head shall make a notation in the employee's official personnel record file indicating that an appeal disputing the notation is pending not later than 2 weeks after the date on which such appeal was filed.

"(2) If the head of the agency is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) from the employee's official personnel record file.

"(3) If the employee is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) and the notation of an adverse finding made under subsection (a) from the employee's official personnel record file.

"(e) In this section, the term 'personnel investigation' includes—

"(1) an investigation by an Inspector General; and

"(2) an adverse personnel action as a result of performance, misconduct, or for such cause as will promote the efficiency of the service under chapter 43 or chapter 75.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any employee described in section 3322 of title 5, United States Code, (as added by such subsection) who leaves the service after the date of enactment of this Act. 5 USC 3322 note.

(c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3321 the following: 5 USC 3301 prec.

"3322. Voluntary separation before resolution of personnel investigation.".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Subtitle B—Matters Relating to Afghanistan and Pakistan

Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1035), is further amended—

(1) in subsection (a), by striking "fiscal year 2016" and inserting "fiscal year 2017";

(2) in subsection (d), by striking "during the period beginning on October 1, 2015, and ending on December 31, 2016" and inserting "during the period beginning on October 1, 2016, and ending on December 31, 2017"; and

(3) in subsection (e)(1), by striking "December 31, 2016" and inserting "December 31, 2017".

10 USC 114 note.

SEC. 1202. SPECIAL DEFENSE ACQUISITION FUND MATTERS.

(a) INCREASE IN SIZE.—Effective as of October 1, 2016, paragraph (1) of section 114(c) of title 10, United States Code, is amended by striking "$1,070,000,000" and inserting "$2,500,000,000".

(b) LIMITED AVAILABILITY OF CERTAIN AMOUNTS.—Such section is further amended—

(1) in paragraph (2)(A), by striking "limitation in paragraph (1)" and inserting "limitations in paragraphs (1) and (3)"; and

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

"(3) Of the amount available in the Special Defense Acquisition Fund in any fiscal year after fiscal year 2016, $500,000,000 may be used in such fiscal year only to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of current or future contributions of such forces to overseas contingency operations conducted or supported by the United States.".

10 USC 114 note.

(c) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendments made by this section, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) QUARTERLY SPENDING PLAN.—Not later than 30 days before the beginning of each fiscal year quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for such fiscal year quarter.

(3) ANNUAL UPDATES.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal year.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1241(a)(3) of this Act).

SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

10 USC 127e.

"§ 127e. Support of special operations to combat terrorism

"(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting

or facilitating ongoing military operations by United States special operations forces to combat terrorism.

"(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

"(c) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

"(d) NOTIFICATION.—

"(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support for such an operation by $1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

"(2) ELEMENTS.—A notification required by this subsection shall include the following:

"(A) The type of support provided or to be provided to United States special operations forces.

"(B) The type of support provided or to be provided to the recipient of the funds.

"(C) The amount obligated under the authority to provide support.

"(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

"(f) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

"(g) BIANNUAL REPORTS.—

"(1) REPORT ON PRECEDING CALENDAR YEAR.—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding calendar year.

"(2) REPORT ON CURRENT CALENDAR YEAR.—Not later than September 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the calendar year in which the report is submitted.

"(3) ELEMENTS.—Each report required by this subsection shall include, for the period covered by such report, the following:

"(A) A summary of the ongoing military operations by United States special operations forces to combat terrorism that were supported or facilitated by foreign forces, irregular forces, groups, or individuals for which support was provided under this section.

"(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United States special operations forces.

"(C) The type of recipients that were provided support under this section, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

"(D) The total amount obligated for support under this section, including budget details.

"(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

"(F) The intended duration of support provided under this section.

"(G) A description of the support or training provided to the recipients of support under this section.

"(H) A value assessment of the support provided under this section, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support operations by United States special operations forces to combat terrorism.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

10 USC 121 prec.

"127e. Support of special operations to combat terrorism.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

SEC. 1204. INDEPENDENT EVALUATION OF STRATEGIC FRAMEWORK FOR DEPARTMENT OF DEFENSE SECURITY COOPERATION.

(a) EVALUATION REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an evaluation of the implementation of the strategic framework for Department of Defense security cooperation, as directed by section 1202 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1036; 10 U.S.C. 113 note).

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

(A) An evaluation of the Department of Defense's implementation of each of the required elements of the strategic framework.

(B) An evaluation of the impact of the strategic framework on Department of Defense security cooperation activities, including the extent to which such activities are being planned, prioritized, and executed in accordance with the strategic framework.

(C) Recommendations of areas in which additional guidance, or additional specificity within existing guidance, is necessary to achieve greater alignment between Department of Defense security cooperation activities and the strategic goals and priorities identified within the strategic framework.

(D) Any other matters the entity that conducts the evaluation considers appropriate.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than November 1, 2018, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that includes the evaluation under subsection (a) and any other matters the Secretary considers appropriate.

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

SEC. 1205. SENSE OF CONGRESS REGARDING AN ASSESSMENT, MONITORING, AND EVALUATION FRAMEWORK FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the Secretary of Defense should develop and maintain an assessment, monitoring, and evaluation framework for security cooperation with foreign countries to ensure accountability and foster implementation of best practices; and

(2) such framework—

(A) should be consistent with interagency approaches and existing best practices;

(B) should be sufficiently resourced and appropriately placed within the Department of Defense to enable the rigorous examination and measurement of security cooperation efforts towards meeting stated objectives and outcomes; and

(C) should be used to inform security cooperation planning, policies, and resource decisions as well as ensure the effectiveness and efficiency of security cooperation efforts.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended—

(1) in subsection (a)—

(A) by striking "During fiscal year 2016" and inserting "During the period beginning on October 1, 2016, and ending on December 31, 2018"; and

(B) by striking "in such fiscal year" and inserting "in such period";

(2) in subsection (b), by striking "fiscal year 2016" and inserting "fiscal year 2017 and fiscal year 2018"; and

(3) in subsection (f), by striking "in fiscal year 2016" and inserting "during the period beginning on October 1, 2016, and ending on December 31, 2018".

(b) AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS IN AFGHANISTAN, IRAQ, AND SYRIA.—

(1) IN GENERAL.—During the period beginning on October 1, 2016, and ending on December 31, 2018, amounts available pursuant to section 1201 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for ex gratia payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Afghanistan, Iraq, or Syria.

(2) NOTICE.—The Secretary of Defense shall, upon each exercise of the authority in this subsection, submit to the congressional defense committees a report setting forth the following:

(A) The amount that will be used for payments pursuant to this subsection.

(B) The manner in which claims for payments shall be verified.

(C) The officers or officials who shall be authorized to approve claims for payments.

(D) The manner in which payments shall be made.

(3) AUTHORITIES APPLICABLE TO PAYMENT.—Any payment made pursuant to this subsection shall be made in accordance with the authorities and limitations in section 8121 of the Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), other than subsection (h) of such section.

(4) CONSTRUCTION WITH RESTRICTION ON AMOUNT OF PAYMENTS.—For purposes of the application of subsection (e) of such section 1201, as so amended, to any payment pursuant to this subsection, such payment shall be deemed to be a project described by such subsection (e).

SEC. 1212. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking "December 31, 2016" and inserting "December 31, 2018".

SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

(1) in the subsection heading, by striking "QUARTERLY" and inserting "ANNUAL"; and

(2) in paragraph (1)—

(A) by striking "Not later than 90 days" and all that follows through "in which the authority in subsection (a) is exercised" and inserting "Not later than March 31 of any year following a year in which the authority in subsection (a) is exercised"; and

(B) by striking "during the 90-day period ending on the date of such report" and inserting "during the preceding year".

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking "During fiscal years 2013, 2014, 2015, and 2016" each place it appears and inserting "Through December 31, 2017,".

SEC. 1214. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) ALIENS DESCRIBED.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended to read as follows:

"(I)(aa) by, or on behalf of, the United States Government, in the case of an alien submitting an application for Chief of Mission approval pursuant to subparagraph (D) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; or

"(bb) by, or on behalf of, the United States Government, in the case of an alien submitting an application for Chief of Mission approval pursuant to subparagraph (D) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, which employment required the alien—

"(AA) to serve as an interpreter or translator for personnel of the Department of State or the United States Agency for International Development in Afghanistan, particularly while traveling away from United States embassies or consulates with such personnel;

"(BB) to serve as an interpreter or translator for United States military personnel in Afghanistan, particularly while traveling off-base with such personnel; or

"(CC) to perform sensitive and trusted activities for the United States Government in Afghanistan; or".

(b) NUMERICAL LIMITATIONS.—Section 602(b)(3)(F) of such Act is amended—

(1) in the matter preceding clause (i), by striking "7,000" and inserting "8,500"; and

(2) in each of clauses (i) and (ii), by striking "December 31, 2016;" and inserting "December 31, 2020".

(c) REPORT.—Section 602(b)(14) of such Act is amended—

(1) by striking "Not later than 60 days after the date of the enactment of this paragraph," and inserting "Not later than December 31, 2016, and annually thereafter through January 31, 2021,"; and

(2) in subparagraph (A)(i), by striking "under this section;" and inserting "under subclause (I) or (II)(bb) of paragraph (2)(A)(ii);".

SEC. 1215. MODIFICATION TO SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORTS REQUIRED.—Subsection (a)(2) of section 1225 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550) is amended by striking "December 15, 2017" and inserting "December 15, 2019".

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section is amended by adding at the end the following:

"(8) AFGHAN PERSONNEL AND PAY SYSTEM.—A description of the status of the implementation of the Afghan Personnel and Pay System (APPS) at the Afghan Ministry of Interior and the Afghan Ministry of Defense for personnel funds provided through the Afghanistan Security Forces Fund, including, with respect to each such Ministry—

"(A) the expected completion date for full implementation of the APPS;

"(B) the extent to which the APPS is being utilized;

"(C) an explanation of any challenges or delays affecting full implementation of the APPS;

"(D) a description of the steps taken to mitigate fraud, waste, and abuse in the disbursement of personnel funds prior to full implementation of the APPS; and

"(E) an estimate of cost savings by reason of full implementation of the APPS.".

10 USC 2241 note.

SEC. 1216. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.

(a) PROHIBITION.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure program or project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than $1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $20,000,000, by the Commander of the Combined Security Transition Command-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of $20,000,000 or more, but less than $40,000,000, by the Commander of United States Forces-Afghanistan.

(D) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.

(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives.

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1) for a program or project described in subparagraph (D) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.

SEC. 1217. IMPROVEMENT OF OVERSIGHT OF UNITED STATES GOVERNMENT EFFORTS IN AFGHANISTAN.

(a) REPORT ON IG OVERSIGHT ACTIVITIES IN AFGHANISTAN DURING FISCAL YEAR 2017.—Not later than 60 days after the date of the enactment of this Act, the Lead Inspector General for Operation Freedom's Sentinel, as designated pursuant to section 8L of the Inspector General Act of 1978 (5 U.S.C. App.), shall, in coordination with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction, submit to the appropriate committees of Congress a report on the oversight activities of United States Inspectors General in Afghanistan planned for fiscal year 2017.

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

(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) A description of the specific professional standards expected to be used to ensure the quality of different types of products issued by the Inspectors General regarding Afghanistan, including periodic reports to Congress and audits of Federal establishments, organizations, programs, activities, and functions.

(7) Any other matters the Lead Inspector General for Operation Freedom's Sentinel considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

SEC. 1218. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is further amended by striking "fiscal year 2016" and inserting "the period beginning on October 1, 2016, and ending on December 31, 2017,".

(b) MODIFICATION OF AUTHORITIES.—Such section, as so amended, is further amended—

(1) in subsection (a), by striking "the Secretary of Defense may reimburse any key cooperating nation" and all that follows and inserting "the Secretary of Defense may reimburse—

"(1) any key cooperating nation (other than Pakistan) for—

"(A) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and

"(B) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in subparagraph (A); and

"(2) Pakistan for certain activities meant to enhance the security situation in the Afghanistan-Pakistan border region and for counterterrorism."; and

(2) in subsection (b), by striking "in Iraq or in Operation Enduring Freedom in Afghanistan" and inserting "in Afghanistan, Iraq, or Syria".

(c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) in the second sentence, by striking "during fiscal year 2016 may not exceed $1,160,000,000" and inserting "during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed $1,100,000,000";

(2) in the third sentence, by striking "fiscal year 2016" and inserting "the period beginning on October 1, 2016, and ending on December 31, 2017,"; and

(3) by striking the first sentence.

(d) REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—Such section, as so amended, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

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

"(e) REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—

"(1) ACTIVITIES.—Reimbursement authorized by subsection (a)(2) may be provided for activities as follows:

"(A) Counterterrorism activities, including the following:

"(i) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups, and preventing the establishment of new or additional infrastructure, training areas, and sanctuaries.

"(ii) Direct action against individuals that are involved in or supporting terrorist activities.

"(iii) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of subsection (a)(2).

"(B) Border security activities along the Afghanistan-Pakistan border, including the following:

"(i) Building and maintaining border outposts.

"(ii) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation.

"(iii) Maintaining access to and securing key ground lines of communication.

"(iv) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

"(v) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

"(C) Any activities carried out by the Pakistan military that the Secretary of Defense determines and reports to the appropriate congressional committees have enhanced the security of United States personnel stationed in Afghanistan or enhanced the effectiveness of United States military personnel in conducting counterterrorism operations and training, advising, and assisting the Afghan National Defense and Security Forces.

"(2) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expenditure of funds under the authority in subsection (a)(2), including a description of the following:

"(A) The purpose for which such funds were expended.

"(B) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

"(C) Any limitation imposed on the expenditure of funds under subsection (a)(2), including on any recipient of funds or any use of funds expended.

"(3) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

"(A) IN GENERAL.—The Secretary of Defense shall submit to the appropriate congressional committees, in the manner specified in subparagraph (B), an itemized description of the costs claimed by the Government of Pakistan for activities specified in paragraph (1) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a)(2).

"(B) MANNER OF SUBMITTAL.—

"(i) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by subparagraph (A) not later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

"(ii) FORM.—Each itemized description of costs under clause (i) shall be submitted in an unclassified form, but may include a classified annex.".

(e) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1212(c) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking "September 30, 2016" and inserting "December 31, 2017".

(f) EXTENSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1212(d) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking "for fiscal year 2016 or any prior fiscal year" and inserting "for any period prior to December 31, 2017".

(g) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Of the total amount of reimbursements and support authorized for Pakistan during the period beginning on October 1, 2016, and ending on December 31, 2017, pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), $400,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations that are contributing to significantly disrupting the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network from using any Pakistani territory as a safe haven;

(3) the Government of Pakistan actively coordinates with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border; and

(4) Pakistan has shown progress in arresting and prosecuting Haqqani Network senior leaders and mid-level operatives.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) is amended by striking "December 31, 2016" and inserting "December 31, 2018".

(b) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section, as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended in paragraph (1) by striking "December 31, 2016" and inserting "December 31, 2018".

SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) AUTHORITY.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended by striking "December 31, 2016" and inserting "December 31, 2018".

(b) FUNDING.—Subsection (g) of such section, as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1049), is further amended—

(1) by striking the first sentence and inserting the following: "Of the amounts authorized to be appropriated in the National Defense Authorization Act for Fiscal Year 2017 for Overseas Contingency Operations in title XV for fiscal year 2017, there are authorized to be appropriated $630,000,000 to carry out this section."; and

(2) by striking the second sentence.

(c) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS BY GOVERNMENT OF IRAQ.—Subsection (l) of such section, as added by section 1223(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1050), is amended in paragraph (1)(A) by striking "National Defense Authorization Act for Fiscal Year 2016" and inserting "National Defense Authorization Act for Fiscal Year 2017, and annually thereafter".

(d) PROHIBITION ON ASSISTANCE AND REPORT ON EQUIPMENT OR SUPPLIES TRANSFERRED TO OR ACQUIRED BY VIOLENT EXTREMIST ORGANIZATIONS.—Subsection (f) of section 1223 of the National

Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1050) is amended—

(1) in paragraph (1)—

(A) by striking ", as so amended,"; and

(B) by inserting "(and annually thereafter until December 31, 2018)" after "certifies to the appropriate congressional committees, after the date of the enactment of this Act"; and

(2) in paragraph (2), by striking ", as so amended,".

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1047), is further amended by striking "fiscal year 2016" and inserting "fiscal year 2017".

(b) LIMITATION ON AMOUNT.—Subsection (c) of such section is amended—

(1) by striking "fiscal year 2016" and inserting "fiscal year 2017"; and

(2) by striking "$80,000,000" and inserting "$70,000,000".

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking "fiscal year 2016" and inserting "fiscal year 2017".

SEC. 1224. LIMITATION ON PROVISION OF MAN-PORTABLE AIR DEFENSE SYSTEMS TO THE VETTED SYRIAN OPPOSITION DURING FISCAL YEAR 2017.

(a) NOTICE AND WAIT.—If a determination is made during fiscal year 2017 to use funds available to the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition pursuant to the authority in section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), such funds may not be used for that purpose until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees a report on the determination; and

(2) 30 days elapses after the date of the submittal of such report to the appropriate congressional committees.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) A description of each element of the vetted Syrian opposition that will provided man-portable air defense systems as described in subsection (a), including—

(A) the geographic location of such element;

(B) a detailed intelligence assessment of such element;

(C) a description of the alignment of such element within the broader conflict in Syria; and

(D) a description and assessment of the assurance, if any, received by the commander of such element in connection with the provision of man-portable air defense systems.

(2) The number and type of man-portable air defense systems to be so provided.

(3) The logistics plan for providing and resupplying each element to be so provided man-portable air defense systems with additional man-portable air defense systems.

(4) The duration of support to be provided in connection with the provision of man-portable air defense systems.

(5) The justification for the provision of man-portable air defense systems to each element of the vetted Syrian opposition, including an explanation of the purpose and expected employment of such systems.

(6) Any other matters that the Secretary of Defense and the Secretary of State jointly consider appropriate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" has the meaning given that term in section 1209(e)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

SEC. 1225. MODIFICATION OF ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended by striking subparagraph (F) and inserting the following new subparagraph (F):

"(F) Iran's cyber capabilities, including—

"(i) Iran's ability to use proxies and other actors to mask its cyber operations;

"(ii) Iran's ability to target United States governmental and nongovernmental entities and activities; and

"(iii) cooperation with or assistance from state and non-state actors in support or enhancement of Iran's cyber capabilities;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 on or after that date. 10 USC 113 note.

SEC. 1226. QUARTERLY REPORT ON CONFIRMED BALLISTIC MISSILE LAUNCHES FROM IRAN.

(a) QUARTERLY REPORT ON CONFIRMED LAUNCHES.—Not later than the last day of the first fiscal year quarter beginning after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the appropriate committees of Congress a report describing any confirmed ballistic missile launch by Iran during the previous calendar quarter.

(b) QUARTERLY REPORT ON IMPOSITION OF SANCTIONS IN CONNECTION WITH LAUNCHES.—Not later than the last day of the second fiscal year quarter beginning after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Treasury shall jointly submit to the appropriate committees of Congress a report setting forth a description of the following:

(1) The efforts, if any, to impose unilateral sanctions against appropriate entities or individuals in connection with a confirmed ballistic missile launch from Iran.

(2) The diplomatic efforts, if any, to impose multilateral sanctions against appropriate entities or individuals in connection with such a confirmed ballistic missile launch.

(3) Any other matters the Secretaries consider appropriate.

(c) CONCURRENT SUBMITTAL OF QUARTERLY REPORTS.—The report on a calendar quarter under subsection (a) shall be submitted concurrently with the report on the calendar quarter under subsection (b).

(d) FORM.—Each report under this section shall, to the extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) SUNSET.—No report is required under this section after December 31, 2019.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

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

Subtitle D—Matters Relating to the Russian Federation

SEC. 1231. MILITARY RESPONSE OPTIONS TO RUSSIAN FEDERATION VIOLATION OF INF TREATY.

An amount equal to $10,000,000 of the amount authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2017 to provide support services to the Executive Office of the President shall be withheld from obligation or expenditure until the Secretary of Defense completes the meaningful development of the military capabilities described in paragraph (1) of section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062), as required to be addressed in the plan under that paragraph, in accordance with the requirements described in paragraph (3) of such section.

SEC. 1232. LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense may be used for any bilateral military-to-military cooperation between the Governments of the United States and the Russian Federation until the Secretary of Defense, in coordination with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the Russian Federation has ceased its occupation of Ukrainian territory and its aggressive activities that threaten the sovereignty and territorial integrity of Ukraine and members of the North Atlantic Treaty Organization; and

(2) the Russian Federation is abiding by the terms of and taking steps in support of the Minsk Protocols regarding a ceasefire in eastern Ukraine.

(b) NONAPPLICABILITY.—The limitation in subsection (a) shall not apply to—

(1) any activities necessary to ensure the compliance of the United States with its obligations or the exercise of rights of the United States under any bilateral or multilateral arms control or nonproliferation agreement or any other treaty obligation of the United States; and

(2) any activities required to provide logistical or other support to the conduct of United States or North Atlantic Treaty Organization military operations in Afghanistan or the withdrawal from Afghanistan.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary of Defense, in coordination with the Secretary of State—

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

(2) submits to the appropriate congressional committees—

(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver; and

(B) a report explaining why the Secretary of Defense cannot make the certification under subsection (a).

(d) EXCEPTION FOR CERTAIN MILITARY BASES.—The certification requirement specified in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine's Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

SEC. 1233. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) FORCES ELIGIBLE FOR TRAINING.—Subsection (a) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note) is amended by striking "national military forces" and inserting "national security forces".

(b) ADDITIONAL SOURCE OF FUNDING.—Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available for additional activities for the European Deterrence Initiative for that fiscal year.".

(c) ONE-YEAR EXTENSION.—Subsection (h) of such section is amended—

(1) by striking "September 30, 2017" and inserting "September 30, 2018"; and

(2) by striking "through 2017" and inserting "through 2018".

(d) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1251. TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.".

SEC. 1234. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notification of the waiver at the time the waiver is invoked.

SEC. 1235. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

(a) ADDITIONAL MATTERS TO BE INCLUDED IN REPORT.—Subsection (b) of section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as amended by section 1248 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is further amended—

(1) by redesignating paragraphs (10) through (18) as paragraphs (12) through (20), respectively;

(2) by inserting after paragraph (9) the following new paragraphs:

"(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.

"(11) A summary of all Russian foreign military deployments, as of the date that is one month before the date of submission of the report, including for each deployment the estimated number of forces deployed, the types of capabilities deployed (including any advanced weapons), the length of deployment as of such date, and, if known, any basing agreement with the host nation.";

(3) by striking paragraph (14), as redesignated by paragraph (1) of this subsection, and inserting the following new paragraph:

"(14) An analysis of the nuclear strategy and associated doctrine of Russia and of the capabilities, range, and readiness of all Russian nuclear systems and delivery methods."; and

(4) in paragraph (18)(B), as redesignated by paragraph (1) of this subsection, by striking "day before the date of submission of the report" and inserting "date that is one month before the date of submission of the report".

(b) PUBLISHING REQUIREMENT.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and 22 USC 8909.

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

"(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the website of the Department of Defense.".

(c) SUNSET.—Subsection (g) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking "June 1, 2018" and inserting "January 31, 2021".

SEC. 1236. LIMITATION ON USE OF FUNDS TO VOTE TO APPROVE OR OTHERWISE ADOPT ANY IMPLEMENTING DECISION OF THE OPEN SKIES CONSULTATIVE COMMISSION AND RELATED REQUIREMENTS.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 or any subsequent fiscal year may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission pursuant to Article X of the Open Skies Treaty to authorize approval of requests by state parties to the Treaty to certify infra-red or synthetic aperture radar sensors pursuant to Article IV of the Treaty unless and until the Secretary of Defense, jointly with the relevant United States Government officials, submits to the appropriate congressional committees the following:

(1) A certification that the implementing decision would not be detrimental or otherwise harmful to the national security of the United States.

(2) A report on the Open Skies Treaty that includes the following:

(A) The annual costs to the United States associated with countermeasures to combat potential abuses of observation flights by the Russian Federation carried out under the Treaty over European and United States territories involving infra-red or synthetic aperture radar sensors.

(B) A plan, and its estimated comparative cost, to replace the Treaty architecture with a more robust sharing of overhead commercial imagery, consistent with United States national security, with covered state parties, excluding the Russian Federation.

(C) An evaluation by the Director of National Intelligence of matters concerning how an observation flight described in subparagraph (A) could implicate intelligence activities of the Russian Federation in the United States and United States counterintelligence activities and vulnerabilities.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how

the information fits into the Russian Federation's overall collection posture.

(b) CERTIFICATION.—Not later than 90 days before the date on which the United States votes to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission as described in subsection (a), the Secretary of State shall—

(1) submit to the appropriate congressional committees a certification that—

(A) the Russian Federation—

(i) is not taking any actions that are inconsistent with the terms of the Open Skies Treaty;

(ii) is not exceeding the imagery limits set forth in the Treaty; and

(iii) is allowing observation flights by covered state parties over all of Moscow, Chechnya, Kaliningrad and within 10 kilometers of its border with Georgia's occupied territories of Abkhazia and South Ossetia without restriction and without inconsistency to requirements under the Treaty; and

(B) covered state parties have been notified and briefed on concerns of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) regarding infra-red or synthetic aperture radar sensors used under the Open Skies Treaty; or

(2) if the Secretary of State is unable to make a certification under paragraph (1), submit to the appropriate congressional committees a report that contains the reasons why the Secretary cannot make such certification and a justification why it is in the national interest of the United States to vote to approve or otherwise adopt such implementing decision.

(c) QUARTERLY REPORT.—

(1) IN GENERAL.—The Secretary of Defense, jointly with the Secretary of Energy, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall submit to the appropriate congressional committees on a quarterly basis a report on all observation flights by the Russian Federation over the United States during the preceding calendar quarter.

(2) CONTENTS.—The report required under paragraph (1) shall include the following with respect to each such observation flight:

(A) A description of the flight path.

(B) An analysis of whether and the extent to which any United States critical infrastructure was the subject of image capture activities of such observation flight.

(C) An estimate for the mitigation costs imposed on the Department of Defense or other United States Government agencies by such observation flight.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation's overall collection posture.

(3) SUNSET.—The requirements of this subsection shall terminate 5 years after the date of the enactment of this Act.

(d) ADDITIONAL LIMITATION.—

(1) IN GENERAL.—Not more than 65 percent of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the requirements described in paragraph (2) are met.

(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

(A) The Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency jointly submit to the appropriate congressional committees a report on the following:

(i) Whether it is possible, consistent with United States national security interests, to provide enhanced access to United States commercial imagery or other United States capabilities, consistent with the protection of sources and methods and United States national security, to covered state parties that is qualitatively similar to that derived by observation flights over the territory of the United States or over the territory of a covered state party under the Open Skies Treaty, on a more timely basis.

(ii) What the cost would be to provide enhanced access to such commercial imagery or other capabilities as compared to the current imagery sharing through the Treaty.

(iii) Whether any new agreements would be needed to provide enhanced access to such commercial imagery or other capabilities and what would be required to obtain such agreements.

(iv) Whether transitioning to such commercial imagery or other capabilities from the current imagery sharing through the Treaty would reduce opportunities by the Russian Federation to exceed imagery limits and reduce utility for Russian intelligence collection against the United States or covered state parties.

(v) How such commercial imagery or other capabilities would compare to the current imagery sharing through the Treaty.

(B) The Secretary of State, in consultation with the Director of the National Geospatial Intelligence Agency and the Secretary of Defense, submits to the appropriate congressional committees a report that—

(i) details the costs for implementation of the Open Skies Treaty, including—

(I) mitigation costs relating to national security; and

(II) aircraft, sensors, and related overhead and implementation costs for covered state parties; and

(ii) describes the impact on contributions and participation by covered state parties and relationships among covered state parties in the context of the Open Skies Treaty, the North Atlantic Treaty Organization, and any other venues for United States partnership dialogue and activity.

(e) FORM.—Each certification, report, and notice required under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(2) COVERED STATE PARTY.—The term "covered state party" means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) INFRA-RED OR SYNTHETIC APERTURE RADAR SENSOR.—The term "infra-red or synthetic aperture radar sensor" means a sensor that is classified as—

(A) an infra-red line-scanning device under category C of paragraph 1 of Article IV of the Open Skies Treaty; or

(B) a sideways-looking synthetic aperture radar under category D of paragraph 1 of Article IV of the Open Skies Treaty.

(4) OBSERVATION FLIGHT.—The term "observation flight" has the meaning given such term in Article II of the Open Skies Treaty.

(5) OPEN SKIES TREATY; TREATY.—The term "Open Skies Treaty" or "Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(6) RELEVANT UNITED STATES GOVERNMENT OFFICIALS.—The term "relevant United States Government officials" means the following:

(A) The Secretary of Energy.

(B) The Secretary of Homeland Security.

(C) The Director of the Federal Bureau of Investigation.

(D) The Director of National Intelligence.

(E) The Commander of U.S. Strategic Command and the Commander of U.S. Northern Command in the case of an observation flight over the territory of the United States.

(F) The Commander of U.S. European Command in the case of an observation flight other than an observation flight described in subparagraph (E).

(7) SENSOR.—The term "sensor" has the meaning given such term in Article II of the Open Skies Treaty.

SEC. 1237. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

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

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

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

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

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

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

"(2) For fiscal year 2017, $350,000,000.".

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

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

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

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

(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) ASSISTANCE FOR UKRAINE.—Not more than $175,000,000 of the funds available for fiscal year 2017 pursuant to subsection (f)(2) may be used for purposes of subsection (a) until the certification described in paragraph (2) is made.

"(2) CERTIFICATION.—The certification described in this paragraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms, in such areas as civilian control of the military, cooperation and coordination with Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces, increased transparency and accountability in defense procurement, and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector, for purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by assistance under subsection (a). The certification shall include an assessment of the substantial actions taken to make such defense institutional reforms and the areas in which additional action is needed.";

(2) in paragraph (3), by striking the matter preceding subparagraph (A) and inserting the following:

"(3) OTHER PURPOSES.—If in fiscal year 2017 funds are not available for purposes of subsection (a) by reason of the lack of a certification described in paragraph (2), such funds may be used in that fiscal year for the purposes as follows, with not more than $100,000,000 available for the purposes as follows for any particular country:"; and

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

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

"(A) The recipient foreign country.

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

"(i) the objectives of such assistance or support;

"(ii) the budget for such assistance or support; and

"(iii) the expected or estimated timeline for delivery of such assistance or support.

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

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

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

(e) EXTENSION.—Subsection (h) of such section, as redesignated by subsection (a)(2) of this section, is amended by striking "December 31, 2017" and inserting "December 31, 2018".

(f) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016, is further amended by striking "December 31, 2017" and inserting "January 31, 2021".

SEC. 1238. REPORTS ON INF TREATY AND OPEN SKIES TREATY.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees the following reports:

(1) A report on the Open Skies Treaty containing—

(A) an assessment, conducted by the Chairman jointly with the Secretary of Defense and the Secretary of State, of whether and why the Treaty remains in the national security interest of the United States, including if there are compliance concerns related to implementation of the Treaty by the Russian Federation;

(B) a specific plan by the Chairman jointly with the Secretary of Defense and the Secretary of State on remedying any such compliance concerns; and

(C) a military assessment conducted by the Chairman of such compliance concerns.

(2) A report on the INF Treaty containing—

(A) an assessment, conducted by the Chairman jointly with the Secretary of Defense and the Secretary of State, of whether and why the Treaty remains in the national security interest of the United States, including how any ongoing violations bear on the assessment if such a violation is not resolved in the near-term;

(B) a specific plan by the Chairman jointly with the Secretary of Defense and the Secretary of State to remedy violation of the Treaty by the Russian Federation, and

a judgment of whether the Russian Federation intends to take the steps required to establish verifiable evidence that the Russian Federation has resumed its compliance with the Treaty if such non-compliance and inconsistencies are not resolved by the date of the enactment of this Act; and

(C) a military assessment conducted by the Chairman of the risks posed by violation of the Treaty by the Russian Federation.

(b) UPDATE.—Not later than February 15, 2018, the Chairman, the Secretary of Defense, and the Secretary of State shall jointly submit to the appropriate congressional committees an update to each report under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

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

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

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

(3) The term "Open Skies Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

Subtitle E—Reform of Department of Defense Security Cooperation

SEC. 1241. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY COOPERATION.

(a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and 18 as chapters 12, 13, 14, and 15, respectively; 10 USC 311 prec., 351 prec., 371 prec.

(2) by redesignating sections 261, 311, 312, 331, 332, 333, 334, 335, 351, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 (as added by section 1011 of this Act) as sections 241, 246, 247, 251, 252, 253, 254, 255, 261, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 284, respectively; and

(3) by inserting after chapter 15, as redesignated by paragraph (1), the following new chapter:

"CHAPTER 16—SECURITY COOPERATION

10 USC 301 prec.

10 USC 301 prec.

"SUBCHAPTER I—GENERAL MATTERS

10 USC 301.

"§ 301. Definitions

"In this chapter:

"(1) The terms 'appropriate congressional committees' and 'appropriate committees of Congress' mean—

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

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

"(2) The term 'defense article' has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

"(3) The term 'defense service' has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

"(4) The term 'developing country' has the meaning prescribed by the Secretary of Defense for purposes of this chapter in accordance with section 1241(n) of the National Defense Authorization Act for Fiscal Year 2017.

"(5) The term 'incremental expenses', with respect to a foreign country—

"(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country's participation in activities authorized by this chapter; and

"(B) does not include—

"(i) any form of lethal assistance (excluding training ammunition); or

"(ii) pay, allowances, and other normal costs of the personnel of the country.

"(6) The term 'national security forces', in the case of a foreign country, means the following:

"(A) National military and national-level security forces of the foreign country that have the functional responsibilities for which training is authorized in section 333(a) of this title.

"(B) With respect to operations referred to in section 333(a)(2) of this title, military and civilian first responders of the foreign country at the national or local level that have such operations among their functional responsibilities.

"(7) The term 'security cooperation programs and activities of the Department of Defense' means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

"(A) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

"(B) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

"(C) To build relationships that promote specific United States security interests.

"(8) The term 'small-scale construction' means construction at a cost not to exceed $750,000 for any project.

"(9) The term 'training' has the meaning given the term 'military education and training' in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

"SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS 10 USC 311 prec.

"SUBCHAPTER III—TRAINING WITH FOREIGN FORCES 10 USC 321 prec.

"SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING 10 USC 331 prec.

"SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES 10 USC 341 prec.

"SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS 10 USC 361 prec.

"SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

(b) TRANSFER OF SECTION 1051B.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) CODIFICATION OF SECTION 1081 OF FY 2012 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:

10 USC 332 note.

"§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building"; and

(B) a text consisting of the text of subsections (a), (b), and (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING AMENDMENT.—Section 332 of title 10, United States Code, as so amended, is further amended by redesignating subsection (d) as subsection (c).

(3) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

10 USC 168 note.

(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

10 USC 333 note.

"§ 333. Foreign security forces: authority to build capacity

"(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

"(1) Counterterrorism operations.

"(2) Counter-weapons of mass destruction operations.

"(3) Counter-illicit drug trafficking operations.

"(4) Counter-transnational organized crime operations.

"(5) Maritime and border security operations.

"(6) Military intelligence operations.

"(7) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

"(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

"(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct or support any program authorized by subsection (a).

"(2) JOINT DEVELOPMENT AND PLANNING OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall jointly develop and plan any program carried out pursuant to subsection (a).

"(3) IMPLEMENTATION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall coordinate the implementation of any program under subsection (a). The Secretary of Defense and the Secretary of State shall each designate an individual responsible for program coordination under this paragraph at the lowest appropriate level in the Department concerned.

"(4) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

"(c) TYPES OF CAPACITY BUILDING.—

"(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

"(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

"(A) Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, and the rule of law.

"(B) Respect for civilian control of the military.

"(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict, as applicable, to such national security forces.

"(4) INSTITUTIONAL CAPACITY BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of institutional capacity building with appropriate institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of institutional capacity building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

"(d) LIMITATIONS.—

"(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection

(a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

"(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

"(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 2015 or 2016, for a period in excess of five years unless the notice on the program pursuant to subsection (e) includes the information specified in paragraph (7) of subsection (e).

"(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

"(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

"(2) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program.

"(3) The cost, implementation timeline, and delivery schedule for assistance under the program.

"(4) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

"(5) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

"(6) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that will be advanced by the program.

"(7) In the case of a program described in subsection (d)(3), each of the following:

"(A) A written justification that the provision of sustainment support described in that subsection for a period in excess of five years will enhance the security interest of the United States.

"(B) To the extent practicable, a plan to transition such sustainment support from funding through the Department to funding through another security sector assistance program of the United States Government or funding through partner nations.

"(f) QUARTERLY MONITORING REPORTS.—The Director of the Defense Security Cooperation Agency shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

"(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, supplies (including consumables), and small-scale construction under programs under subsection (a).

"(2) Information on the timeliness of delivery of defense articles, defense services, supplies (including consumables), and small-scale construction when compared with delivery schedules for such articles, services, supplies, and construction previously provided to Congress.

"(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

"(g) FUNDING.—

"(1) SOLE SOURCE OF FUNDS.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.

"(2) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—

"(A) IN GENERAL.—Amounts available in a fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in such fiscal year and end not later than the end of the second fiscal year thereafter.

"(B) ACHIEVEMENT OF FULL OPERATIONAL CAPACITY.—If, in accordance with subparagraph (A), equipment or training is delivered under a program under the authority in subsection (a) in the fiscal year after the fiscal year in which the program begins, amounts for defense articles, training, defense services, supplies (including consumables), and small-scale construction associated with such equipment or training and necessary to ensure that the recipient unit achieves full operational capability for such equipment or training may be used in the fiscal year in which the foreign country takes receipt of such equipment and in the next two fiscal years.".

(2) FUNDING FOR FISCAL YEAR 2017.—Amounts may be available for fiscal year 2017 for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as added by paragraph (1), as follows:

(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1407 for Drug Interdiction and Counter-Drug Activities, Defense-Wide, as specified in the funding table in section 4501.

(C) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for the

Defense Security Cooperation Agency for such programs and purposes as specified in the funding table in section 4302.

(D) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for the Counter Islamic State of Iraq and the Levant Fund as specified in the funding table in section 4302, which amounts may be available for such programs and other purposes with respect to a country other than Iraq or Syria if—

(i) such programs and other purposes are for the purpose of countering the Islamic State of Iraq and the Levant; and

(ii) notice on the use of such amounts for such programs and other purposes is provided to Congress in accordance with subsection (e) of section 333 of title 10, United States Code, as so added.

(E) Amounts authorized to be appropriated by section 1507 for Drug Interdiction and Counter-Drug Activities, Defense-Wide, for overseas contingency operations as specified in the funding table in section 4502 or 4503.

(F) Amounts available for fiscal years before fiscal year 2017 for the Counterterrorism Partnerships Fund that remain available for obligation in fiscal year 2017.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes until the guidance required by paragraph (4) is submitted to the congressional defense committees as required by paragraph (4).

(4) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, initial policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added. Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe, and submit to the congressional defense committees, final policy guidance on roles, responsibilities, and processes in connection with such programs and activities.

10 USC 2282 note.

(5) CONFORMING REPEALS.—Effective as of the date that is 270 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

(i) Section 1204 (127 Stat. 896; 10 U.S.C. 401 note).

(ii) Section 1207 (127 Stat. 902; 22 U.S.C. 2151 note).

(C) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(6) CLERICAL AMENDMENT.—Effective as of the date that is 270 days after the date of the enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code, is amended by striking the item relating to section 2282.

10 USC 2281 prec. and note.

(e) TRANSFER AND MODIFICATION OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.—

(1) TRANSFER AND REDESIGNATION.—Section 184 of title 10, United States Code, is transferred to chapter 16 of such title as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter V of such chapter, and redesignated as section 342.

(2) MODIFICATION OF AUTHORITIES AND CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.—Section 342 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (a), by striking "and exchange of ideas" and inserting "exchange of ideas, and training";

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking "and exchange of ideas" and inserting "exchange of ideas, and training"; and

(ii) in paragraph (3), by striking ", except as specifically provided by law after October 17, 2006";

(C) in subsection (c), by adding at the end the following new sentence: "The regulations shall prioritize within the respective areas of focus of each Regional Center the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance."; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting "(A)" after "(3)";

(II) in subparagraph (A), as so designated, by striking "civilian government officials" and inserting "personnel"; and

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

"(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interest of the United States.

"(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000."; and

(ii) in paragraph (5), by striking "under the Latin American cooperation authority" and all that follows and inserting "under section 312 of this title are also

available for the costs of the operation of the Regional Centers.".

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section 342, as so transferred and redesignated, is further amended by adding at the end the following new subsections:

"(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the 'Marshall Center') if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

"(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

"(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

"(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

"(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

"(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

"(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

"(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.".

(4) ANNUAL REVIEW OF PROGRAM STRUCTURE AND PROGRAMS OF CENTERS.—Such section 342, as amended by this subsection, is further amended by adding at the end the following new subsection:

"(j) ANNUAL REVIEW OF PROGRAM STRUCTURE AND PROGRAMS OF CENTERS.—(1) The Secretary shall on an annual basis review the program and structure of each Regional Center in order to determine whether such Regional Center is appropriately aligned with the strategic priorities of the Department of Defense and the applicable geographic combatant commands.

"(2) The Secretary may revise the program, structure, or both of a Regional Center following an annual review under paragraph

(1) in order to more appropriately align the Regional Center with strategic priorities and the geographic combatant commands as described in that paragraph..".

(5) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note).

(B) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note).

(C) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

(D) Section 8073 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 10 U.S.C. prec. 2161 note).

(f) TRANSFER OF SECTION 2166.—

(1) TRANSFER AND REDESIGNATION.—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 343, as so transferred and redesignated, is amended by striking "nations" each place it appears in subsections (b) and (c) and inserting "countries".

(g) TRANSFER OF SECTION 2350M.—

(1) TRANSFER AND REDESIGNATION.—Section 2350m of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(2) CONFORMING AMENDMENTS.—Such section 344, as so transferred and redesignated, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(h) TRANSFER OF SECTION 2249D.—

(1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and redesignated by subsection (g), and redesignated as section 346.

(2) CONFORMING AND STYLISTIC AMENDMENTS.—Such section 346, as so transferred and redesignated, is amended—

(A) by striking "nations" in subsections (a) and (d) and inserting "countries"; and

(B) by striking subsections (f) and (g).

(i) REENACTMENT OF CHAPTER 905.—

(1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

10 USC 348 note.

"§ 348. Aviation Leadership Program

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

"(A) transportation incident to the training;

"(B) supplies and equipment to be used during the training;

"(C) flight clothing and other special clothing required for the training; and

"(D) billeting, food, and health services.

"(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

"(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.".

10 USC 9381 prec., 9381–9383.

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and redesignated as section 349.

(2) CONFORMING AMENDMENT FOR STANDARDIZATION WITH CERTAIN OTHER AIR FORCES ACADEMY AUTHORITY.—Such section 349, as so transferred and amended, is amended—

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

(B) by inserting after subsection (a) the following new subsection (b):

"(b) LIMITATIONS.—

"(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training under this section only with the concurrence of the Secretary of State.

"(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.".

(k) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 349, as transferred and redesignated by subsection (j), a new section 350 consisting of—

(A) a heading as follows:

"§ 350. Inter-European Air Forces Academy"; and 10 USC 350.

(B) a text consisting of the text of subsections (a) through (f) of section 1268 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3585; 10 U.S.C. 9411 note).

(2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed. 10 USC 9411 note.

(l) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.—Section 362 of such title, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) ADMINISTRATIVE MATTERS.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

"§ 382. Execution and administration of programs and activities 10 USC 382 note.

"(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Under Secretary of Defense or below.

"(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

"(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

"(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force, combatant command, Defense Agency, Department of Defense Field Activity, or other element or organization of the Department of Defense to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

"(c) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to implement security cooperation programs and activities of the Department of Defense authorized by this chapter.

"(2) BUDGET JUSTIFICATION.—Funds necessary for implementing security cooperation programs and activities of the Department of Defense under this chapter for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

10 USC 383 note.

"§ 383. Assessment, monitoring, and evaluation of programs and activities

"(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

"(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

"(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

"(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

"(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

"(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

"(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

"(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

"(c) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the program required by subsection (a).

"(2) BUDGET JUSTIFICATION.—Funds described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

"(d) REPORTS.—

"(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

"(A) A description of the activities under the program.

"(B) An evaluation of the lessons learned and best practices identified through activities under the program.

"(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interest of the United States or the foreign country or countries covered by such evaluation.

"§ 385. Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives

10 USC 385 note.

"(a) SUPPORT AUTHORIZED.—Subject to subsection (c), the Secretary of Defense is authorized to support other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities described in subsection (b) that advance security cooperation objectives of the Department of Defense.

"(b) FOREIGN ASSISTANCE PROGRAMS AND ACTIVITIES.—The foreign assistance programs and activities described in this subsection are foreign assistance programs and activities that—

"(1) are necessary for the effectiveness of one or more programs of the Department of Defense relating to security cooperation conducted pursuant to an authority in this chapter; and

"(2) cannot be carried out by the Department.

"(c) ANNUAL LIMITATION ON AMOUNT OF SUPPORT.—The amount of support provided pursuant to subsection (a) in any fiscal year may not exceed $75,000,000.

"(d) NOTICE AND WAIT.—If a determination is made to transfer funds in connection with the provision of support pursuant to subsection (a) for a program or activity, the transfer may not occur until—

"(1) the Secretary and the head of the department or agency to receive the funds jointly submit to the congressional defense committees a notice on the transfer, which notice shall include—

"(A) a detailed description of the purpose and estimated cost of such program or activity;

"(B) a detailed description of the security cooperation objectives of the Department, include the theater campaign plan of the combatant command concerned, that will be advanced;

"(C) a justification why such program or activity will advance such objectives;

"(D) a justification why such program or activity cannot be carried out by the Department;

"(E) an identification of any funds programmed or obligated by the department or agency other than the Department on such program or activity; and

"(F) a timeline for the provision of such support; and

"(2) a period of 30 days elapses after the date of the submittal of the notice pursuant to paragraph (1).".

(n) PRESCRIPTION OF TERM "DEVELOPING COUNTRY".—

(1) IN GENERAL.—The Secretary of Defense shall prescribe the meaning of the term "developing country" for purposes of chapter 16 of title 10, United States Code, as added by subsection (a)(3), and may from time to time prescribe a revision to the meaning of that term for those purposes.

(2) INITIAL PRESCRIPTION.—The Secretary shall first prescribe the meaning of the term by not later than 270 days after the date of the enactment of this Act.

(3) NOTICE TO CONGRESS.—Whenever the Secretary prescribes the meaning of the term pursuant to paragraph (1), the Secretary shall notify the appropriate committees of Congress of the meaning of the term as so prescribed.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" has the meaning given that term in section 301(1) of title 10, United States Code, as so added.

(o) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

10 USC 101 prec.

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

"16. Security Cooperation ..... 301".

10 USC 246 prec., 251 prec., 261 prec., 271 prec.

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

10 USC 121 prec.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.

10 USC 1030 prec.

(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

10 USC 2161 prec.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

10 USC 2241 prec.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

10 USC 2350a prec.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

10 USC 8011 prec., 9301 prec.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

10 USC 9411 prec.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

SEC. 1242. MILITARY-TO-MILITARY EXCHANGES.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter II a new section 311 consisting of—

(1) a heading as follows:

"§ 311. Exchange of defense personnel between United States and friendly foreign countries: authority"; and

10 USC 311 note.

(2) a text consisting of the text of section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(b) REVISIONS TO INCORPORATE PERMANENT NONRECIPROCAL EXCHANGE AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following new sentence: "Any exchange of personnel under such an agreement is subject to paragraph (3).";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "an ally of the United States or another friendly foreign country for the exchange" and inserting "a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange";

(ii) in subparagraph (A), by striking "military" and inserting "members of the armed forces"; and

(iii) in subparagraph (B)—

(I) by inserting "or security" after "defense"; and

(II) by inserting before the period at the end the following: "or international or regional security organization"; and

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

"(3) An exchange of personnel under an international defense personnel exchange agreement under this section may only be made with the concurrence of the Secretary to State to the extent the exchange is with either of the following:

"(A) A non-defense security ministry of a foreign government.

"(B) An international or regional security organization.";

(2) in subsection (b)(2), by inserting before the period at the end the following: ", subject to the concurrence of the Secretary of State";

(3) in subsection (c)—

(A) by striking "Each government shall be required under" and inserting "In the case of"; and

(B) by inserting after "exchange agreement" the following: "that provides for reciprocal exchanges, each government shall be required"; and

(4) in subsection (f), by inserting "defense or security ministry of that" after "military personnel of the".

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(2) Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 168 note).

SEC. 1243. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 311, as added by section 1242(a) of this Act, the following new section:

10 USC 312 note.

"§ 312. Payment of personnel expenses necessary for theater security cooperation

"(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

"(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

"(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for theater security cooperation:

"(A) Defense personnel of friendly foreign governments.

"(B) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and non-governmental personnel.

"(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary of Defense may provide administrative services and support for the performance of duties by a liaison officer of a foreign country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

"(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary of Defense may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

"(A) Travel and subsistence expenses.

"(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

"(C) Expenses for medical care at a civilian medical facility if—

"(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

"(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

"(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

"(D) Mission-related travel expenses if such travel meets each of the following conditions:

"(i) The travel is in support of the national security interests of the United States.

"(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

"(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

"(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary of Defense may pay such other limited expenses in connection with conferences, seminars, and similar meetings covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

"(c) LIMITATIONS ON EXPENSES PAYABLE.—

"(1) PERSONNEL FROM DEVELOPING COUNTRIES.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

"(2) NON-DEFENSE LIAISON OFFICERS.—In the case of a non-defense liaison officer of a foreign country, the authority of the Secretary of Defense under subsection (a) to pay expenses specified in paragraph (2) or (3) of subsection (b) may be exercised only if the assignment of that liaison officer as a liaison officer with the Department of Defense was accepted by the Secretary of Defense with the coordination of the Secretary of State.

"(d) REIMBURSEMENT.—The Secretary of Defense may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

"(e) MONETARY LIMITATIONS ON EXPENSES PAYABLE.—

"(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

"(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations

shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

"(g) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term 'administrative services and support' includes base or installation support services, office space, utilities, copying services, fire and police protection, training programs conducted to familiarize, orient, or certify liaison personnel regarding unique aspects of the assignments of the liaison personnel, and computer support.".

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.

10 USC 1050–1051a.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

10 USC 1030 prec.

(c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

10 USC 1050 note.

SEC. 1244. TRANSFER AND REVISION OF CERTAIN AUTHORITIES ON PAYMENT OF EXPENSES OF TRAINING AND EXERCISES WITH FRIENDLY FOREIGN FORCES.

(a) TRANSFER AND REVISION OF AUTHORITY ON PAYMENT OF EXPENSES OF DEVELOPING COUNTRIES.—Section 2010 of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

"§ 321. Training with friendly foreign countries: payment of training and exercise expenses

"(a) TRAINING AUTHORIZED.—

"(1) TRAINING WITH FOREIGN FORCES GENERALLY.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interest of the United States to do so.

"(2) LIMITATION ON TRAINING OF GENERAL PURPOSE FORCES.—The general purpose forces of the United States armed forces may train only with the military forces of a friendly foreign country.

"(3) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the United States armed forces participating in such training is responsible.

"(4) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within the foreign country concerned.

"(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the Secretary of a military department or the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

"(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

"(2) Expenses of deploying such forces for that training.

"(3) The incremental expenses of a friendly foreign country as the direct result of participating in such training, as specified in the regulations.

"(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

"(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

"(c) PURPOSE OF TRAINING AND EXERCISES.—

"(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train United States forces.

"(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

"(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

"(e) QUARTERLY NOTICE ON PLANNED TRAINING.—Not later than the end of the first calender quarter beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and every calender quarter thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the schedule of planned training engagement pursuant to subsection (a) during the calendar quarter first following the calendar quarter in which such notice is submitted.

"(f) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) ELEMENTS.—The regulations required under this section shall provide the following:

"(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

"(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

"(C) Procedures to limit the payment of incremental expenses to friendly foreign countries only to developing

countries, except in the case of exceptional circumstances as specified in the regulations.".

(b) TRANSFER OF AUTHORITY FOR PAYMENT OF EXPENSES IN CONNECTION WITH SPECIAL OPERATIONS FORCES TRAINING.—Section 2011 of title 10, United States Code, is transferred to chapter 16 of such title, inserted after section 321, as transferred and amended by subsection (a) of this section, and redesignated as section 322.

(c) CONFORMING REPEAL.—Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note) is repealed.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.

10 USC 2001 prec.

SEC. 1245. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) TRANSFER AND REVISION.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter IV, redesignated as section 331, and amended to read as follows:

"§ 331. Friendly foreign countries: authority to provide support for conduct of operations

"(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

"(b) DESIGNATED OPERATIONS.—

"(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

"(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

"(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

"(A) may continue the designation of such operation under this subsection for such purposes for another year; and

"(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

"(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

"(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

"(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

"(B) a military or stability operation that benefits the national security interests of the United States.

"(2) Logistic support, supplies, and services—

"(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

"(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

"(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

"(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

"(5) Small-scale construction to support military forces of a friendly foreign country participating in a United States-supported coalition or combined operation when the construction is directly linked to the ability of such forces to participate in such operation effectively and is limited to the geographic area where such operation is taking place.

"(d) CERTIFICATION REQUIRED.—

"(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

"(A) if the Secretary of Defense and the Secretary of State jointly certify to the appropriate committees of Congress that the operation is in the national security interests of the United States; and

"(B) after the expiration of the 15-day period beginning on the date of such certification.

"(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

"(A) A description of the operation, including the geographic area of the operation.

"(B) A list of participating countries.

"(C) A description of the type of support and the duration of support to be provided.

"(D) A description of the national security interests of the United States supported by the operation.

"(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

"(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

"(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

"(g) LIMITATIONS ON VALUE.—

"(1) The aggregate value of all logistic support, supplies, and services provided under paragraphs (1), (4), and (5) of subsection (c) in any fiscal year may not exceed $450,000,000.

"(2) The aggregate value of all logistic support, supplies, and services provided under subsection (c)(2) in any fiscal year may not exceed $5,000,000.

"(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

10 USC 121 prec.

(c) CONFORMING REPEAL.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1040; 10 U.S.C. 2282 note) is repealed.

SEC. 1246. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter V a new section 341 consisting of—

(1) a heading as follows:

10 USC 341.

"§ 341. Department of Defense State Partnership Program"; and

(2) a text consisting of subsections (a) through (g) of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (32 U.S.C. 107 note).

(b) PROHIBITION ON ACTIVITIES WITH UNITS HAVING COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—Subsection (b) of section 341 of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) by striking " (b) LIMITATION.—An activity" and inserting the following:

"(b) LIMITATIONS.—

"(1) IN GENERAL.—An activity"; and

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

"(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.".

(c) REVISIONS TO STRIKE OBSOLETE PROVISIONS AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Such section 341, as so added, is further amended—

(1) by striking subsection (d) and inserting the following new subsection (d):

"(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate."; and

(2) in subsection (g), by striking "under title 10" and all that follows and inserting "under title 10 as in effect on December 26, 2013.".

(d) ANNUAL REPORTS.—

(1) REPORTS UNDER CODIFIED AUTHORITY.—Subsection (f) of such section 341, as so added, is amended—

(A) by striking "(f) REPORTS AND NOTIFICATIONS.—" and all that follows through "(B) MATTERS TO BE INCLUDED.—" and inserting the following:

"(f) ANNUAL REPORTS.—

"(1) IN GENERAL.—Not later than February 1 following each of fiscal years 2016, 2017, and 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities under each program established under subsection (a) during such fiscal year.

"(2) MATTERS TO BE INCLUDED.—"; and

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, and realigning the margin of each such subparagraph two ems to the left; and

(ii) in subparagraph (F), as redesignated by clause (i) of this subparagraph, by striking "clause (v)" and inserting "subparagraph (E)".

(2) REPORTS UNDER CODIFIED REPORTING AUTHORITY IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Effective as of January 1, 2020— 10 USC 341 note.

(A) section 386(c)(1) of title 10, United States Code, as added by section 1251(d)(1) of this Act, is amended by inserting "341," after "333,"; and

(B) section 341 of title 10, United States Code, as added and amended by this section, is further amended—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f).

(e) CONFORMING REPEAL.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2014 is repealed. 32 USC 107 note.

SEC. 1247. TRANSFER OF AUTHORITY ON REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) TRANSFER AND REDESIGNATION.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1241(g) of this Act, and redesignated as section 345.

(b) CONFORMING AMENDMENT IN CONNECTION WITH TRANSFER TO NEW CHAPTER.—Subsection (c) of such section 345, as so transferred and redesignated, is amended by striking "to Congress" and inserting "to the appropriate committees of Congress".

(c) HEADING AMENDMENT.—The heading of such section 345, as so transferred and redesignated, is amended to read as follows:

10 USC 345 note.

"§ 345. Regional Defense Combating Terrorism Fellowship Program".

10 USC 2241 prec.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

SEC. 1248. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1241(h) of this Act, the following new section:

10 USC 347.

"§ 347. International engagement authorities for service academies

"(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

"(1) ATTENDANCE AUTHORIZED.—

"(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

"(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342 of this title;

"(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

"(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

"(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

"(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTED.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

"(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

"(B) the number of persons that may be selected from each country.

"(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

"(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

"(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

"(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons

to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

"(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

"(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

"(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipman is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipman appointed from the United States.

"(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipman under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

"(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC..—

"(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipman at that Academy appointed from the United States.

"(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipman at that Academy appointed from the United States.

"(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

"(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

"(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipman receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A student receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

"(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

"(3) COSTS AND EXPENSES.—

"(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipman by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(B) SUBSISTENCE, TRANSPORTATION, ETC..—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipman in that foreign country.

"(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

"(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.

"(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

"(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

"(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

"(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross-cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

"(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

"(3) FINANCIAL MATTERS.—

"(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

"(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1) from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

"(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

"(d) SERVICE ACADEMY DEFINED.—In this section, the term 'Service Academy' means the following:

"(1) The United States Military Academy.

"(2) The United States Naval Academy.

"(3) The United States Air Force Academy.".

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed. 10 USC 4344–4345a, 6957–6957b, 9344–9345a.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a. 10 USC 4331 prec.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b. 10 USC 6951.

(C) The table of sections at the beginning of chapter 903 of such title is amended by striking the items relating to sections 9344, 9345, and 9345a. 10 USC 9331 prec.

SEC. 1249. CONSOLIDATED ANNUAL BUDGET FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table at the beginning of subchapter VII the following new section:

10 USC 381.

"§ 381. Consolidated budget

"(a) CONSOLIDATED BUDGET.—The budget of the President for each fiscal year, as submitted to Congress by the President pursuant to section 1105 of title 31, shall set forth by budget function and as a separate item the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense, including the military departments, to be conducted in such fiscal year, including the specific country or region and the applicable authority, to the extent practicable.

"(b) QUARTERLY REPORT ON USE OF FUNDS.—Not later than 30 days after the end of each calendar quarter, the Secretary shall submit to the appropriate committees of Congress a report on the obligation and expenditure of funds for security cooperation programs and activities of the Department of Defense during such calendar quarter.".

10 USC 381 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply as follows:

(1) Subsection (a) of section 381 of title 10, United States Code, as added by subsection (a), shall apply to budgets submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2018.

(2) Subsection (b) of such section 381, as so added, shall apply to calendar quarters beginning on or after the date of the enactment of this Act.

SEC. 1250. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 383, as added by section 1241(m) of this Act, the following new section:

10 USC 384.

"§ 384. Department of Defense security cooperation workforce development

"(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the 'Department of Defense Security Cooperation Workforce Development Program' (in this section referred to as the 'Program') to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

"(1) assessment, planning, monitoring, execution, evaluation, and administration of such programs and activities under this chapter; and

"(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

"(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

"(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

"(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

"(c) ELEMENTS.—The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.

"(d) MANAGEMENT.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

"(e) GUIDANCE.—

"(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary shall issue interim guidance for the execution and administration of the Program.

"(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary shall issue final guidance for the execution and administration of the Program.

"(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

"(A) Provide direction to the Department of Defense on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing training and education standards, promotion opportunities and requirements, retention policies, and scope of workforce demands.

"(B) Provide for a mechanism to identify and define training and certification requirements for security cooperation positions in the Department and a means to track workforce skills and certifications.

"(C) Provide for a mechanism to establish a program of professional certification in Department of Defense security cooperation for personnel of the security cooperation workforce in different career tracks and levels of competency based on requisite training and experience.

"(D) Establish requirements for training and professional development associated with each level of certification provided for under subparagraph (C).

"(E) Establish and maintain a school to train, educate, and certify the security cooperation workforce according to standards developed for purposes of subparagraph (C).

"(F) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with key positions in connection with security cooperation programs and activities.

"(G) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

"(H) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

"(f) SOURCE OF FUNDS.—

"(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the Program.

"(2) BUDGET JUSTIFICATION.—Funds necessary to carry out the Program as described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

"(g) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

"(h) SECURITY COOPERATION WORKFORCE DEFINED.—In this section, the term 'security cooperation workforce' means the following:

"(1) Members of the armed forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

"(2) Members of the armed forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands responsible for planning, monitoring, or conducting security cooperation activities.

"(3) Members of the armed forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

"(4) Other military and civilian personnel of Defense Agencies and Field Activities who perform security cooperation activities.

"(5) Personnel of the Department of Defense who perform assessments, monitoring, or evaluations of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of this title.

"(6) Other members of the armed forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the Department of Defense by virtue of their assigned duties, as determined pursuant to the guidance issued under subsection (e).".

(b) REPORTS ON WORKFORCE DEVELOPMENT.—

(1) IN GENERAL.—Not later than March 1, 2018, and each year thereafter through 2021, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Security Cooperation Workforce Development Program required by section 384 of title 10, United States Code, as added by subsection (a), for the fiscal year beginning in the year in which such report is submitted.

(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) The funds requested or allocated for the Department of Defense Security Cooperation Workforce Development Program and for the security cooperation workforce.

(B) A description of how the funds identified pursuant to subparagraph (A) will be implemented for the following:

(i) To address any gaps in the skills and competencies of the current or anticipated security cooperation workforce

(ii) To provide incentives to retain qualified, experienced personnel in the security cooperation workforce.

(iii) To provide incentives to attract and recruit new, high-quality personnel to the security cooperation workforce.

(C) Any other matters the Secretary considers appropriate.

(3) DEFINITIONS.—In this subsection:

(A) The term "appropriate committees of Congress" has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1241(a)(3) of this Act.

(B) The term "security cooperation workforce" has the meaning given that term in section 384(h) of title 10, United States Code, as added by subsection (a).

SEC. 1251. REPORTING REQUIREMENTS.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 385, as added by section 1241(m) of this Act, a new section 386 consisting of—

(1) a heading as follows:

"§ 386. Annual report"; and

10 USC 386 note.

(2) a text consisting of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544).

(b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of section 386 of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) by striking "BIENNIAL" and all that follows through "the Secretary of Defense" and inserting "ANNUAL REPORT REQUIRED.—Not later than January 31 of each year beginning in 2018, the Secretary of Defense";

(2) by striking "congressional defense committees" and inserting "appropriate congressional committees";

(3) by inserting "under the authorities in subsection (c)" after "Department of Defense";

(4) by striking "security assistance" and inserting "assistance";

(5) by striking "the two fiscal years" and inserting "the fiscal year"; and

(6) by striking "under the authorities in subsection (c)" after "submitted".

(c) ELEMENTS OF REPORT.—Subsection (b) of such section 386, as so added, is amended—

(1) in paragraph (1), by inserting ", duration," after "purpose";

(2) in paragraph (2), by striking "The cost" and inserting "The cost and expenditures";

(3) by adding at the end the following:

"(4) For each foreign country in which defense articles, defense services, supplies (including consumables), small-scale construction, or reimbursement were provided, a description of the extent of participation, if any, by the military forces and security forces or other government organizations of such foreign country.

"(5) The number of members of the United States armed forces involved in providing such defense articles, defense services, supplies (including consumables), and small-scale construction, and, if applicable, a description of the military benefits for such members involved in providing such training, equipment, or assistance.

"(6) A summary, by authority, of the activities carried out under each authority specified in subsection (c).".

(d) MODIFICATION TO SPECIFIED AUTHORITIES.—Subsection (c) of such section 386, as so added, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) Sections 311, 321, 331, 332, 333, 344, 348, 349, and 350 of this title.";

(2) by striking paragraphs (4), (5), (7), (10), (11), and (12);

(3) by redesignating paragraphs (6), (8), (9), and (13) through (16) as paragraphs (4) through (10), respectively;

(4) by inserting after paragraph (10), as redesignated by paragraph (3) of this subsection, the following new paragraphs:

"(11) Section 401 of this title, relating to humanitarian and civic assistance provided in conjunction with military operations.

"(12) Section 1206 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3538; 10 U.S.C. 2282 note), relating to authority to conduct human rights training of security forces and associated security ministries of foreign countries.";

(5) by redesignating paragraph (17) as paragraph (13); and

(6) by striking "of title 10, United States Code" each place it appears and inserting "of this title".

(e) MODIFICATION OF NONDUPLICATION OF EFFORT REQUIREMENT.—Subsection (d) of such section 386, as so added, is amended—

(1) by striking "If any information" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if any information"; and

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

"(2) EXCEPTION.—Paragraph (1) does not apply with respect to information required under subsection (a) that is required to be submitted as described in paragraphs (1) and (2) of subsection (b).".

(f) FORM.—Subsection (e) of such section 386, as so added, is amended by inserting "that may also include other sensitive information" after "annex".

(g) CONFORMING REPEAL.—Section 1211 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed. 128 Stat. 3544.

SEC. 1252. QUADRENNIAL REVIEW OF SECURITY SECTOR ASSISTANCE PROGRAMS AND AUTHORITIES OF THE UNITED STATES GOVERNMENT. 10 USC 301 note.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the principal goals of the security sector assistance programs and authorities of the United States Government are as follows:

(1) To assist partner nations in building sustainable capability to address common security challenges with the United States.

(2) To promote partner nation support for United States interests.

(3) To promote universal values, such as good governance, transparent and accountable oversight of security forces, rule of law, transparency, accountability, delivery of fair and effective justice, and respect for human rights.

(4) To strengthen collective security and multinational defense arrangements and organizations of which the United States is a participant.

(b) QUADRENNIAL REVIEW.—

(1) REVIEW REQUIRED.—Not later than January 31, 2018, and every four years thereafter though 2034, the President shall complete a review of the security sector assistance programs, policies, authorities, and resources of the United States Government across the United States Government.

(2) ELEMENTS.—Each review under this subsection shall include the following:

(A) An examination whether the current security sector assistance programs, policies, authorities, and resources of the United States Government are sufficient to achieve the goals specified in subsection (a), and an identification of any gaps or shortfalls needing mitigation.

(B) An examination of the success of such programs and resources in achieving such goals, based on a review of relevant departmental and interagency programmatic and strategic evaluations.

(C) An examination of the extent to which the security sector assistance of the United States Government is aligned with national security and foreign policy objectives, conducted in support of clear and coherent policy guidance, and planned and executed in accordance with identified best practices.

(D) The development of recommendations, as appropriate, for improving the security sector assistance programs, policies, authorities, and resources of the United States Government to more effectively achieve the goals

specified in subsection (a) and support other national security objectives.

(3) SUBMITTAL TO CONGRESS.—Not later than 60 days after the completion of a review under this subsection, the President shall submit to the appropriate committees of Congress a report setting forth a summary of the review, including any recommendations developed pursuant to paragraph (2)(D).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" has the meaning given that term in section section 301(1) of title 10, United States Code, as added by section 1241(a)(3) of this Act.

SEC. 1253. OTHER CONFORMING AMENDMENTS AND AUTHORITY FOR ADMINISTRATION.

(a) REPEAL OF OTHER SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES.—

(1) IN GENERAL.—The following provisions of title 10, United States Code, are repealed:

10 USC 168. (A) Section 168, relating to military-to-military contacts and comparable activities.

(B) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(C) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(D) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(2) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

10 USC 161 prec. (A) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

10 USC 1030 prec. (B) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

10 USC 2551 prec. (C) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

10 USC 4681 prec. (D) The table of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.

10 USC 9681 prec. (E) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

10 USC 301 note. (b) SAVINGS CLAUSE.—Any determination or other action made or taken before the date of the enactment of this Act under a provision of law transferred or repealed by this subchapter that is in effect as of the date of the enactment of this Act and is necessary for the administration of a successor authority to such provision of law under chapter 16 of title 10, United States Code, by reason of the enactment of such chapter by this subchapter shall remain in effect, in accordance with the terms of such determination or action when made or taken, for purposes of the administration of such successor authority.

(c) REPORT ON DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION AUTHORITY.—

(1) IN GENERAL.—Not later than October 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between applicable authorities in chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, and the current law or other authorities under which activities under the initiatives specified in paragraph (2) are carried out.

(2) INITIATIVES.—The initiatives specified in this paragraph are the following:

(A) The Southeast Asia Maritime Security Initiative.

(B) The Ukraine Security Assistance Initiative.

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

(A) A description of each discrete set of activities under an initiative specified in paragraph (2) for which gaps exist between the applicable authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:

(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

Subtitle F—Human Rights Sanctions

Global Magnitsky Human Rights Accountability Act.
22 USC 2656 note.

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Global Magnitsky Human Rights Accountability Act".

22 USC 2656 note.

SEC. 1262. DEFINITIONS.

In this subtitle:

(1) FOREIGN PERSON.—The term "foreign person" has the meaning given that term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" has the meaning given that term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(3) PERSON.—The term "person" has the meaning given that term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(4) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

22 USC 2656 note.

SEC. 1263. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this subparagraph, the term "good" has the meaning given that term in section 16 of

the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 120 days after receiving a request that meets the requirements of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(A) determine if that person has engaged in such an activity; and

(B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that determination that includes—

(i) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(ii) if the President imposed or intends to impose sanctions, a description of those sanctions.

(2) REQUIREMENTS.—

(A) REQUESTS RELATING TO HUMAN RIGHTS VIOLATIONS.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (1) or (2) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

(B) REQUESTS RELATING TO CORRUPTION.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (3) or (4) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of—

(i) one of the appropriate congressional committees of the Senate; and

(ii) one of the appropriate congressional committees of the House of Representatives.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a sanction described in subsection (b)(2) that is imposed by the President or any regulation, license, or order issued to carry out such a sanction shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

22 USC 2656 note.

SEC. 1264. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section 1263 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section 1263(a) during that year; and

(B) terminated sanctions under section 1263(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section 1263.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as "Human Rights Day".

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section 1263(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

22 USC 2656 note.

SEC. 1265. SUNSET.

(a) IN GENERAL.—The authority to impose sanctions under this subtitle shall terminate on the date that is 6 years after the date of the enactment of this Act.

(b) CONTINUATION IN EFFECT OF SANCTIONS.—Sanctions imposed under this subtitle on or before the date specified in subsection (a), and in effect as of such date, shall remain in effect until terminated in accordance with the requirements of section 1263(g).

Subtitle G—Miscellaneous Reports

SEC. 1271. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by striking "March 1 each year" and inserting "January 31 of each year through January 31, 2021".

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as most recently amended by section 1252(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3571), is further amended by adding at the end the following:

"(21) A summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory.

"(22) A description of the People's Republic of China's military and nonmilitary activities in the South China Sea.".

10 USC 113 note.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after that date.

SEC. 1272. MONITORING AND EVALUATION OF OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid, the Secretary of Defense is authorized to use up to 5 percent of such amounts to conduct monitoring and evaluation of programs that are funded using such amounts during fiscal years 2017 and 2018.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on mechanisms to evaluate the programs conducted pursuant to the authorities listed in subsection (a).

(c) DEFINITION.—In subsection (b), the term "appropriate congressional committees" means—

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

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

SEC. 1273. STRATEGY FOR UNITED STATES DEFENSE INTERESTS IN AFRICA.

(a) REQUIRED REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a report that contains the strategy for United States defense interests in Africa.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall address the following:

(1) United States national security interests in Africa, including an assessment of threats to global and regional United States national security interests emanating from the continent.

(2) United States defense objectives in Africa.

(3) Courses of action to accomplish United States defense objectives in Africa, including those conducted in cooperation with other Federal agencies.

(4) Measures to improve coordination between United States Africa Command and other combatant commands to achieve unity of effort to counter threats that cross combatant command boundaries.

(5) Department of Defense capabilities and resources required to achieve defense objectives in Africa, and the mitigation plan to address any gaps in such capabilities or resources that affect the implementation of the strategy required by subsection (a).

(6) Security cooperation initiatives to advance defense objectives in Africa.

(7) Any other matters the Secretary of Defense determines to be appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 1274. REPORT ON THE POTENTIAL FOR COOPERATION BETWEEN THE UNITED STATES AND ISRAEL ON DIRECTED ENERGY CAPABILITIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the potential for cooperative development by the United States and Israel of a directed energy capability to defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel. The report shall include the following:

(1) An assessment of the technological maturity of United States and Israeli directed energy capabilities to defeat adversary threat systems.

(2) An assessment of the respective military capability gaps of each country that such directed energy developments could address.

(3) An assessment of the opportunities for the United States and Israel to cooperate to develop directed energy capabilities to defeat adversary threat systems, including estimated costs of pursuing such opportunities.

(4) An assessment of whether such opportunities should be pursued, including any potential risks from the pursuit of such opportunities.

(5) Any other matters the Secretary considers appropriate.

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

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1275. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report setting forth an update of the most current Department of Defense Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program. The purpose of each report shall be to document the types and locations of excessive claims that the Armed Forces of the United States have challenged in the previous year in order to preserve the rights, freedoms, and uses of the sea and airspace guaranteed to all countries by international law.

(b) ELEMENTS.—Each report under this section shall include, for the year covered by such report, the following:

(1) Each excessive maritime claim challenged by the United States under the program referred to in subsection (a), including the country making each such claim.

(2) The nature of each claim, including the geographic location or area covered by such claim (including the body of water and island grouping, when applicable).

(3) The specific legal challenge asserted through the program.

(c) FORM.—Each report under this section shall be submitted in unclassified form.

(d) SUNSET.—No report is required under this section after December 31, 2021.

SEC. 1276. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.

(a) REPORT ON ASSESSMENT OF PROLIFERATION OF REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees

a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States national security interests of the proliferation of remotely piloted aircraft that are assessed to be "Category I" items under the Missile Technology Control Regime (MTCR).

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) USE OF PREVIOUS STUDIES.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) A qualitative and quantitative assessment of the scope and scale of the proliferation of remotely piloted aircraft that are "Category I" items under the Missile Technology Control Regime.

(2) An assessment of the threat posed to United States interests as a result of the proliferation of such aircraft to adversaries.

(3) An assessment of the impact of the proliferation of such aircraft on the combat capabilities of and interoperability with partners and allies of the United States.

(4) An analysis of the degree to which the United States has limited the proliferation of such aircraft as a result of the application of a "strong presumption of denial" for exports of such aircraft.

(5) An assessment of the benefits and risks of continuing to limit exports of such aircraft.

(6) Such other matters as the Chairman considers appropriate.

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

Subtitle H—Other Matters

SEC. 1281. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.

10 USC 2333 note.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to 2 years following the end of such contingency operation.

(b) AGREEMENT.—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within 12 months after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not so satisfied shall be immediately liquidated by direct payment to the agency supplying such covered support, supplies, or services.

(c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with, or a contract for similar goods or services awarded to, a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) DEFINITIONS.—In this section:

(1) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term "covered support, supplies, and services" means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support, use of facilities, spare parts and components, repair and maintenance services, and calibration services.

(2) CONTINGENCY OPERATION.—The term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(e) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(f) NOTIFICATION.—Not later than 30 days after the end of a fiscal year in which covered support, supplies, and services are provided or exchanged pursuant to an agreement under this section, the Secretary of Defense and the Secretary of State shall jointly submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that contains a copy of such agreement and a description of such covered support, supplies, and services.

SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110–417; 122 Stat. 4579), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075), is further amended by striking "2018" and inserting "2021".

(b) MODIFICATION TO AUTHORIZED ACTIVITIES.—Subsection (c) of such section is amended by inserting ", or other individuals, as determined by the Secretary of Defense, with respect to already established non-conventional assisted recovery capabilities" before the period at the end of the first sentence.

SEC. 1283. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON SAN JOSE ISLAND, REPUBLIC OF PANAMA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) EX GRATIA ACTION.—The action authorized by this section is "ex gratia" on the part of the United States, as the term "ex gratia" is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2701 note).

(3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are "old chemical weapons" rather than "abandoned chemical weapons"; and

(2) affirmed, in writing, that it understands (A) that the United States intends only to destroy the munitions described in subsections (c) and (d), and (B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) SOURCE OF FUNDS.—Of the amounts authorized to be appropriated by this Act, the Secretary of Defense may use up to

$30,000,000 from amounts made available for Chemical Agents and Munitions Destruction, Defense to carry out the authority in subsection (a).

(f) SUNSET.—The authority under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 1284. SENSE OF CONGRESS ON MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.—The Secretary of Defense should carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(c) FOCUS OF EXCHANGES.—The exchanges under the program described in subsection (a) should include exchanges focused on the following:

(1) Threat analysis.
(2) Military doctrine.
(3) Force planning.
(4) Logistical support.
(5) Intelligence collection and analysis.
(6) Operational tactics, techniques, and procedures.
(7) Humanitarian assistance and disaster relief.

(d) CIVIL-MILITARY AFFAIRS.—The exchanges under the program described in subsection (a) should include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The exchanges under the program described in subsection (a) should be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—In this section:

(1) The term "senior military officer", with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.

(2) The term "senior official", with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.

SEC. 1285. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement the Arms Trade Treaty, unless the Arms Trade Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

SEC. 1286. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) PROHIBITION.—The Secretary of Defense may not use any funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the Governments of the United States and Cuba until the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith-based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shootdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply with respect to—

(1) payments in furtherance of the lease agreement, or other financial transactions necessary for maintenance and improvements of the military base at Guantanamo Bay, Cuba, including any adjacent areas under the control or possession of the United States;

(2) assistance or support in furtherance of democracy-building efforts for Cuba described in section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039);

(3) customary and routine financial transactions necessary for the maintenance, improvements, or regular duties of the United States mission in Havana, including outreach to the pro-democracy opposition; or

(4) any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

22 USC 2656 note.

SEC. 1287. GLOBAL ENGAGEMENT CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall establish within the Department of State a Global Engagement Center (in this section referred to as the "Center").

(2) PURPOSE.—The purpose of the Center shall be to lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining United States national security interests.

(b) FUNCTIONS.—The Center shall carry out the following functions:

(1) Integrate interagency and international efforts to track and evaluate counterfactual narratives abroad that threaten the national security interests of the United States and United States allies and partner nations.

(2) Analyze relevant information, data, analysis, and analytics from United States Government agencies, United States allies and partner nations, think tanks, academic institutions, civil society groups, and other nongovernmental organizations.

(3) As needed, support the development and dissemination of fact-based narratives and analysis to counter propaganda and disinformation directed at the United States and United States allies and partner nations.

(4) Identify current and emerging trends in foreign propaganda and disinformation in order to coordinate and shape the development of tactics, techniques, and procedures to expose and refute foreign misinformation and disinformation and proactively promote fact-based narratives and policies to audiences outside the United States.

(5) Facilitate the use of a wide range of technologies and techniques by sharing expertise among Federal departments and agencies, seeking expertise from external sources, and implementing best practices.

(6) Identify gaps in United States capabilities in areas relevant to the purpose of the Center and recommend necessary enhancements or changes.

(7) Identify the countries and populations most susceptible to propaganda and disinformation based on information provided by appropriate interagency entities.

(8) Administer the information access fund established pursuant to subsection (f).

(9) Coordinate with United States allies and partner nations in order to amplify the Center's efforts and avoid duplication.

(10) Maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for research and data analysis of foreign state and non-state propaganda and disinformation efforts and communications related to public diplomacy efforts intended for foreign audiences. Such research and data analysis shall be reasonably tailored to meet the purposes of this paragraph and shall be carried out with due regard for privacy and civil liberties guidance and oversight.

(c) HEAD OF CENTER.—

(1) APPOINTMENT.—The head of the Center shall be an individual who is an official of the Federal Government, who shall be appointed by the President.

(2) COMPLIANCE WITH PRIVACY AND CIVIL LIBERTIES LAWS.—The President shall designate a senior official to develop guidance for the Center relating to relevant privacy and civil liberties laws and to ensure compliance with such guidance.

(d) EMPLOYEES OF THE CENTER.—

(1) DETAILEES.—Any Federal Government employee may be detailed to the Center without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege for a period of not more than 3 years.

(2) PERSONAL SERVICE CONTRACTORS.—The Secretary of State may hire United States citizens or aliens as personal services contractors for purposes of personnel resources of the Center, if—

(A) the Secretary determines that existing personnel resources are insufficient;

(B) the period in which services are provided by a personal services contractor, including options, does not exceed 3 years, unless the Secretary determines that exceptional circumstances justify an extension of up to one additional year;

(C) not more than 50 United States citizens or aliens are employed as personal services contractors under the authority of this paragraph at any time; and

(D) the authority of this paragraph is only used to obtain specialized skills or experience or to respond to urgent needs.

(e) TRANSFER OF AMOUNTS AUTHORIZED.—

(1) IN GENERAL.—If amounts authorized to be appropriated or otherwise made available to carry out the functions of the Center—

(A) for fiscal year 2017 are less than $80,000,000, the Secretary of Defense is authorized to transfer, from amounts authorized to be appropriated by this Act for the Department of Defense for fiscal year 2017, to the Secretary of State an amount, not to exceed $60,000,000, to be available to carry out the functions of the Center for fiscal year 2017; and

(B) for fiscal year 2018 are less than $80,000,000, the Secretary of Defense is authorized to transfer, from amounts authorized to be appropriated by an Act authorizing funds for the Department of Defense for fiscal year 2018, to the Secretary of State an amount, not to exceed $60,000,000, to be available to carry out the functions of the Center for fiscal year 2018.

(2) NOTICE REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees of a proposed transfer under paragraph (1) not less than 15 days prior to making such transfer.

(3) INAPPLICABILITY OF REPROGRAMMING REQUIREMENTS.—The authority to transfer amounts under paragraph (1) shall not be subject to any reprogramming requirement under any other provision of law.

(f) INFORMATION ACCESS FUND.—

(1) AUTHORITY FOR GRANTS.—The Center is authorized to provide grants or contracts of financial support to civil society groups, media content providers, nongovernmental organizations, federally funded research and development centers, private companies, or academic institutions for the following purposes:

(A) To support local independent media who are best placed to refute foreign disinformation and manipulation in their own communities.

(B) To collect and store examples in print, online, and social media, disinformation, misinformation, and propaganda directed at the United States and its allies and partners.

(C) To analyze and report on tactics, techniques, and procedures of foreign information warfare with respect to disinformation, misinformation, and propaganda.

(D) To support efforts by the Center to counter efforts by foreign entities to use disinformation, misinformation, and propaganda to influence the policies and social and political stability of the United States and United States allies and partner nations.

(2) FUNDING AVAILABILITY AND LIMITATIONS.—The Secretary of State shall provide that each organization that applies to receive funds under this subsection is selected in accordance with the relevant existing regulations to ensure its bona fides, capability, and experience, and its compatibility with United States interests and objectives.

(g) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date on which the Center is established, the Secretary of State shall submit to the appropriate congressional committees a report evaluating the success of the Center in carrying out its functions under subsection (b) and outlining steps to improve any areas of deficiency.

(2) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(h) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available to carry out this section shall be used for purposes other than countering foreign propaganda and misinformation that threatens United States national security.

(i) TERMINATION.—The Center shall terminate on the date that is 8 years after the date of the enactment of this Act.

SEC. 1288. MODIFICATION OF UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.; Public Law 103–236) is amended—

(1) by amending section 304 (22 U.S.C. 6203) to read as follows:

"SEC. 304. ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING BOARD OF GOVERNORS.

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(b) CHIEF EXECUTIVE OFFICER.—

"(1) IN GENERAL.—The head of the Broadcasting Board of Governors shall be a Chief Executive Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. Notwithstanding any other provision of law, until such time as a Chief Executive Officer is appointed and has qualified, the current or acting Chief Executive Officer appointed by the Board may continue to serve and exercise the authorities and powers under this Act.

"(2) TERM.—The first Chief Executive Officer appointed pursuant to paragraph (1) shall serve for an initial term of three years.

"(3) COMPENSATION.—A Chief Executive Officer appointed pursuant to paragraph (1) shall be compensated at the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) TERMINATION OF DIRECTOR OF INTERNATIONAL BROADCASTING BUREAU.—Effective on the date of the enactment of this section, the position of the Director of the International Broadcasting Bureau shall be terminated, and all of the responsibilities, offices, authorities, and immunities of the Director or the Board under this or any other Act or authority before such date of enactment shall be transferred or available to, assumed by, or overseen by the Chief Executive Officer, as head of the Board.

"(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, all limitations on liability that apply to the Chief Executive Officer shall also apply to members of the boards of directors of RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, or any organization that consolidates such entities when such members are acting in their official capacities.";

(2) in section 305 (22 U.S.C. 6204)—

(A) in subsection (a)—

(i) by striking "Board" each place it appears and inserting "Chief Executive Officer";

(ii) in paragraph (1), by inserting "direct and" before "supervise";

(iii) in paragraph (5)—

(I) by inserting "and cooperative agreements" after "grants"; and

(II) by striking "in accordance with sections 308 and 309" and inserting "in furtherance of the purposes of this Act and on behalf of other agencies, accordingly";

(iv) in paragraph (6)—

(I) by striking "International Broadcasting Bureau" and inserting "Board"; and

(II) by striking "subject to the limitations in sections 308 and 309 and";

(v) in paragraph (10)—

(I) by inserting ", rent, or lease" after "procure"; and

(II) by striking "personal property" and inserting "property for journalism, media, production, and broadcasting, and related support services, notwithstanding any other provision of law relating to such acquisition, rental, or lease, and under the same terms and conditions as authorized under section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), and for multiyear contracts and leases for periods of up to 20 years subject to the requirements of subsections (b) through (f) of section 3903 of title 41, United States Code";

(vi) in paragraph (11)—

(I) by striking "staff";

(II) by striking "as the Board" and inserting "as the Chief Executive Officer"; and

(III) by striking "subject" and inserting "which shall not be subject";

(vii) in paragraph (13)—

(I) by striking "Bureau" and inserting "Board"; and

(II) by striking "Board has taken" and inserting "Chief Executive Officer has taken";

(viii) in paragraph (14)—

(I) by inserting "transmission or" before "relay"; and

(II) by inserting "or any other grantee authorized under this Act" after "Radio Free Asia";

(ix) in paragraph (15)(A), by striking—

(I) "temporary and intermittent"; and

(II) "to the same extent as is authorized by section 3109 of title 5, United States Code,";

(x) in paragraph (16), by striking "Board determines" and inserting "Chief Executive Officer determines";

(xi) in paragraph (18), by striking "the Bureau" and inserting "the Chief Executive Officer"; and

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

"(20) Notwithstanding any other provision of law, including section 308(a), to condition, if appropriate, any grant or cooperative agreement to RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks, or any organization that is established through the consolidation of such entities, on authority to determine membership of their respective boards, and the consolidation of such grantee entities into a single grantee organization under terms and conditions established by the Board.

"(21) To redirect or reprogram funds within the scope of any grant or cooperative agreement, or between grantees, as necessary (and not later than 15 days before any such redirection of funds between language services, to notify the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate

regarding such redirection), and to condition grants or cooperative agreements, if appropriate, on such grants or cooperative agreements or any similar amendments as authorized under section 308(a), including authority to name and replace the board of any grantee authorized under this Act, including with Federal officials, to meet the purposes of this Act.

"(22) To change the name of the Board pursuant to congressional notification 60 days prior to any such change.";

(B) by striking subsections (b) and (c); and

(C) by redesignating subsection (d) as subsection (b); and

(D) in subsection (b) (as so redesignated)—

(i) by striking "and the Board" and inserting "and the Chief Executive Officer"; and

(ii) by striking "International Broadcasting Bureau" and inserting "Board";

(3) by amending section 306 (22 U.S.C. 6205) to read as follows:

"SEC. 306. ESTABLISHMENT OF THE INTERNATIONAL BROADCASTING ADVISORY BOARD.

"(a) IN GENERAL.—Except as provided in subsection (b)(2), the International Broadcasting Advisory Board (referred to in this section as the 'Advisory Board') shall consist of five members, including the Secretary of State, appointed by the President and in accordance with subsection (d), to advise the Chief Executive Officer of the Broadcasting Board of Governors, as appropriate.

"(b) RETENTION OF EXISTING BBG BOARD MEMBERS.—

"(1) IN GENERAL.—The presidentially appointed and Senate-confirmed members of the Board of the Broadcasting Board of Governors who are serving on unexpired terms as of the date of the enactment of this section shall—

"(A) constitute the first Advisory Board; and

"(B) hold office for the remainder of their original terms of office without reappointment to the Advisory Board.

"(2) EFFECT OF ADDITIONAL MEMBERS.—If, on the date of the enactment of this section, more than five members described in subsection (a) are serving their original terms of office on the Broadcasting Board of Governors, each such member may serve on the Advisory Board for a period equal to the time remaining on each such member's respective term without reappointment.

"(c) TERMS OF OFFICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term of office of each member of the Advisory Board appointed pursuant to subsection (a) shall be three years.

"(2) VACANCIES.—If a vacancy on the Advisory Board occurs before the expiration of the term of the member who created such vacancy—

"(A) the President shall appoint a new member to fill such vacancy in accordance with subsection (d); and

"(B) the member appointed pursuant to such subsection shall serve for the remainder of such term.

"(3) SERVICE BEYOND TERM PROHIBITED.—Members may not serve beyond the term for which they were appointed.

"(d) SELECTION OF THE BOARD.—In identifying individuals for appointment to the Advisory Board under subsection (a), the President shall appoint United States citizens—

"(1) who, with the exception of the Secretary of State, are not regular, full-time employees of the United States Government; and

"(2) distinguished in the fields of public diplomacy, mass communications, print, broadcast or digital media, or foreign affairs, of whom—

"(A) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Affairs of the House of Representatives;

"(B) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Affairs of the House of Representatives;

"(C) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Relations of the Senate; and

"(D) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Relations of the Senate.

"(e) FUNCTIONS OF THE BOARD.—The members of the Advisory Board shall perform the following advisory functions:

"(1) To provide the Chief Executive Officer of the Broadcasting Board of Governors with counsel and recommendations for improving the effectiveness and efficiency of the agency and its programming.

"(2) To meet with the Chief Executive Officer at least twice annually and at additional meetings at the request of the Chief Executive Officer.

"(3) To report periodically or upon request to the congressional committees specified in subsection (d)(2) regarding its counsel and recommendations for improving the effectiveness and efficiency of the Broadcasting Board of Governors and its programming.

"(4) To obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection.

"(f) COMPENSATION.—Members of the Advisory Board, including the Secretary of State, may not receive any fee, salary, or remuneration of any kind for their service as members.";

(4) by striking section 307 (22 U.S.C. 6206);

(5) in section 308 (22 U.S.C. 6207)—

(A) in subsection (a)(1), by striking "of the Broadcasting Board of Governors established under section 304 and no other members" and inserting "authorized under section 305(a)(20)";

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

"(d) ALTERNATIVE GRANTEE.—If the Chief Executive Officer determines at any time that RFE/RL, Incorporated is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity."; and

(C) in subsection (g)(4)—

(i) by striking "International Broadcasting Bureau" and inserting "any other grantee of the Board"; and

(ii) by striking "by the Board" and inserting "by the Chief Executive Officer"; and

(D) in subsection (i), by striking "(1) Effective" and inserting "Effective";

(6) in section 309 (22 U.S.C. 6208)—

(A) in subsection (f)(2), by striking "Chairman of the Board" and inserting "Chief Executive Officer of the Board";

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection:

"(g) ALTERNATIVE GRANTEE.—If the Chief Executive Officer determines at any time that Radio Free Asia is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.";

(7) by inserting after section 309 (22 U.S.C. 6208) the following new sections:

"SEC. 310. BROADCAST ENTITIES REPORTING TO CHIEF EXECUTIVE OFFICER. 22 USC 6209.

"(a) CONSOLIDATION OF GRANTEE ORGANIZATIONS.—

"(1) IN GENERAL.—The Chief Executive Officer, subject to the regular notification procedures of the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, who is authorized to incorporate a grantee, may condition annual grants to RFE/RL, Inc., Radio Free Asia, and the Middle East Broadcasting Networks on the consolidation of such grantees into a single, consolidated private, non-profit corporation (in accordance with section 501(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of such Code), in such a manner and under such terms and conditions as determined by the Chief Executive Officer, which may broadcast and provide news and information to audiences wherever the agency may broadcast, for activities that the Chief Executive Officer determines are consistent with the purposes of this Act, including the terms and conditions of subsections (g)(5), (h), (i), and (j) of section 308, except that the Agency may select any name for such a consolidated grantee.

"(2) SPECIAL RULE.—No State or political subdivision of a State may establish, enforce, or continue in effect any provision of law or legal requirement that is different from, or is in conflict with, any requirement or authority applicable under this Act relating to the consolidation, incorporation, structure, or dissolution of any grantee under this Act.

"(b) MISSION.—The consolidated grantee established under subsection (a) shall—

"(1) counter state-sponsored propaganda which undermines the national security or foreign policy interests of the United States and its allies;

"(2) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;

"(3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and

"(4) promote unrestricted access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

"(c) FEDERAL STATUS.—Nothing in this or any other Act, or any action taken pursuant to this or any other Act, may be construed to make such a consolidated grantee described in subsection (a) or RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks or any other grantee or entity provided funding by the agency a Federal agency or instrumentality. Employees or staff of such grantees or entities may not be Federal employees. For purposes of this section and this Act, the term 'grant' includes agreements under section 6305 of title 31, United States Code, and the term 'grantee' includes recipients of such agreements.

"(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—Officers and directors of RFE/RL Inc., Radio Free Asia, and the Middle East Broadcasting Networks or any organization that is established through the consolidation of such entities, or authorized under this Act, shall serve at the pleasure of and may be named by the Chief Executive Officer of the Board.

"(e) MAINTENANCE OF THE EXISTING INDIVIDUAL GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated should remain brand names under which news and related programming and content may be disseminated by the consolidated grantee. Additional brands may be created as necessary.

22 USC 6209a.

"SEC. 310A. INSPECTOR GENERAL AUTHORITIES.

"(a) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) with respect to the Department of State.

"(b) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this Act and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

22 USC 6209b.

"SEC. 310B. ROLE OF THE SECRETARY OF STATE IN FOREIGN POLICY GUIDANCE.

"To assist the Board in carrying out its functions, the Chief Executive Officer shall regularly consult with and seek from the Secretary of State guidance on foreign policy issues."; and

(8) in section 314 (22 U.S.C. 6213)—

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

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

"(4) the terms 'Board' and 'Chief Executive Officer of the Board' mean the Broadcasting Board of Governors and the position, respectively, authorized in accordance with this Act;".

SEC. 1289. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking "the 'South China Sea Initiative'" and inserting "the 'Southeast Asia Maritime Security Initiative'".

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.".

SEC. 1290. MEASURES AGAINST PERSONS INVOLVED IN ACTIVITIES THAT VIOLATE ARMS CONTROL TREATIES OR AGREEMENTS WITH THE UNITED STATES. 22 USC 2593e.

(a) REPORTS ON PERSONS THAT VIOLATE TREATIES OR AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the submittal to Congress of an annual report on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), the Secretary of the Treasury shall submit to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, identifying every person with respect to whom there is credible information indicating that—

(A) the person—

(i)(I) is an individual who is a citizen, national, or permanent resident of a country described in paragraph (2); or

(II) is an entity organized under the laws of a country described in paragraph (2); and

(ii) has engaged in any activity that contributed to or is a significant factor in the President's or the Secretary of State's determination that such country is not in full compliance with its obligations as further described in paragraph (2); or

(B) the person has provided material support for such non-compliance to a person described in subparagraph (A).

(2) COUNTRY DESCRIBED.—A country described in this paragraph is a country (other than a country described in paragraph (3)) that the President or the Secretary of State has determined, in the most recent annual report described in paragraph (1), to be not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

(3) EXCLUDED COUNTRIES.—The following countries are not described for purposes of paragraph (2):

(A) The United States.

(B) Any country determined by the Director of National Intelligence to be closely cooperating in intelligence matters with the United States in the period covered by the most recent annual report described in paragraph (1), regardless of the extent of the compliance of such country with the obligations described in paragraph (2) during such period.

(b) IMPOSITION OF MEASURES.—Except as provided in subsections (d), (e), and (f), the President shall impose the measures

described in subsection (c) with respect to each person identified in a report under subsection (a).

(c) MEASURES DESCRIBED.—

(1) IN GENERAL.—The measures to be imposed with respect to a person under subsection (b) are the head of any executive agency (as defined in section 133 of title 41, United States Code) may not enter into, renew, or extend a contract for the procurement of goods or services with the person.

(2) EXCEPTION FOR MAJOR ROUTES OF SUPPLY.—The requirement to impose measures under paragraph (1) shall not apply with respect to any contract for the procurement of goods or services along a major route of supply to a zone of active combat or major contingency operation.

(3) REQUIREMENT TO REVISE REGULATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall be revised to implement paragraph (1).

(B) CERTIFICATIONS.—The revisions to the Federal Acquisition Regulation under subparagraph (A) shall include a requirement for a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity described in subsection (a)(1)(A)(ii).

(C) REMEDIES.—If the head of an executive agency determines that a person has submitted a false certification under subparagraph (B) on or after the date on which the applicable revision of the Federal Acquisition Regulation required by this paragraph becomes effective—

(i) the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not less than 2 years;

(ii) any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations; and

(iii) the Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (B).

(d) WAIVER FOR LACK OF KNOWING VIOLATION.—

(1) IN GENERAL.—The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(A) determines that—

(i)(I) in the case of a person described in subsection (a)(1)(A), the person did not knowingly engage in any activity described in such subsection;

(II) in the case of a person described in subsection (a)(1)(B), the person conducted or facilitated a transaction or transactions with, or provided financial services to, a person described in subsection (a)(1)(A) that did not knowingly engage in any activity described in such subsection; and

(III) in the case of a person described in subsection (a)(1)(A) or (a)(1)(B), the person has terminated the activity for which otherwise covered by such subsection or has provided verifiable assurances that the person will terminate such activity; and

(ii) the waiver is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

(2) FORM OF REPORT.—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(e) WAIVER TO PREVENT DISCLOSURE OF INTELLIGENCE SOURCES AND METHODS.—The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(1) determines that the waiver is necessary to prevent the disclosure of intelligence sources or methods; and

(2) submits to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, on the determination and the reasons for the determination.

(f) TIMING OF IMPOSITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall immediately impose measures under subsection (b) against a person described in subsection (a)(1) upon the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) unless the President determines and certifies to the appropriate congressional committees that the government of the country concerned has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the person in the activities that resulted in the identification of the person in the report.

(2) DELAY.—

(A) IN GENERAL.—The President may delay the imposition of measures against a person for up to 120 days after the date of the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) if the President initiates consultations with the government concerned with respect to the taking of actions described in paragraph (1).

(B) ADDITIONAL DELAY.—The President may delay the imposition of measures for up to an additional 120 days after the delay authorized by subparagraph (A) if the President determines and certifies to the appropriate congressional committees that the government concerned is in the process of taking the actions described in paragraph (1).

(3) REPORT.—Not later than 60 days after the submittal to Congress of the report identifying a person pursuant to subsection (a)(1), the President shall submit to the appropriate congressional committees a report on the status of consultations, if any, with the government concerned under this subsection, and the basis for any determination under paragraph (1).

(g) TERMINATION.—

(1) TERMINATION THROUGH COMPLIANCE OF COUNTRY WITH ARMS CONTROL AND OTHER AGREEMENTS.—The measures imposed with respect to a person under subsection (b) shall terminate on the date on which the President submits to Congress a subsequent annual report pursuant to section 403 of the Arms Control and Disarmament Act that does not contain a determination of the President that the country described in subsection (a)(2) with respect to which the measures were imposed with respect to the person is a country that is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

(2) TERMINATION THROUGH CESSATION BY PERSON OF VIOLATING ACTIVITIES.—In addition to termination provided for by paragraph (1), the measures imposed with respect to a person under subsection (b) in connection with a particular activity shall terminate upon a determination of the President that the person has ceased such activity. The termination of measures imposed with respect to a person in connection with a particular activity pursuant to this paragraph shall not result in the termination of any measures imposed with respect to the person in connection with any other activity for which measures were imposed under subsection (b).

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

10 USC 2333 note.

SEC. 1291. AGREEMENTS WITH FOREIGN GOVERNMENTS TO DEVELOP LAND-BASED WATER RESOURCES IN SUPPORT OF AND IN PREPARATION FOR CONTINGENCY OPERATIONS.

(a) AGREEMENTS AUTHORIZED.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to enter into agreements with the governments of foreign countries to develop land-based water resources in support of and in preparation for contingency operations, including water selection, pumping, purification, storage, distribution, cooling, consumption, water reuse, water source intelligence, research and development, training, acquisition of water support equipment, and water support operations.

(b) NOTIFICATION REQUIRED.—Not later than 30 days after entering into an agreement under subsection (a), the Secretary of Defense shall notify the appropriate congressional committees

of the existence of the agreement and provide a summary of the terms of the agreement.

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means—

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

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

SEC. 1292. ENHANCING DEFENSE AND SECURITY COOPERATION WITH INDIA.

22 USC 2751 note.

(a) ACTIONS.—

(1) IN GENERAL.—The Secretary of Defense and Secretary of State should jointly take such actions as may be necessary to—

(A) recognize India's status as a major defense partner of the United States;

(B) designate an individual within the executive branch who has experience in defense acquisition and technology—

(i) to reinforce and ensure, through interagency policy coordination, the success of the Framework for the United States-India Defense Relationship; and

(ii) to help resolve remaining issues impeding United States-India defense trade, security cooperation, and co-production and co-development opportunities;

(C) approve and facilitate the transfer of advanced technology, consistent with United States conventional arms transfer policy, to support combined military planning with India's military for missions such as humanitarian assistance and disaster relief, counter piracy, freedom of navigation, and maritime domain awareness missions, and to promote weapons systems interoperability;

(D) strengthen the effectiveness of the U.S.-India Defense Trade and Technology Initiative and the durability of the Department of Defense's "India Rapid Reaction Cell";

(E) collaborate with the Government of India to develop mutually agreeable mechanisms to verify the security of defense articles, defense services, and related technology, such as appropriate cyber security and end use monitoring arrangements, consistent with United States export control laws and policy;

(F) promote policies that will encourage the efficient review and authorization of defense sales and exports to India;

(G) encourage greater government-to-government and commercial military transactions between the United States and India;

(H) support the development and alignment of India's export control and procurement regimes with those of the United States and multilateral control regimes; and

(I) continue to enhance defense and security cooperation with India in order to advance United States interests in the South Asia and greater Indo-Asia-Pacific regions.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and Secretary of State shall jointly submit

to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on how the United States is supporting its defense relationship with India in relation to the actions described in paragraph (1).

(b) BILATERAL COORDINATION.—To enhance cooperation and encourage military-to-military engagement between the United States and India, the Secretary of Defense should take appropriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the United States Government and the Government of India—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for threat analysis, military doctrine, force planning, mutual security interests, logistical support, intelligence, tactics, techniques and procedures, humanitarian assistance, and disaster relief;

(2) include exchanges of general and flag officers between the two countries;

(3) enhance cooperative military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness, in the Indo-Asia-Pacific region;

(4) accelerate the development of combined military planning for missions such as those identified in subsection (a)(1)(C) or in paragraph (1) of this subsection, or other missions in the national security interests of both countries; and

(5) solicit and recognize actions and efforts by India that would allow the United States to treat India as a major defense partner.

(c) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and Secretary of State shall jointly, on an ongoing basis, conduct an assessment of the extent to which India possesses capabilities to support and carry out military operations of mutual interest to the United States and India, including an assessment of the defense export control regulations and policies that need appropriate modification, in recognition of India's capabilities and its status as a major defense partner.

(2) USE OF ASSESSMENT.—The President shall ensure that the assessment described in paragraph (1) is used, consistent with United States conventional arms transfer policy, to inform the review by the United States of requests to export defense articles, defense services, or related technology to India under the Arms Export Control Act (22 U.S.C. 2751 et seq.), and to inform any regulatory and policy adjustments that may be appropriate.

19 USC 3723 note.

SEC. 1293. COORDINATION OF EFFORTS TO DEVELOP FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) COORDINATION BETWEEN THE UNITED STATES TRADE REPRESENTATIVE AND OTHER AGENCIES.—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries identified under paragraph (1) of section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370; 19 U.S.C. 3705 note) in the most recent report required by that section, including through the deployment of resources from those agencies to such countries and through

trade capacity building, in addressing the plan developed under paragraph (3) of that section.

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the plan developed under section 116(b) of the African Growth and Opportunity Act (19 U.S.C. 3723(b)); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and under the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))) and agreements annexed to the WTO Agreement.

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term "eligible country" means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term "sub-Saharan African country" has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

SEC. 1294. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking "the Government of Jordan and the Government of Lebanon" and inserting "the Government of Egypt, the Government of Jordan, the Government of Lebanon, and the Government of Tunisia";

(B) by striking "efforts of the armed forces" and inserting "efforts as follows:

"(A) Efforts of the armed forces"; and

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

"(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable."; and

(2) in subsection (c)(4), by striking "along the border" and all that follows and inserting "along the border of the country as specified in subsection (a)(1).".

(b) FUNDS AVAILABLE FOR SUPPORT.—Subsection (b) of such section is amended—

(1) in paragraphs (1) and (2), by striking "Amounts" and inserting "In fiscal year 2016, amounts"; and

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

"(3) In any fiscal year after fiscal year 2016, amounts authorized to be appropriated for such fiscal year and available for Operation and Maintenance, Defense-Wide, and the Counter Islamic State of Iraq and the Levant Fund for such fiscal year.".

(c) EXTENSION.—Subsection (f) of such section is amended by striking "December 31, 2018" and inserting "December 31, 2019".

(d) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.".

SEC. 1295. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) AMOUNT OF SUPPORT PROVIDABLE BY THE UNITED STATES.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking "$25,000,000" and inserting "$50,000,000".

(b) SCOPE OF REQUIREMENT FOR MATCHING CONTRIBUTION BY ISRAEL.—Paragraph (3) of such section is amended by inserting before the period at the end the following: "in the calendar year in which the support is provided".

(c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount contributed by the United States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

SEC. 1296. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE'S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE "600 SERIES" OF THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting "or in the 600 series of the control list of the Export Administration Regulations" after "in Arms Regulations"; and

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

"(3) The term '600 series of the control list of the Export Administration Regulations' means the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.".

(b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Such section is further amended by striking "Trafficking" both places it appears and inserting "Traffic".

SEC. 1297. INTERNATIONAL SALES PROCESS IMPROVEMENTS.

22 USC 2761 note.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles and services via sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

SEC. 1298. EFFORTS TO END MODERN SLAVERY.

22 USC 7114.

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the policies and guidance of the Department of Defense with respect to the education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons that is received by personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations.

(2) ELEMENTS.—The briefing required under paragraph (1) shall address—

(A) resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make a grant or grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the suspension and termination, as appropriate, of projects supported by the grantee that regularly or consistently fail to meet the criteria required by this section.

(d) AUDITING.—

(1) IN GENERAL.—Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413).

(2) COMPTROLLER GENERAL AUDIT AUTHORITY.—

(A) IN GENERAL.—The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as the programs or activities the grantee carries out pursuant to this section.

(B) ACCESS TO RECORDS.—Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) ANNUAL REPORT.—Any grant recipient shall submit a report to the Secretary of State annually and the Secretary shall transmit it to the appropriate congressional committees within 30 days. Such report shall include the names of each of the projects or sub-grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) RULE OF CONSTRUCTION REGARDING AVAILABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS; SUNSET.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017 THROUGH 2020.—There is authorized to be appropriated to the Department of State for the purpose of making a grant or grants authorized under this section, for each fiscal year from 2017 through 2020, $37,500,000.

(2) SUNSET.—The authorities of subsections (b) through (f) shall expire on September 30, 2020.

(h) COMPTROLLER GENERAL REVIEW OF EXISTING PROGRAMS.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2020, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2017 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term "fiscal year 2017 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $11,791,000.

(2) For chemical weapons destruction, $2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement, $213,984,000.

(5) For proliferation prevention, $50,709,000, of which—

(A) $4,000,000 may be obligated for purposes relating to nuclear nonproliferation assisted or caused by additive manufacture technology (commonly referred to as "3D printing");

(B) $4,000,000 may be obligated for monitoring the "proliferation pathways" under the Joint Comprehensive Plan of Action;

(C) $4,000,000 may be obligated for enhancing law enforcement cooperation and intelligence sharing; and

(D) $4,000,000 may be obligated for the Proliferation Security Initiative under subtitle B of title XVIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911 et seq.).

(6) For threat reduction engagement, $2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

(b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended as follows:

(1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1)) is amended by striking "15 days" and inserting "45 days".

(2) Section 1322(b) (50 U.S.C. 3712(b)) is amended—

(A) by striking "At the time at which" and inserting "Not later than 15 days before the date on which";

(B) in paragraph (1), by striking "; and" and inserting a semicolon;

(C) in paragraph (2), by striking the period and inserting "; and"; and

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

"(3) a discussion of—

"(A) whether authorities other than the authority under this section are available to the Secretaries to perform such project or activity to meet the threats or goals identified under subsection (a)(1); and

"(B) if such other authorities exist, why the Secretaries were not able to use such authorities for such project or activity.".

(3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3)) is amended by striking "at the time at which" and inserting "not later than seven days before the date on which".

(4) Section 1324 (50 U.S.C. 3714) is amended—

(A) in subsection (a)(1)(C), by striking "15 days" and inserting "45 days"; and

(B) in subsection (b)(3), by striking "15 days" and inserting "45 days".

(c) JOINT COMPREHENSIVE PLAN OF ACTION DEFINED.—In this section, the term "Joint Comprehensive Plan of Action" means the Joint Comprehensive Plan of Action, signed at Vienna July 14, 2015, by Iran and by the People's Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action, and transmitted by the President to Congress on July 19, 2015, pursuant to section 135(a) of the Atomic Energy Act of 1954, as amended by the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17; 129 Stat. 201).

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION IN PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended by inserting after section 1334 the following new section:

"SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES IN PEOPLE'S REPUBLIC OF CHINA. 50 USC 3735.

"(a) SEMIANNUAL INSTALLMENTS.—In carrying out activities under the Program in the People's Republic of China, the Secretary of Defense shall ensure that Cooperative Threat Reduction funds for such activities are obligated or expended in semiannual installments.

"(b) REQUIRED REPORTS.—

"(1) ADDITIONAL INFORMATION.—With respect to carrying out activities under the Program in the People's Republic of China, the Secretary of Defense shall submit to the congressional defense committees the reports required by section 1321(g) on a semiannual basis by not later than 15 days before any obligation of Cooperative Threat Reduction funds for such activities during the covered semiannual period. In addition to the matters required by such section, each such report shall include, in coordination with the Secretary of State—

"(A) whether China has taken material steps to—

"(i) disrupt the proliferation activities of Li Fangwei (also known as Karl Lee, or any other alias known by the United States); and

"(ii) arrest Li Fangwei pursuant the indictment charged in the United States District Court for the Southern District of New York on April 29, 2014;

"(B) whether China has proliferated to any non-nuclear weapons state, or any nuclear weapons state in violation of the Treaty on the Non-Proliferation of Nuclear Weapons, any item that contributes to a ballistic missile or nuclear weapons delivery system; and

"(C) the number, type, and summary of any demarches between the United States and China with respect to the matters described in subparagraphs (A) and (B).

"(2) ADDITIONAL SUBMISSIONS.—At the same time as the Secretary of Defense submits to the congressional defense committees the information described in subparagraphs (A),

(B), and (C) of paragraph (1) as part of the reports required by section 1321(g), the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate such information.

"(3) COVERAGE.—With respect to the information described in subparagraphs (A), (B), and (C) of paragraph (1)—

"(A) the first report described in such paragraph that is submitted after the date of the enactment of this section shall cover the preceding 12-month period before the date of such submission; and

"(B) each subsequent report shall cover the semiannual period preceding the date of such submission.

"(4) FORM.—The information described in subparagraphs (A), (B), and (C) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(b) CONFORMING AMENDMENTS.—Section 1321(g) of such Act (50 U.S.C. 3711(g)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking "ANNUAL REQUIREMENT" and inserting "REPORTS REQUIREMENT"; and

(B) by striking "that fiscal year" and inserting "that fiscal year (or, in accordance with section 1335(b), the semiannual period covered by the report)"; and

(2) in paragraph (3), by striking "Paragraph (1)" and inserting "Except for Cooperative Threat Reduction funds subject to section 1335, paragraph (1)".

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Subtitle B—National Defense Stockpile

Subtitle C—Chemical Demilitarization Matters

Subtitle D—Other Matters

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

50 USC 98d note.

(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of the following materials contained in the National Defense Stockpile in the following quantities:

(1) 27 short tons of beryllium.

(2) 111,149 short tons of chromium, ferroalloy.

(3) 2,973 short tons of chromium metal.

(4) 8,380 troy ounces of platinum.

(5) 275,741 pounds of contained tungsten metal powder.

(6) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense

Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.
(B) Tantalum.
(C) Germanium.
(D) Tungsten rhenium metal.
(E) Boron carbide powder.
(F) Europium.
(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,0000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

SEC. 1412. NATIONAL DEFENSE STOCKPILE MATTERS.

(a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking "required for" and inserting "suitable for transfer or disposal through"; and

(2) in subsection (c)—

(A) by striking "(1)" and all that follows through "(2)"; and

(B) by striking "this subsection" and inserting "subsection (b)".

(b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

"(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

"(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.".

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology

of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

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

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation, or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) SUBMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $122,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense

Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Subtitle B—Financial Matters

Subtitle C—Limitations, Reports, and Other Matters

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) PURPOSE.—The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds—

(1) for overseas contingency operations being carried out by the Armed Forces; and

(2) pursuant to sections 1502, 1503, 1504, 1505, and 1507 for expenses, not otherwise provided for, for procurement, research, development, test, and evaluation, operation and maintenance, military personnel, and defense-wide drug interdiction and counter-drug activities, as specified in the funding tables in sections 4103, 4203, 4303, 4403, and 4503.

(b) SUPPORT OF BASE BUDGET REQUIREMENTS; TREATMENT.—Funds identified in subsection (a)(2) are being authorized to be appropriated in support of base budget requirements as requested

by the President for fiscal year 2017 pursuant to section 1105(a) of title 31, United States Code. The Director of the Office of Management and Budget shall apportion the funds identified in such subsection to the Department of Defense without restriction, limitation, or constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint imposed by, or described in, the document entitled "Criteria for War/Overseas Contingency Operations Funding Requests" transmitted by the Director to the Department of Defense on September 9, 2010, or any successor or related guidance.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in—

(1) the funding table in section 4102; or
(2) the funding table in section 4103.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in—

(1) the funding table in section 4202; or
(2) the funding table in section 4203.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in—

(1) the funding table in section 4302, or
(2) the funding table in section 4303.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in—

(1) the funding table in section 4402; or
(2) the funding table in section 4403.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in—

(1) the funding table in section 4502; or
(2) the funding table in section 4503.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof).

(2) EFFECT OF TRANSFER.—Amounts of authorizations transferred under this subsection shall be merged with and be available for the same purposes as the authorization to which transferred.

(3) LIMITATIONS.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(4) EXCEPTION.—In the case of the authorizations of appropriations contained in sections 1502, 1503, 1504, 1505, and 1507 that are provided for the purpose specified in section 1501(a)(2), the transfer authority provided under section 1001, rather than the transfer authority provided by this subsection, shall apply to any transfer of amounts of such authorizations.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections

(b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—

(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

22 USC 7513 note.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police's Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police's Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to the human rights of women and girls, including female members of the Afghan National Security Forces;

(v) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to protecting children from sexual abuse; and

(vi) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense

and Interior, shall seek to assist the Government of Afghanistan in including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

(d) REPORTING REQUIREMENT.—

(1) SEMI-ANNUAL REPORTS.—Not later than January 31 and July 31 of each year through January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during the preceding six-calendar month period.

(2) CONFORMING REPEALS.—(A) Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of

the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424), is further amended by striking subsection (g).

(B) Section 1517 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2442) is amended by striking subsection (f).

SEC. 1522. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsection 1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091) is amended by striking "fiscal year 2016" and inserting "fiscal years 2016 and 2017".

(b) EXTENSION OF INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Subsection (c) of section 1532 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057) is amended—

(1) in paragraph (1)—

(A) by striking "for fiscal year 2013 and for fiscal year 2016," and inserting "for fiscal years 2013, 2016, and 2017";

(B) by inserting "with the concurrence of the Secretary of State" after "may be available to the Secretary of Defense";

(C) by striking "of the Government of Pakistan" and inserting "of foreign governments"; and

(D) by striking "from Pakistan to locations in Afghanistan";

(2) in paragraph (2), by striking "of the Government of Pakistan" and inserting "of foreign governments"; and

(3) in paragraph (4), as most recently amended by section 1532(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091), by striking "December 31, 2016" and inserting "December 31, 2017".

(c) NOTICE TO CONGRESS.—Paragraph (3) of such subsection is amended to read as follows:

"(3) NOTICE TO CONGRESS.—None of the funds made available pursuant to paragraph (1) may be obligated or expended to supply training, equipment, supplies, or services to a foreign country before the date that is 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notice that contains—

"(A) the foreign country for which training, equipment, supplies, or services are proposed to be supplied;

"(B) a description of the training, equipment, supplies, and services to be provided using such funds;

"(C) a detailed description of the amount of funds proposed to be obligated or expended to supply such training, equipment, supplies or services, including any funds proposed to be obligated or expended to support the participation of another department or agency of the United States and a description of the training, equipment, supplies, or services proposed to be supplied;

"(D) an evaluation of the effectiveness of the efforts of the foreign country identified under subparagraph (A) to counter the flow of improvised explosive device precursor chemicals; and

"(E) an overall plan for countering the flow of precursor chemicals in the foreign country identified under subparagraph (A).".

SEC. 1523. EXTENSION OF AUTHORITY TO USE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND FOR TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED EXPLOSIVE DEVICES.

Section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1093) is amended by striking "September 30, 2018" and inserting "September 30, 2020".

SEC. 1524. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1525. EXTENSION AND MODIFICATION OF AUTHORITIES ON COUNTERTERRORISM PARTNERSHIPS FUND.

(a) EXTENSION.—Section 1534 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3616) is amended—

(1) in subsection (a), by striking "Amounts authorized to be appropriated for fiscal year 2015 by this title" and inserting "Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017"; and

(2) in subsection (h), by striking "December 31, 2016" and inserting "December 31, 2017".

(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2016.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

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

"(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2016.—Amounts authorized to be appropriated for fiscal year 2016 for the Counterterrorism Partnerships Fund may only be used for the purposes specified in subsection (a)(2). In the use of such amounts, any reference in this section to 'subsection (a)' shall be deemed to be a reference to 'subsection (a)(2)'.".

(c) ADMINISTRATION OF FUND.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking paragraph (3); and

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

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "and 2017" and inserting "2017, and 2018"; and

(B) by striking "and 2016" and inserting "2016, and 2017";

(2) in paragraph (4), by striking "subsection (d)(5)" and inserting "subsection (e)(4)"; and

(3) in paragraph (5), by striking "subsection (f)" and inserting "subsection (g)".

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

Subtitle B—Defense Intelligence and Intelligence-Related Activities

Subtitle C—Cyberspace-Related Matters

Subtitle A—Space Activities

SEC. 1601. REPEAL OF PROVISION PERMITTING THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 8048 of the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113; 129 Stat. 2363) is repealed.

SEC. 1602. EXCEPTION TO THE PROHIBITION ON CONTRACTING WITH RUSSIAN SUPPLIERS OF ROCKET ENGINES FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1100), is further amended by striking subsection (c) and inserting the following new subsection:

"(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following:

"(1) The placement of orders or the exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013.

"(2) Contracts that are awarded during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 and ending December 31, 2022, for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation, in addition to the Russian-designed or Russian-manufactured engines to which paragraph (1) applies.".

SEC. 1603. ROCKET PROPULSION SYSTEM TO REPLACE RD–180.

Section 1604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623; 10 U.S.C. 2273 note), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1099), is further amended by striking subsection (d) and inserting the following new subsections:

"(d) USE OF FUNDS UNDER DEVELOPMENT PROGRAM.—

"(1) DEVELOPMENT OF ROCKET PROPULSION SYSTEM.—The funds described in paragraph (2)—

"(A) may be obligated or expended for—

"(i) the development of the rocket propulsion system to replace non-allied space launch engines pursuant to subsection (a); and

"(ii) the necessary interfaces to, or integration of, the rocket propulsion system with an existing or new launch vehicle; and

"(B) except as provided by paragraph (3), may not be obligated or expended to develop or procure a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

"(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

"(A) Funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the Department of Defense for the development of the rocket propulsion system under subsection (a).

"(B) Funds authorized to be appropriated by this Act or the National Defense Authorization Act for Fiscal Year 2016 or otherwise made available for fiscal years 2015 or 2016 for the Department of Defense for the development of the rocket propulsion system under subsection (a) that are unobligated as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

"(3) OTHER PURPOSES.—The Secretary may obligate or expend not more than a total of the amount calculated under paragraph (4) of the funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment for activities not authorized by paragraph (1)(A), including for developing a launch vehicle, an upper stage, a strap-on motor, or related infrastructure. The Secretary may exceed such limit calculated under paragraph (4) in fiscal year 2017 for such purposes if—

"(A) the Secretary certifies to the appropriate congressional committees that, as of the date of the certification—

"(i) the development of the rocket propulsion system is being carried out pursuant to paragraph (1)(A) in a manner that ensures that the rocket propulsion system will meet each requirement under subsection (a)(2); and

"(ii) such obligation or expenditure will not negatively affect the development of the rocket propulsion system, including with respect to meeting such requirements; and

"(B) the reprogramming or transfer is carried out in accordance with established procedures for reprogramming or transfers, including with respect to presenting a request for a reprogramming of funds.

"(4) CALCULATION OF AMOUNTS FOR OTHER PURPOSES.—In carrying out paragraph (3), the Secretary shall calculate the amount of the funds specified in such paragraph as follows:

"(A) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is equal to or less than $320,000,000, such amount shall equal 31 percent.

"(B) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is greater than $320,000,000, such amount shall equal the difference of—

"(i) the amount of funds so authorized to be appropriated, minus

"(ii) $220,000,000.

"(e) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the congressional defense committees; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(2) The term 'rocket propulsion system' means, with respect to the development authorized by subsection (a), a main booster, first-stage rocket engine or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.".

SEC. 1604. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

(a) PLAN.—The Secretary of Defense, in coordination with the Director of National Intelligence, shall develop a plan to use allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code, in the event that such requirements cannot be met, for a limited period, using only launch vehicles of the United States.

(b) ASSESSMENTS.—In developing the plan required by subsection (a), the Secretary shall conduct assessments of the following:

(1) What satellites of the United States would be appropriate to be launched on an allied launch vehicle.

(2) The relevant laws, regulations, and policies governing the launch of national security satellites and whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle.

(3) The certification requirements for using allied launch vehicles pursuant to the plan and the estimated cost, schedule, and actions that would be necessary to certify allied launch vehicles.

(4) Any other matters the Secretary determines appropriate.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the plan required by subsection (a) and the assessments required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "allied launch vehicle" means a launch vehicle of the government of a country that is an ally of the United States. The term does not include a launch vehicle of the Government of the Russian Federation, the Government of the People's Republic of China, the Government of the Islamic Republic of Iran, or the Government of the Democratic People's Republic of Korea.

(2) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(3) The term "national security satellite" means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National

Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1605. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND COMMUNICATIONS.

Section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1103) is amended by striking subsection (b) and inserting the following new subsections:

"(b) SCOPE.—

"(1) STUDY GUIDANCE.—In conducting the analysis of alternatives under subsection (a), the Secretary shall develop study guidance that requires such analysis to include the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models.

"(2) OTHER CONSIDERATIONS.—The Secretary shall ensure that—

"(A) any cost assessments of military or commercial satellite communications systems included in the analysis of alternatives conducted under subsection (a) include detailed full life-cycle costs, as applicable, including with respect to—

"(i) military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and

"(ii) any other costs regarding military or commercial satellite communications systems the Secretary determines appropriate; and

"(B) such analysis identifies any considerations relating to the use of military versus commercial systems.

"(c) COMPTROLLER GENERAL REPORT.—

"(1) SUBMISSION.—Upon completion of the analysis of alternatives conducted under subsection (a), the Secretary shall submit such analysis to the Comptroller General of the United States.

"(2) REPORT.—Not later than 120 days after the date on which the Comptroller General receives the analysis of alternatives under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing—

"(A) a review of the analysis; and

"(B) an assessment of the types of analyses the Secretary has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the Department of Defense.

"(3) MATTERS INCLUDED.—The report under paragraph (2) shall include the following:

"(A) With respect to the review of the analysis of alternatives conducted under subsection (a)—

"(i) whether, and to what extent, the Secretary—

"(I) conducted such analysis using best practices;

"(II) fully addressed the concerns of the acquisition, operational, and user communities; and

"(III) complied with subsection (b); and

"(ii) a description of how the Secretary identified the requirements and assessed and addressed the cost, schedule, and risks posed for each alternative included in such analysis.

"(B) With respect to the assessment under paragraph (2)(B)—

"(i) whether the Secretary has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and interoperability with existing or planned terminals; and

"(ii) such other matters as the Comptroller General considers appropriate.

"(d) BRIEFINGS.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and semiannually thereafter until the date on which the analysis of alternatives conducted under subsection (a) is completed, the Secretary shall provide the Committees on Armed Services of the House of Representatives and the Senate (and any other congressional defense committee upon request) a briefing on such analysis.".

SEC. 1606. MODIFICATION OF PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) IMPLEMENTATION OF GOALS.—Section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note), as amended by section 1612 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1103), is further amended by adding at the end the following new subsection:

"(e) IMPLEMENTATION OF GOALS.—In developing and carrying out the pilot program under subsection (a)(1), by not later than September 30, 2017, the Secretary shall take actions to begin the implementation of each goal specified in subsection (b).".

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters operations of the Air Force Space Command, not more than 95 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a plan to demonstrate that the pilot program under section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5) of such section.

10 USC 2271 note.

SEC. 1607. SPACE-BASED ENVIRONMENTAL MONITORING.

(a) ROLES OF DOD AND NOAA.—

(1) MECHANISMS.—The Secretary of Defense and the Administrator of the National Oceanic and Atmospheric Administration shall jointly establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and the National Oceanic and Atmospheric Administration to—

(A) carry out space-based environmental monitoring; and

(B) plan for future non-governmental space-based environmental monitoring capabilities, as appropriate.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to authorize a joint satellite program of the Department of Defense and the National Oceanic and Atmospheric Administration.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Administrator shall jointly submit to the appropriate congressional committees a report on the mechanisms established under subsection (a)(1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Committee on Science, Space, and Technology of the House of Representatives; and

(3) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1608. PROHIBITION ON USE OF CERTAIN NON-ALLIED POSITIONING, NAVIGATION, AND TIMING SYSTEMS.

(a) PROHIBITION.—During the period beginning not later than 60 days after the date of the enactment of this Act and ending on September 30, 2018, the Secretary of Defense shall ensure that the Armed Forces and each element of the Department of Defense do not use a non-allied positioning, navigation, and timing system or service provided by such a system.

(b) WAIVER.—The Secretary may waive the prohibition in subsection (a) if—

(1) the Secretary determines that the waiver is—

(A) in the national security interest of the United States; and

(B) necessary to mitigate exigent operational concerns;

(2) the Secretary notifies, in writing, the appropriate congressional committees of such waiver; and

(3) a period of 30 days has elapsed following the date of such notification.

(c) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the appropriate congressional committees an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system. Such assessment shall—

(1) address risks regarding—

(A) espionage, counterintelligence, and targeting;

(B) the use of the Global Positioning System by allies and partners of the United States and others; and

(C) harmful interference to the Global Positioning System; and

(2) include any other matters the Secretary, the Chairman, and the Director determine appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "non-allied positioning, navigation, and timing system" means any of the following systems:

(A) The Beidou system.

(B) The Glonass global navigation satellite system.

SEC. 1609. LIMITATION OF AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System may be obligated or expended until the date on which the Secretary of the Air Force, in coordination with the Commander of the United States Strategic Command, submits to the congressional defense committees a report on such increment, including—

(1) an acquisition strategy and strategic plan for such increment that includes—

(A) the space battlement management, communication, and control capabilities, as of the date of the enactment of this Act;

(B) the plan to develop and perform space battlement management, communication, and control capabilities in the future; and

(C) the critical elements described in subparagraphs (A) and (B) that will require common software and hardware in other similar space battle management software and systems to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements;

(2) the warfighter requirements of such increment;

(3) the funding and schedule for such increment;

(4) the strategy for use of commercially available capabilities, as appropriate, relating to such increment to rapidly address warfighter requirements, including the market research and evaluation of such commercial capabilities; and

(5) the relationship of such increment with the other related activities and investments of the Department of Defense.

SEC. 1610. LIMITATIONS ON AVAILABILITY OF FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

(a) LIMITATION UNTIL CERTIFICATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Global Positioning System Next Generation Operational Control System (in this section referred to as "OCX"), not more than five percent may be obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, until the date on which the Secretary of Defense submits to Congress the certification on the OCX required pursuant to section 2433a(b) of title 10, United States Code, as a result of the determination not to terminate the procurement of the OCX.

(b) ADDITIONAL LIMITATION UNTIL INITIAL BRIEFING.—In addition to the limitation in subsection (a), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the OCX, not more than 50 percent may be

obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, unless—

(1) the Secretary has submitted to Congress the certification described in subsection (a); and

(2) not earlier than January 15, 2017, the Secretary provides to the congressional defense committees a briefing on the OCX with respect to—

(A) the status of the OCX program, including information on the risks, costs, and schedule, and technical information;

(B) contingency plans and investments, and the status of such plans and investments;

(C) an assessment of the OCX by the Director of Operational Test and Evaluation; and

(D) the total program cost that is validated by the Director of Cost Assessment and Program and a five-year budget that is based on an updated and rebaselined program cost.

(c) ADDITIONAL LIMITATION UNTIL SECOND BRIEFING.—In addition to the limitations in subsection (a) and (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the OCX, not more than 75 percent may be obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, unless—

(1) the Secretary has submitted to Congress the certification described in subsection (a);

(2) the Secretary has provided to the congressional defense committees the briefing under subsection (b)(2); and

(3) not earlier than March 15, 2017, the Secretary provides to the congressional defense committees an update to such briefing.

(d) ADJUSTMENT OF BRIEFING DATES.—The Secretary may provide the briefing under subsection (b)(2) or subsection (c)(3), respectively, before the date specified by such subsection if the Secretary determines that providing such briefing before such date is necessary for the national security interests of the United States.

SEC. 1611. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.

Of the funds authorized to be appropriated or otherwise made available by the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) or the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) or otherwise made available for fiscal years 2015 or 2016 for research, development, test, and evaluation, Air Force, and available for obligation as of the date of the enactment of this Act, not more than $10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

SEC. 1612. SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.

(a) LIMITATION ON DEVELOPMENT AND ACQUISITION OF ALTERNATIVES.—

(1) LIMITATION.—Except as provided by paragraph (4), the Secretary of Defense may not develop or acquire an alternative to the space-based infrared system program of record or develop or acquire an alternative to the advanced extremely high frequency program of record until the date on which the Commander of the United States Strategic Command and the Director of the Space Security and Defense Program, in consultation with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit to the appropriate congressional committees the assessments described in paragraph (2) for the respective program.

(2) ASSESSMENT.—The assessments described in this paragraph are—

(A) an assessment of the resilience and mission assurance of each alternative to the space-based infrared system being considered by the Secretary of the Air Force; and

(B) an assessment of the resilience and mission assurance of each alternative to the advanced extremely high frequency program being considered by the Secretary of the Air Force.

(3) ELEMENTS.—An assessment described in paragraph (2) shall include, with respect to each alternative to the space-based infrared system program of record and each alternative to the advanced extremely high frequency program of record being considered by the Secretary of the Air Force, the following:

(A) The requirements for resilience and mission assurance.

(B) The criteria to measure such resilience and mission assurance.

(C) How the alternative affects—

(i) deterrence and full spectrum warfighting;

(ii) warfighter requirements and relative costs to include ground station and user terminals;

(iii) the potential order of battle of adversaries; and

(iv) the required capabilities of the broader space security and defense enterprise.

(4) EXCEPTION.—The limitation in paragraph (1) shall not apply to efforts to examine and develop technology insertion opportunities for the space-based infrared system program of record or the satellite communications programs of record.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) With respect to the submission of the assessment described in subparagraph (A) of subsection (a)(2), the—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) With respect to the submission of the assessment described in subparagraph (B) of subsection (a)(2), the congressional defense committees.

SEC. 1613. PILOT PROGRAM ON COMMERCIAL WEATHER DATA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

(b) DURATION.—The Secretary may carry out the pilot program under subsection (a) for a period not exceeding one year.

(c) BRIEFINGS.—

(1) INTERIM BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) demonstrating how the Secretary plans to implement the pilot program under subsection (a).

(2) FINAL BRIEFING.—Not later than 90 days after the pilot program under subsection (a) is completed, the Secretary shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) on the utility, cost, and other considerations regarding the purchase of commercial satellite weather data to support the requirements of the Department of Defense.

SEC. 1614. PLANS ON TRANSFER OF ACQUISITION AND FUNDING AUTHORITY OF CERTAIN WEATHER MISSIONS TO NATIONAL RECONNAISSANCE OFFICE.

(a) LIMITATION.—Except as provided by subsection (c), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Air Force, for the weather satellite follow-on system, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees the plan under subsection (b)(1).

(b) PLANS FOR TRANSFER OF AUTHORITY.—

(1) AIR FORCE PLAN.—Except as provided by subsection (c), the Secretary of the Air Force shall develop a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for covered space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office, including a description of the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(2) NRO PLAN.—

(A) Except as provided by subsection (c), the Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(I) a description of the related national security requirements for such missions;

(ii) a description of the appropriate manner to meet such requirements; and

(iii) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(B) In developing the plan under subparagraph (A), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.

(C) Except as provided by subsection (c), the Director shall submit to the appropriate congressional committees such plan by not later than July 1, 2017.

(3) INDEPENDENT COST ESTIMATE.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation, shall certify to the appropriate congressional committees that the amounts of funds identified under paragraphs (1) and (2)(A)(iii) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(c) WAIVER BASED ON REPORT AND CERTIFICATION OF AIR FORCE ACQUISITION PROGRAM.—The Secretary of the Air Force may waive the limitation in subsection (a) and the requirement to develop a plan under subsection (b)(1), and the Director of the National Reconnaissance Office may waive the requirement to develop a plan under subsection (b)(2), if the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly submit to the appropriate congressional committees a report by not later than July 1, 2017, that contains—

(1) a certification that the Secretary of the Air Force is carrying out a formal acquisition program that has received Milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense; and

(2) an identification of the cost, schedule, requirements, and acquisition strategy of such acquisition program.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives the Select Committee on Intelligence of the Senate.

(2) The term "covered space-based environmental monitoring missions" means the acquisition programs necessary to meet the national security requirements for cloud characterization and theater weather imagery.

(3) The term "Milestone A approval" has the meaning given that term in section 2366a(d) of title 10, United States Code.

SEC. 1615. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.

(a) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate

congressional committees a plan for the Joint Interagency Combined Space Operations Center for the five-year period beginning on such date of enactment that includes—

(1) a description of the roles, responsibilities, and objective of the Center;

(2) an estimate of funding during the period covered by the current future-years defense program under section 221 of title 10, United States Code, needed for the Center that includes a description of contributions from other Federal agencies;

(3) an estimate of the personnel needed for the Center, listed by military personnel, civilian personnel, and contractor personnel, and the organization or commercial entity such personnel are representing;

(4) a description of planned activities of the Center;

(5) a description of planned use of commercial capabilities by the Center, as appropriate;

(6) a description of how the Center will complement and support the mission of the Joint Space Operations Center; and

(7) a description of the command and control of the related operations of the Joint Interagency Combined Space Operations Center.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1616. ORGANIZATION AND MANAGEMENT OF NATIONAL SECURITY SPACE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) National security space capabilities are a vital element of the national defense of the United States.

(2) The advantages of the United States in national security space are now threatened to an unprecedented degree by growing and serious counterspace capabilities of potential foreign adversaries, and the space advantages of the United States must be protected.

(3) The Department of Defense has recognized the threat and has taken initial steps necessary to defend space, however the organization and management may not be strategically postured to fully address this changed domain of operations over the long term.

(4) The defense of space is currently a priority for the leaders of the Department, however the space mission is managed within competing priorities of each of the Armed Forces.

(5) Space elements provide critical capabilities to all of the Armed Forces in the joint fight, however the disparate activities throughout the Department have no single leader that is empowered to make decisions affecting the space forces of the Department.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to modernize and fully address the growing threat to the national security space advantage of the United States, the Secretary of

Defense must evaluate the range of options and take further action to strengthen the leadership, management, and organization of the national security space activities of the Department of Defense, including with respect to—

(1) unifying, integrating, and de-conflicting activities to provide for stronger prioritization, accountability, coherency, focus, strategy, and integration of the joint space program of the Department;

(2) streamlining decision-making, limiting unnecessary bureaucracy, and empowering the appropriate level of authority, while enabling effective oversight;

(3) maintaining the involvement of each of the Armed Forces and adapting the culture and improving the capabilities of the workforce to ensure the workforce has the appropriate training, experience, and tools to accomplish the mission; and

(4) reviewing authorities and preparing for a conflict that could extend to space.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall each separately submit to the appropriate congressional committees recommendations to—

(1) in accordance with subsection (b), strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department; and

(2) address the findings covered in the report of the Comptroller General of the United States numbered GAO–16–592R regarding space acquisition and oversight of the Department of Defense.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1617. REVIEW OF CHARTER OF OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of charter of the Operationally Responsive Space Program Office established by section 2273a of title 10, United States Code (in this section referred to as the "Office").

(b) ELEMENTS.—The review under subsection (a) shall include the following:

(1) A review of the key operationally responsive space needs with respect to the warfighter and with respect to national security.

(2) How the Office could fit into the broader resilience and space security strategy of the Department of Defense.

(3) An assessment of the potential of the Office to focus on the reconstitution capabilities with small satellites using low-cost launch vehicles and existing infrastructure.

(4) An assessment of the potential of the Office to leverage existing or planned commercial capabilities.

(5) A review of the necessary workforce specialties and acquisition authorities of the Office.

(6) A review of the funding profile of the Office.

(7) A review of the organizational placement and reporting structure of the Office.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the review under subsection (a), including any recommendations for legislative actions based on such review.

SEC. 1618. BACKUP AND COMPLEMENTARY POSITIONING, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM.

(a) STUDY.—

(1) IN GENERAL.—The covered Secretaries shall jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the covered Secretaries shall submit to the appropriate congressional committees a report on the study under paragraph (1). Such report shall include—

(A) with respect to the Department of each covered Secretary, the identification of the respective requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure;

(B) an analysis of alternatives to meet such requirements, including, at a minimum—

(i) an analysis of appropriate technology options;

(ii) an analysis of the viability of a public-private partnership to establish a complementary positioning, navigation, and timing system; and

(iii) an analysis of the viability of service level agreements to operate a complementary positioning, navigation, and timing system; and

(C) a plan to meet such requirements that includes—

(i) for each such Department, the estimated costs, schedule, and system level technical considerations, including end user equipment and integration considerations; and

(ii) identification of the appropriate resourcing for each such Department in accordance with the respective requirements of the Department, including domestic or international requirements.

(b) SINGLE DESIGNATED OFFICIAL.—Each covered Secretary shall designate a single senior official of the Department of the Secretary to act as the primary representative of such Department for purposes of conducting the study under subsection (a)(1).

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and

the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term "covered Secretaries" means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Homeland Security.

SEC. 1619. REPORT ON USE OF SPACECRAFT ASSETS OF THE SPACE-BASED INFRARED SYSTEM WIDE-FIELD-OF-VIEW PROGRAM.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the advisability and feasibility of using available spacecraft assets of the space-based infrared system wide-field-of-view program to satisfy other mission requirements of the Department of Defense or the intelligence community.

(b) MATTERS COVERED.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An evaluation of using the space-based infrared system wide-field-of-view spacecraft bus for other urgent national security space priorities.

(2) An evaluation of the cost and schedule impact, if any, to the space-based infrared system wide-field-of-view program if the spacecraft bus is used for another purpose.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary to protect the national security interests of the United States.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

50 USC 3308a.

SEC. 1620. PROVISION OF CERTAIN INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE BY NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The Director of the National Reconnaissance Office shall provide to the Comptroller General of the United States, in a timely manner, access to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the National Reconnaissance Office.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1621. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the costs and benefits of allowing the use of solid rocket motors from missiles described in section 50134(c) of title 51, United States Code, for commercial space launch purposes. Such analysis shall include an evaluation of the effect, if any, of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

(b) BRIEFINGS.—

(1) INTERIM BRIEFING.—Not later than March 15, 2017, the Comptroller General shall provide to the appropriate congressional committees an interim briefing on the analysis under subsection (a).

(2) FINAL BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate congressional committees a final briefing on the analysis under subsection (a).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 1622. INDEPENDENT ASSESSMENT OF GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity, to assess the acquisition strategy of the Air Force for the Global Positioning System Next Generation Operational Control System (in this section referred to as "OCX").

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the ability of the Air Force to complete blocks zero through two of the OCX operating system on a schedule necessary to transition the OCX to full operation.

(2) An estimate of the cost of completing blocks zero through two on the schedule described in paragraph (1), taking into account—

(A) the rate of software defects;

(B) earned value management; and

(C) information assurance requirements.

(3) An assessment of the ability of the Air Force to implement contingency plans for sustaining the Global Positioning System constellation to mitigate the effects of delays to the implementation of the OCX and to alleviate challenges with respect to the operations and checkout of the Global Positioning System III satellites.

(4) An assessment of any risks to the viability and required availability of the Global Positioning System constellation associated with efforts to complete blocks zero through two as described in paragraph (1) or the contingency plans described in paragraph (3).

(5) An assessment of whether there are well-defined methods for terminating the OCX program (including an analysis of the ability of alternative systems to satisfy the requirements of the Department of Defense), in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(6) Any other matters the entity conducting the assessment determines appropriate.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1631. REPORT ON UNITED STATES CENTRAL COMMAND INTELLIGENCE FUSION CENTER.

(a) REPORT ON PROCEDURES.—Not later than March 1, 2017, the Commander of the United States Central Command shall submit to the appropriate congressional committees a report on the steps taken by the Commander to formalize and disseminate procedures for establishing, staffing, and operating the Intelligence Fusion Center of the United States Central Command.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1632. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN RELOCATION ACTIVITIES FOR NATO INTELLIGENCE FUSION CELL.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance may be obligated or expended for the procurement of fit-out supplies and equipment to support the relocation of the NATO Intelligence Fusion Cell from Royal Air Force Molesworth, United Kingdom, to Royal Air Force Croughton, United Kingdom.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the NATO Intelligence Fusion Cell that outlines—

(1) the current facility and support requirements and associated costs, including any adjustments of such requirements

and costs, for the NATO Intelligence Fusion Cell to be located and operationally viable at Royal Air Force Croughton; and

(2) the operational requirements of, and costs associated with, any operations of the United States collocated with the NATO Intelligence Fusion Cell.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1633. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.

(a) SURVEY AND REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and

(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

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

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and

(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) REPORT.—

(1) SUBMISSION.—Not later than 270 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "Defense Intelligence Enterprise" means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(A) The Department of Defense.

(B) The Joint Staff.

(C) The combatant commands.

(D) The military departments.

(E) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

Subtitle C—Cyberspace-Related Matters

SEC. 1641. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER ATTACK.

Section 1903(a)(2) of title 41, United States Code, is amended by inserting "cyber," before "nuclear,".

SEC. 1642. LIMITATION ON TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

(a) LIMITATION ON TERMINATION OF DUAL-HAT ARRANGEMENT.—The Secretary of Defense may not terminate the dual-hat arrangement until the date on which the Secretary and the Chairman of the Joint Chiefs of Staff jointly certify to the appropriate committees of Congress that—

(1) the Secretary and the Chairman carried out the assessment under subsection (b);

(2) each of the conditions described in paragraph (2)(C) of such subsection has been met; and

(3) termination of the dual-hat arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable to the national security interests of the United States.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary and the Chairman shall jointly assess the military and intelligence necessity and benefit of the dual-hat arrangement.

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

(A) An evaluation of the operational dependence of the United States Cyber Command on the National Security Agency.

(B) An evaluation of the ability of the United States Cyber Command and the National Security Agency to carry out their respective roles and responsibilities independently.

(C) A determination of whether the following conditions have been met:

(i) Robust operational infrastructure has been deployed that is sufficient to meet the unique cyber mission needs of the United States Cyber Command and the National Security Agency, respectively.

(ii) Robust command and control systems and processes have been established for planning, deconflicting, and executing military cyber operations.

(iii) The tools and weapons used in cyber operations are sufficient for achieving required effects.

(iv) Capabilities have been established to enable intelligence collection and operational preparation of the environment for cyber operations.

(v) Capabilities have been established to train cyber operations personnel, test cyber capabilities, and rehearse cyber missions.

(vi) The cyber mission force has achieved full operational capability.

(c) DEFINITIONS.—In this section:

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

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

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

(2) DUAL-HAT ARRANGEMENT.—The term "dual-hat arrangement" means the arrangement under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency.

10 USC 1599 note.

SEC. 1643. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for United States Cyber Command workforce positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Notwithstanding sections 3309 through 3318 of title 5, United States Code, provide for and implement an interagency transfer agreement between excepted service position systems and competitive service position systems in military departments and Defense Agencies concerned to satisfy the requirements for cyber workforce positions from among a mix of employees in the excepted service and the competitive service in such military departments and Defense Agencies.

(2) Implement in the defense civilian cyber personnel system a classification system commonly known as a "Rank-in-person" classification system similar to such classification system used by the National Security Agency as of the date of the enactment of this Act.

(3) Approve direct hiring authority for cyber workforce positions up to the GG or GS–15 level in accordance with the criteria in section 3304 of title 5, United States Code.

(4) Notwithstanding section 5333 of title 5, United States Code, authorize officials conducting hiring in the competitive service for cyber workforce positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor, acting through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) and in consultation with the Commander of the United States Cyber Command, shall supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the cyber mission forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the cyber mission forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications of security clearances for tool development personnel.

10 USC 2224 note.

SEC. 1644. REQUIREMENT TO ENTER INTO AGREEMENTS RELATING TO USE OF CYBER OPPOSITION FORCES.

(a) REQUIREMENT FOR AGREEMENTS.—Not later than September 30, 2017, the Secretary of Defense shall ensure that each commander of a combatant command establishes appropriate agreements with the Secretary relating to the use of cyber opposition forces. Each agreement shall require the command—

(1) to support a high state of mission readiness in the command through the use of one or more cyber opposition forces in continuous exercises and other training activities as considered appropriate by the commander of the command; and

(2) in conducting such exercises and training activities, meet the standard required under subsection (b).

(b) JOINT STANDARD FOR CYBER OPPOSITION FORCES.—Not later than March 31, 2017, the Secretary of Defense shall issue a joint training and certification standard for use by all cyber opposition forces within the Department of Defense.

(c) JOINT STANDARD FOR PROTECTION OF CONTROL SYSTEMS.—Not later than June 30, 2017, the Secretary of Defense shall issue a joint training and certification standard for the protection of control systems for use by all cyber operations forces within the Department of Defense. Such standard shall—

(1) provide for applied training and exercise capabilities; and

(2) use expertise and capabilities from other departments and agencies of the Federal Government, as appropriate.

(d) BRIEFING REQUIRED.—Not later than September 30, 2017, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) a list of each combatant command that has established an agreement under subsection (a);

(2) with respect to each such agreement—

(A) special conditions in the agreement placed on any cyber opposition force used by the command;

(B) the process for making decisions about deconfliction and risk mitigation of cyber opposition force activities in continuous exercises and training;

(C) identification of cyber opposition forces trained and certified to operate at the joint standard, as issued under subsection (b);

(D) identification of the annual exercises that will include participation of the cyber opposition forces; and

(E) identification of any shortfalls in resources that may prevent annual exercises using cyber opposition forces; and

(3) any other matters the Secretary of Defense considers appropriate.

SEC. 1645. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

10 USC 2224 note.

(a) AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT.—

(1) IN GENERAL.—Subject to a determination by the Secretary of Defense, the Secretary may provide cyber protection support for the personal technology devices of the personnel described in paragraph (2).

(2) AT-RISK PERSONNEL.—The personnel described in this paragraph are personnel of the Department of Defense—

(A) who the Secretary determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the Department; and

(B) whose personal technology devices are highly vulnerable to cyber attacks and hostile information collection activities.

(b) NATURE OF CYBER PROTECTION SUPPORT.—Subject to the availability of resources, the cyber protection support provided to personnel under subsection (a) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(c) LIMITATION ON SUPPORT.—Nothing in this section shall be construed—

(1) to encourage personnel of the Department of Defense to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior Department personnel using personal devices and networks in an official capacity.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of cyber protection support under subsection (a). The report shall include—

(1) a description of the methodology used to make the determination under subsection (a)(2); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (a).

(e) PERSONAL TECHNOLOGY DEVICES DEFINED.—In this section, the term "personal technology devices" means technology devices used by Department of Defense personnel outside of the scope of their employment with the Department and includes networks to which such devices connect.

10 USC 2224 note.

SEC. 1646. LIMITATION ON FULL DEPLOYMENT OF JOINT REGIONAL SECURITY STACKS.

(a) LIMITATION.—The Secretary of a military department or the head of a Defense Agency may not declare that such department or Defense Agency has achieved full operational capability for the deployment of joint regional security stacks until the date on which—

(1) the department or Defense Agency concerned completes operational test and evaluation activities to determine the effectiveness, suitability, and survivability of the joint regional security stacks system of such department or Defense Agency; and

(2) written certification that such testing and evaluation activities have been completed is provided to the Secretary of such department or the head of such Defense Agency by the appropriate operational test and evaluation organization of such department or Defense Agency.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of a military department or the head of a Defense Agency may waive the requirements of subsection (a) if a certification described in paragraph (2) is provided to the Secretary of Defense, and signed by—

(A) the Secretary of the military department or the head of the Defense Agency concerned;

(B) the Director of Operational Test and Evaluation for the Department of Defense; and

(C) the Chief Information Officer of the Department of Defense.

(2) CERTIFICATION.—A certification described in this subsection is a written certification that—

(A) the testing and evaluation activities required under subsection (a) are unnecessary, accompanied by an explanation of the reasons such activities are unnecessary;

(B) the effectiveness, suitability, and survivability of the joint regional security stacks system of the military department or Defense Agency concerned has been demonstrated by methods other than the testing and evaluation activities required under subsection (a), accompanied by supporting data; or

(C) national security needs justify full deployment of the joint regional security stacks system of the military department or Defense Agency concerned before the test and evaluation activities required under subsection (a) can be completed, accompanied by an explanation of such justification and a risk management plan.

SEC. 1647. ADVISORY COMMITTEE ON INDUSTRIAL SECURITY AND INDUSTRIAL BASE POLICY.

(a) ADVISORY COMMITTEE.—Not later than April 30, 2017, the Secretary of Defense shall establish an advisory committee (referred to in this section as the "Committee") to review, assess, and make recommendations with respect to industrial security and industrial base policy.

(b) DUTIES.—The Committee shall—

(1) review and assess—

(A) the national industrial security program for cleared facilities and the protection of the information and networking systems of cleared defense contractors;

(B) policies and practices relating to physical security and installation access at installations of the Department of Defense;

(C) information security and cyber defense policies, practices, and reporting relating to the unclassified information and networking systems of defense contractors;

(D) policies, practices, regulations, and reporting relating to industrial base issues; and

(E) any other matters the Secretary determines to be appropriate; and

(2) make recommendations to the Secretary based on such review and assessment.

(c) MEMBERS.—The Committee shall be composed of 10 members appointed by the Secretary of Defense of which five members shall be representatives of non-governmental entities and five members shall be representatives of departments or agencies of the Federal Government.

(d) MEETINGS.—The Committee shall meet not less often than once annually until the date on which the Committee terminates under subsection (e).

(e) TERMINATION.—The Committee shall terminate on September 30, 2022.

SEC. 1648. CHANGE IN NAME OF NATIONAL DEFENSE UNIVERSITY'S INFORMATION RESOURCES MANAGEMENT COLLEGE TO COLLEGE OF INFORMATION AND CYBERSPACE.

(a) IN GENERAL.—Section 2165(b)(5) of title 10, United States Code, is amended by striking "Information Resources Management College" and inserting "College of Information and Cyberspace".

10 USC 2165 note.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Information Resources Management College shall be considered to be a reference to the College of Information and Cyberspace.

SEC. 1649. EVALUATION OF CYBER VULNERABILITIES OF F–35 AIRCRAFT AND SUPPORT SYSTEMS.

(a) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall complete an evaluation of the cyber vulnerabilities of the F–35 aircraft and the support systems of the aircraft under section 1647(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the evaluation completed under paragraph (1) that includes—

(A) the findings of the Secretary with respect to the evaluation;

(B) identification of any major information assurance deficiencies relating to the F–35 aircraft or the support systems of the aircraft (including the autonomic logistics information system); and

(C) a cyber vulnerability mitigation strategy for F–35 aircraft and the support systems of the aircraft.

(3) WAIVER PROHIBITED.—Notwithstanding section 1647(a)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118), the Secretary may not waive the requirements of paragraphs (1) and (2).

(b) TOOLS AND SOLUTIONS FOR ASSESSING AND MITIGATING CYBER VULNERABILITIES.—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

10 USC 2224 note.

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) TOOLS AND SOLUTIONS FOR ASSESSING AND MITIGATING CYBER VULNERABILITIES.—In addition to carrying out the evaluation of cyber vulnerabilities of major weapon systems of the Department under this section, the Secretary may—

"(1) develop tools to improve the detection and evaluation of cyber vulnerabilities;

"(2) conduct non-recurring engineering for the design of solutions to mitigate cyber vulnerabilities; and

"(3) establish Department-wide information repositories to share findings relating to the evaluation and mitigation of cyber vulnerabilities.".

SEC. 1650. EVALUATION OF CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

10 USC 2224 note.

(a) PLAN FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the evaluation of the cyber vulnerabilities of the critical infrastructure of the Department of Defense.

(2) ELEMENTS.—The plan under paragraph (1) shall include—

(A) an identification of each of the military installations to be evaluated; and

(B) an estimate of the cost of the evaluation.

(3) PRIORITY IN EVALUATION.—The plan under paragraph (1) shall prioritize the evaluation of military installations based on the criticality of the infrastructure supporting such installations, as determined by the Chairman of the Joint Chiefs of Staff based on an assessment of—

(A) the Armed Forces stationed at such military installations; and

(B) threats to such military installations.

(4) INTEGRATION WITH OTHER EFFORTS.—The plan under paragraph (1) shall build upon other efforts of Department of Defense relating to the identification and mitigation of cyber vulnerabilities of major weapon systems and critical infrastructure of the Department and shall not duplicate such efforts.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary submits the plan under subsection (a), the Secretary, acting through a covered research laboratory, shall initiate a pilot program under which the Secretary shall assess the feasibility and advisability of applying new, innovative methodologies or engineering approaches—

(A) to improve the defense of control systems against cyber attacks;

(B) to increase the resilience of military installations against cybersecurity threats;

(C) to prevent or mitigate the potential for high-consequence cyber attacks; and

(D) to inform future requirements for the development of such control systems.

(2) LOCATIONS.—The Secretary shall carry out the pilot program under paragraph (1) at not fewer than two military installations selected by the Secretary from among military installations that support the most critical mission-essential functions of the Department of Defense as identified in the plan under subsection (a).

(3) TOOLS.—In carrying out the pilot program under paragraph (1), the Secretary may use tools and solutions developed under subsection (e).

(4) REPORT.—Not later than December 31, 2019, the Secretary shall submit to the congressional defense committees a final report on the pilot program that includes—

(A) a description of the activities carried out under the pilot program at each military installation concerned;

(B) an assessment of the value of the methodologies or tools applied during the pilot program in increasing

the resilience of military installations against cybersecurity threats;

(C) recommendations for administrative or legislative actions to improve the ability of the Department to employ methodologies and tools for reducing cyber vulnerabilities in other activities of the Department of Defense; and

(D) recommendations for including such methodologies or tools as requirements for relevant activities, including technical requirements for systems or military construction projects.

(5) TERMINATION.—The authority of the Secretary to carry out the pilot program under this subsection shall terminate on September 30, 2019.

(c) EVALUATION.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall complete an evaluation of the cyber vulnerabilities of the critical infrastructure of the Department of Defense in accordance with the plan under subsection (a).

(2) RISK MITIGATION STRATEGIES.—The Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation under paragraph (1).

(d) STATUS ON PROGRESS.—The Secretary shall include in each quarterly cyber operations briefing submitted to Congress under section 484 of title 10, United States Code, a summary of any activities carried out as part of—

(1) the pilot program under subsection (b); or

(2) the evaluation under subsection (c).

(e) TOOLS AND SOLUTIONS.—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;

(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE OF THE DEPARTMENT OF DEFENSE.—The term "critical infrastructure of the Department of Defense" means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the Armed Forces that the incapacitation or destruction of such asset by a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

(2) COVERED RESEARCH LABORATORY.—The term "covered research laboratory" means—

(A) a research laboratory of the Department of Defense; or

(B) a research laboratory of the Department of Energy approved by the Secretary of Energy to carry out the pilot program under subsection (b).

SEC. 1651. STRATEGY TO INCORPORATE ARMY RESERVE COMPONENT CYBER PROTECTION TEAMS INTO DEPARTMENT OF DEFENSE CYBER MISSION FORCE.

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on a strategy for incorporating reserve component cyber protection teams into the cyber mission force of the Department of Defense.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall include, at minimum, the following:

(1) A timeline for incorporating reserve component cyber protection teams into the cyber mission force of the Department of Defense, including a timeline for the appropriate training of such teams.

(2) Identification of the specific reserve component cyber protection teams to be incorporated into the cyber mission force of the Department of Defense.

(3) An assessment of how the incorporation of reserve component cyber protection teams into the cyber mission force of the Department of Defense might be used to enhance readiness through improved individual and collective training capabilities.

(4) A status report on the progress of the Army in issuing additional guidance that clarifies how reserve component cyber protection teams of the Army National Guard can support State and civil operations in National Guard status under title 32, United States Code.

(5) Other matters as considered appropriate by the Secretary of the Army.

(c) RESERVE COMPONENT CYBER PROTECTION TEAMS DEFINED.—In this section, the term "reserve component cyber protection teams" means cyber protection teams of—

(1) the Army National Guard; and

(2) the other reserve components of the Army.

SEC. 1652. STRATEGIC PLAN FOR THE DEFENSE INFORMATION SYSTEMS AGENCY.

(a) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less often than once every 2 fiscal years thereafter until September 30, 2022, the Director of the Defense Information Systems Agency, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense, shall develop or update, as appropriate, a strategic plan for the Agency that includes—

(1) a comprehensive review of the requirements and mission of the Agency with respect to research, development, test, and evaluation; and

(2) an assessment of the adequacy of the activities, facilities, workforce, and resources of the Agency in meeting such requirements and fulfilling such mission.

(b) COVERED PERIOD.—Each strategic plan under subsection (a) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed or updated.

(c) ELEMENTS.—Each strategic plan under subsection (a) shall include the following elements:

(1) A statement of the mission of the Defense Information Systems Agency that—

(A) addresses the critical operations and functions carried out by the Agency; and

(B) includes an assessment of projected changes to such operations and functions for the period covered by the plan.

(2) An assessment of the personnel, facilities, and research, development, test, and evaluation requirements of the Department of Defense that are needed to support the operations of the Agency for the period covered by the plan.

(3) An identification of performance metrics for measuring the successful achievement of objectives for the period covered by the plan.

(4) An assessment of the programs and plans of the Agency with respect to research, development, test, and evaluation, including the projected resources, personnel, and supporting infrastructure needed to carry out such programs and plans.

(5) An assessment of the facilities and resources of the Agency that are used for research, development, test, and evaluation activities.

(6) A description of the plans and business case analyses supporting any significant modifications to the facilities, workforce, and resources of the Agency (including any modifications involving the expansion, divestment, consolidation, or curtailment of activities) that are proposed, projected, or recommended by the Director.

(7) Any other matters determined to be appropriate by the Director.

10 USC 2224 note.

SEC. 1653. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY; LIMITATION ON SOFTWARE LICENSING.

(a) INFORMATION SECURITY MONITORING PLAN AND POLICY.—

(1) PLAN AND POLICY.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command shall jointly develop—

(A) a plan for a modernized, Department-wide automated information security continuous monitoring capability that includes—

(i) a proposed information security architecture for the capability;

(ii) a concept of operations for the capability; and

(iii) requirements with respect to the functionality and interoperability of the tools, sensors, systems, processes, and other components of the continuous monitoring capability; and

(B) a comply-to-connect policy that requires systems to automatically comply with the configurations of the networks of the Department as a condition of connecting to such networks.

(2) CONSULTATION.—In developing the plan and policy under paragraph (1), the Chief Information Officer and the Commander shall consult with the Principal Cyber Advisor to the Secretary of Defense.

(3) IMPLEMENTATION.—The Chief Information Officer and the Commander shall each issue such directives as they each

consider appropriate to ensure compliance with the plan and policy developed under paragraph (1).

(4) INCLUSION IN BUDGET MATERIALS.—The Secretary of Defense shall include funding and program plans relating to the plan and policy under paragraph (1) in the budget materials submitted by the Secretary in support of the budget of the President for fiscal year 2019 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(5) INTEGRATION WITH OTHER CAPABILITIES.—The Chief Information Officer and the Commander shall ensure that information generated through automated and automation-assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes shall be accessible and usable in machine-readable form to appropriate cyber protection teams and computer network defense service providers.

(6) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by paragraph (1) shall comply with the software license inventory requirements of the plan issued pursuant to section 937 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2223 note) and updated pursuant to section 935 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2223 note).

(b) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any fiscal year thereafter for the Department of Defense may be obligated or expended on a contract for a software license with a cost of more than $5,000,000 in a fiscal year unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply—

(A) beginning on January 1, 2018, with respect to any contract entered into by the Secretary of Defense on or after such date for the licensing of software; and

(B) beginning on January 1, 2020, with respect to any contract entered into by the Secretary for the licensing of software that was in effect on December 31, 2017.

SEC. 1654. REPORTS ON DETERRENCE OF ADVERSARIES IN CYBERSPACE.

(a) REPORT OF THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States for deterring and responding to imminent threats in cyberspace and malicious cyber activities carried out against the United States by foreign governments and terrorist organizations.

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

(A) A description of the military and nonmilitary options described in paragraph (1), including citations to relevant provisions of law, regulation, or directives or other policy documents of the Federal Government.

(B) Descriptions of relevant authorities, rules of engagement, command and control structures, and response plans relating to such options, including—

(i) authorities that have been delegated by the President to the Secretary of Defense for the conduct of cyber operations;

(ii) operational authorities delegated by the Secretary to the Commander of the United States Cyber Command for military cyber operations;

(iii) identification of how the law of war applies to cyber operations of the Department of Defense;

(iv) an assessment of the effectiveness of each such option; and

(v) an integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized by armed force, function, risk areas, and long-term strategic planning issues.

(b) REPORT OF THE PRESIDENT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of Defense submits the report under subsection (a), the President shall submit to the congressional defense committees a report describing the types of actions carried out in cyberspace against the United States that may warrant a military response.

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

(A) Discussion of the types of actions carried out in cyberspace that may warrant a military response or operation.

(B) A description of the role of the military in responding to acts of aggression in cyberspace against the United States.

(C) A description of the circumstances required for a military response to a cyber attack against the United States.

(D) A plan for articulating a declaratory policy on the use of cyber weapons by the United States.

SEC. 1655. SENSE OF CONGRESS ON CYBER RESILIENCY OF THE NETWORKS AND COMMUNICATIONS SYSTEMS OF THE NATIONAL GUARD.

It is the sense of Congress that, to the greatest extent practicable, the National Guard should continuously seek ways to improve, expand, and provide resources for its communications and networking systems to enhance the performance and resilience of such systems in the face of cyber attacks, disruptions, and other threats.

Subtitle D—Nuclear Forces

SEC. 1661. IMPROVEMENTS TO COUNCIL ON OVERSIGHT OF NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) RESPONSIBILITIES.—Subsection (d) of section 171a of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting before the period the following: ", and including with respect to the integrated tactical warning and attack assessment systems, processes, and enablers, and continuity of the governmental functions of the Department of Defense"; and

(2) in paragraph (2)(C), by inserting before the period the following: "(including space system architectures and associated user terminals and ground segments)".

(b) ENSURING CAPABILITIES.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsections:

"(i) REPORTS ON SPACE ARCHITECTURE DEVELOPMENT.—(1) Not less than 90 days before each of the dates on which a system described in paragraph (2) achieves Milestone A or Milestone B approval, the Under Secretary of Defense for Acquisitions, Technology, and Logistics shall submit to the congressional defense committees a report prepared by the Council detailing the implications of any changes to the architecture of such a system with respect to the systems, capabilities, and programs covered under subsection (d).

"(2) A system described in this paragraph is any of the following:

"(A) Advanced extremely high frequency satellites.

"(B) The space-based infrared system.

"(C) The integrated tactical warning and attack assessment system and its command and control system.

"(D) The enhanced polar system.

"(3) In this subsection, the terms 'Milestone A approval' and 'Milestone B approval' have the meanings given such terms in section 2366(e) of this title.

"(j) NOTIFICATION OF REDUCTION OF CERTAIN WARNING TIME.—(1) None of the funds authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year may be used to change any command, control, and communications system described in subsection (d)(1) in a manner that reduces the warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States unless—

"(A) the Secretary of Defense notifies the congressional defense committees of such proposed change and reduction; and

"(B) a period of one year elapses following the date of such notification.

"(2) Not later than March 1, 2017, and each year thereafter, the Council shall determine whether the integrated tactical warning and attack assessment system and its command and control system have met all warfighter requirements for operational availability,

survivability, and endurability. If the Council determines that such systems have not met such requirements, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees—

"(A) an explanation for such negative determination;

"(B) a description of the mitigations that are in place or being put in place as a result of such negative determination; and

"(C) the plan of the Secretary and the Chairman to ensure that the Council is able to make a positive determination in the following year.".

(c) REPORTING REQUIREMENTS.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "At the same time" and all that follows through "title 31," and inserting the following: "During the period preceding January 31, 2021, at the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, and from time to time after such period at the discretion of the Council,"; and

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

"(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.".

SEC. 1662. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.

(a) SPECIAL NUCLEAR MATERIAL.—

(1) IN GENERAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.".

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**Physical protection**" and inserting "**Control and physical protection**".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 128 and inserting the following new item:

"128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.".

(b) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—Section 130e of such title is amended—

10 USC 121 prec.

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—In addition to any other

authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to determine whether to exempt such information from disclosure described in such subsection.

"(c) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—(1) Department of Defense critical infrastructure security information covered by a written determination under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

"(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is covered by a written determination under subsection (a) shall not apply to such information.

"(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).".

SEC. 1663. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term "covered parts" means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1664. PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.

None of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 or 2018 may be obligated or expended to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

SEC. 1665. LIMITATION ON AVAILABILITY OF FUNDS FOR EXTENSION OF NEW START TREATY.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Department of Defense may be obligated or expended to extend the New START Treaty unless—

(1) the Chairman of the Joint Chiefs of Staff submits the report under subsection (b);

(2) the Director of National Intelligence submits the National Intelligence Estimate under subsection (c)(2); and

(3) a period of 120 days elapses following the submission of both the report and the National Intelligence Estimate.

(b) REPORT.—The Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees a report detailing the following:

(1) The impacts on the nuclear forces and force planning of the United States with respect to a State Party to the New START Treaty developing a capability to conduct a rapid reload of its ballistic missiles.

(2) Whether any State Party to the New START Treaty has significantly increased its upload capability with non-deployed nuclear warheads and the degree to which such developments impact crisis stability and the nuclear forces, force planning, use concepts, and deterrent strategy of the United States.

(3) The extent to which non-treaty-limited nuclear or strategic conventional systems pose a threat to the United States or the allies of the United States.

(4) The extent to which violations of arms control treaty and agreement obligations pose a risk to the national security of the United States and the allies of the United States, including the perpetuation of violations ongoing as of the date of the enactment of this Act, as well as potential further violations.

(5) The extent to which—

(A) the "escalate-to-deescalate" nuclear use doctrine of the Russian Federation is deterred under the current nuclear force structure, weapons capabilities, and declaratory policy of the United States; and

(B) deterring the implementation of such a doctrine has been integrated into the war plans of the United States.

(6) The status of the nuclear weapons, nuclear weapons infrastructure, and nuclear command and control modernization activities of the United States, and the impact such status has on plans to—

(A) implement the reduction of the nuclear weapons of the United States; or

(B) further reduce the numbers and types of such weapons.

(7) Whether, and if so, the reasons that, the New START Treaty, and the extension of the treaty as of the date of the report, is in the national security interests of the United States.

(c) NATIONAL INTELLIGENCE ESTIMATE.—

(1) PRODUCTION.—The Director of National Intelligence shall produce a National Intelligence Estimate on the following:

(A) The nuclear forces and doctrine of the Russian Federation.

(B) The nuclear weapons research and production capability of Russia.

(C) The compliance of Russia with respect to arms control obligations (including treaties, agreements, and other obligations).

(D) The doctrine of Russia with respect to targeting adversary critical infrastructure and the relationship

between such doctrine and other Russian war planning, including, at a minimum, "escalate-to-deescalate" concepts.

(2) SUBMISSION.—The Director of National Intelligence shall submit, consistent with the protection of sources and methods, to the appropriate congressional committees the National Intelligence Estimate produced under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committees on Armed Services of the House of Representatives and the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1666. CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.

10 USC 2431 note.

(a) ANNUAL CERTIFICATION.—Not later than March 31, 2017, and each year thereafter through 2020, the Commander of the United States Strategic Command shall certify to the Secretary of Defense and the congressional defense committees that—

(1) the Air Force is appropriately organized, staffed, trained, and equipped to carry out the portions of the integrated tactical warning and attack assessment mission assigned to the Air Force that are survivable and endurable; and

(2) the programs and plans of the Air Force for sustaining, modernizing, training, and exercising capabilities relating to such mission are sufficient to ensure the success of the mission.

(b) INABILITY TO CERTIFY.—If the Commander does not make a certification under subsection (a) by March 31 of any year in which a certification is required under such subsection, the Secretary of the Air Force shall take immediate actions to consolidate all terrestrial and aerial components of the integrated tactical warning and attack assessment system of the Air Force that are survivable and endurable under the major command of the Air Force commanded by the single general officer that is responsible for all aspects of the Air Force nuclear mission, as described by Air Force Program Action Directive D16–01 dated August 2, 2016.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any responsibilities and authorities relating to the integrated tactical warning and attack assessment system in effect on the date of the enactment of this Act pursuant to the Agreement Between the Government of the United States of America and the Government of Canada on the North American Aerospace Defense Command and the terms of reference for the North American Aerospace Defense Command.

SEC. 1667. MATTERS RELATING TO INTERCONTINENTAL BALLISTIC MISSILES.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense shall be obligated or expended for—

(A) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(B) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any of the following activities:

(A) The maintenance or sustainment of intercontinental ballistic missiles.

(B) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

(C) Reduction in the number of deployed intercontinental ballistic missiles that are carried out in compliance with—

(i) the limitations of the New START Treaty (as defined in section 494(a)(2)(D) of title 10, United States Code); and

(ii) section 1644 of the Carl Levin an Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651; 10 U.S.C. 494 note).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force and the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees a report regarding efforts to carry out section 1057 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 495 note).

(2) ELEMENTS.—The report under paragraph (1) shall include the following with respect to the period of the expected lifespan of the Minuteman III system:

(A) The number of nuclear warheads required to support the capability to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet.

(B) The current and planned (through 2030) readiness state of nuclear warheads intended to support the capability to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet, including which portion of the active or inactive stockpile such warheads are classified within.

(C) The current and planned (through 2030) reserve of components or subsystems required to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet, including the plans or industrial capability and capacity to produce more such components or subsystems, if needed.

(D) The current and planned (through 2030) time required to commence redeployment of multiple independently retargetable reentry vehicles across the intercontinental ballistic missile fleet, including the time required to finish deployment across the full fleet.

(E) The estimated cost of maintaining the capability and warheads required to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet.

SEC. 1668. REQUESTS FOR FORCES TO MEET SECURITY REQUIREMENTS FOR LAND-BASED NUCLEAR FORCES.

(a) EXPEDITED DECISION FOR SECURING LAND-BASED MISSILE FIELDS.—To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

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

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

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

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

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

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics, not more than 75 percent may be obligated or expended until the date on which the Under Secretary certifies to the congressional defense committees that there is a acquisition process in place to ensure that a UH–1N replacement aircraft is under contract in fiscal year 2018.

SEC. 1669. REPORT ON RUSSIAN AND CHINESE POLITICAL AND MILITARY LEADERSHIP SURVIVABILITY, COMMAND AND CONTROL, AND CONTINUITY OF GOVERNMENT PROGRAMS AND ACTIVITIES.

(a) REPORT.—Not later than January 15, 2017, the Director of National Intelligence shall submit to the appropriate congressional committees, consistent with the protection of sources and methods, a report on the leadership survivability, command and control, and continuity of government programs and activities with respect to the People's Republic of China and the Russian Federation, respectively. The report shall include the following:

(1) The goals and objectives of such programs and activities of each respective country.

(2) An assessment of how such programs and activities fit into the political and military doctrine and strategy of each respective country.

(3) An assessment of the size and scope of such activities, including the location and description of above-ground and underground facilities important to the political and military leadership survivability, command and control, and continuity of government programs and activities of each respective country.

(4) An identification of which facilities various senior political and military leaders of each respective country are expected to operate out of during crisis and wartime.

(5) A technical assessment of the political and military means and methods for command and control in wartime of each respective country.

(6) An identification of key officials and organizations of each respective country involved in managing and operating such facilities, programs, and activities, including the command structure for each organization involved in such programs and activities.

(7) An assessment of how senior leaders of each respective country measure the effectiveness of such programs and activities.

(8) An estimate of the annual cost of such programs and activities.

(9) An assessment of the degree of enhanced survivability such programs and activities can be expected to provide in various military scenarios ranging from limited conventional conflict to strategic nuclear employment.

(10) An assessment of the type and extent of foreign assistance, if any, in such programs and activities.

(11) An assessment of the status and the effectiveness of the intelligence collection of the United States on such programs and capabilities, and any gaps in such collection.

(12) Any other matters the Director determines appropriate.

(b) COUNCIL ASSESSMENT.—Not later than 90 days after the date on which the Director submits the report under subsection (a), the Council on Oversight of the National Leadership Command, Control, and Communications System established by section 171a of title 10, United States Code, shall submit to the appropriate congressional committees an assessment of how the command, control, and communications systems for the national leadership of the People's Republic of China and the Russian Federation, respectively, compare to such system of the United States.

(c) STRATCOM.—Together with the assessment submitted under subsection (b), the Commander of the United States Strategic Command shall submit to the appropriate congressional committees the views of the Commander on the report under subsection (a), including a detailed description for how the leadership survivability, command and control, and continuity of government programs and activities of the People's Republic of China and the Russian Federation, respectively, are considered in the plans and options under the responsibility of the Commander under the unified command plan.

(d) FORMS.—Each report or assessment submitted under this section may be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1670. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear enterprise of the Department of Defense, including the National Leadership Command Capability and Nuclear Command, Control, and Communications Enterprise Review.

(b) BRIEFING.—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

(c) CONFORMING REPEAL.—Section 1658 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1125) is repealed.

SEC. 1671. SENSE OF CONGRESS ON NUCLEAR DETERRENCE.

It is the sense of Congress that—

(1) the nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and the allies of the United States in an increasingly dangerous world in which foreign adversaries, including the Russian Federation, are making explicit nuclear threats against the United States and such allies;

(2) strong United States nuclear forces assure the allies of the United States that the extended deterrence guarantees of the United States are credible and that the resolve of the United States remains strong even in the face of nuclear provocations, including nuclear coercion and blackmail;

(3) the prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary;

(4) possessing a range of capabilities and options to counter nuclear threats assures the allies of the United States and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of such allies and potential adversaries;

(5) the declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences;

(6) in support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable aircraft, and related command and control elements; and

(C) ensure the broadest participation of allies of the United States in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and such allies and their solidarity against nuclear threats and coercion; and

(7) with respect to the North Atlantic Treaty Organization (NATO)—

(A) NATO has made it clear at the NATO summit in Warsaw, Poland, in July 2018, that—

(i) "the fundamental purpose of NATO's nuclear capability is to preserve peace, prevent coercion, and deter aggression"; and

(ii) "Nuclear weapons are unique. Any employment of nuclear weapons against NATO would fundamentally alter the nature of a conflict. The circumstances in which NATO might have to use nuclear weapons are extremely remote. If the fundamental security of any of its members were to be threatened however, NATO has the capabilities and resolve to impose costs on an adversary that would be unacceptable and far outweigh the benefits that an adversary could hope to achieve."; and

(B) accordingly, effective deterrence requires that NATO conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.

SEC. 1672. SENSE OF CONGRESS ON IMPORTANCE OF INDEPENDENT NUCLEAR DETERRENT OF UNITED KINGDOM.

It is the sense of Congress that—

(1) the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States;

(2) nuclear deterrence is and will continue to be the highest priority mission of the Department of Defense and the United States benefits when the closest ally of the United States clearly and unequivocally sets similar priorities;

(3) the United States sees the nuclear deterrent of the United Kingdom as central to trans-Atlantic security and to the commitment of the United Kingdom to NATO to spend two percent of gross domestic product on defense;

(4) the commitment of the United Kingdom to maintain a continuous at-sea deterrence posture today and in the future complements the deterrent capabilities of the United States and provides a credible "second center of decision making" which ensures potential attackers cannot discount the solidarity of the mutual relationship of the United States and the United Kingdom;

(5) the United States Navy must execute the Ohio-class replacement submarine program on time and within budget, seeking efficiencies and cost savings wherever possible, to ensure that the program delivers a Common Missile Compartment, the Trident II (D5) Strategic Weapon System, and associated equipment and production capabilities, that support the successful development and deployment of the Dreadnought submarines of the United Kingdom; and

(6) the close technical collaboration, especially expert mutual scientific peer review, provides valuable resilience and cost effectiveness to the respective deterrence programs of the United States and the United Kingdom.

Subtitle E—Missile Defense Programs

SEC. 1681. NATIONAL MISSILE DEFENSE POLICY.

10 USC 2431 note.

(a) POLICY.—It is the policy of the United States to maintain and improve an effective, robust layered missile defense system capable of defending the territory of the United States, allies, deployed forces, and capabilities against the developing and increasingly complex ballistic missile threat with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) CONFORMING REPEAL.—Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is repealed.

SEC. 1682. EXTENSIONS OF PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

(a) PROHIBITION ON INTEGRATION OF CERTAIN MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Section 130h of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e);

(B) by inserting after subsection (c) the following new subsection (d):

"(d) INTEGRATION.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation or a missile defense system of the People's Republic of China into any missile defense system of the United States."; and

(C) by striking the section heading and inserting the following: "**Prohibitions relating to missile defense information and systems**".

10 USC 121 prec.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of title 10, United States Code, is amended by striking the item relating to section 130h and inserting the following new item:

"130h. Prohibitions relating to missile defense information and systems.".

(3) CONFORMING REPEALS.—Sections 1672 and 1673 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1130) are repealed.

(b) EXTENSION OF SUNSET.—Section 130h(e) of title 10, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"(e) SUNSET.—The prohibitions in subsections (a), (b), and (d) shall expire on January 1, 2019.".

10 USC 2431 note.

SEC. 1683. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: "for each fiscal year over the five-fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027"; and

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

"(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).".

SEC. 1684. REVIEW OF THE MISSILE DEFEAT POLICY AND STRATEGY OF THE UNITED STATES.

(a) NEW REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a new review of the missile defeat capability, policy, and strategy of the United States, with respect to—

(1) left- and right-of-launch ballistic missile defense for—

(A) both regional and homeland purposes; and

(B) the full range of active, passive, kinetic, and non-kinetic defense measures across the full spectrum of land-, air-, sea-, and space-based platforms;

(2) the integration of offensive and defensive forces for the defeat of ballistic missiles, including against weapons initially deployed on ballistic missiles, such as hypersonic glide vehicles; and

(3) cruise missile defense of the homeland.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The missile defeat policy, strategy, and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(2) The role of deterrence in the missile defeat policy and strategy of the United States.

(3) The missile defeat posture, capability, and force structure of the United States.

(4) With respect to both the five- and ten-year periods beginning on the date of the review, the planned and desired end-state of the missile defeat programs of the United States, including regarding the integration and interoperability of such programs with the joint forces and the integration and interoperability of such programs with allies, and specific benchmarks, milestones, and key steps required to reach such end-states.

(5) The process for determining requirements, force structure, and inventory objectives for missile defeat capabilities under such programs, including input from the joint military requirements process.

(6) The organization, execution, and oversight of acquisition for the missile defeat programs of the United States.

(7) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs and the process for ensuring accountability of each stakeholder.

(8) Standards for the military utility, operational effectiveness, suitability, and survivability of the missile defeat systems of the United States.

(9) The method in which resources for the missile defeat mission are planned, programmed, and budgeted within the Department of Defense.

(10) The near-term and long-term costs and cost effectiveness of such programs.

(11) The options for affecting the offense-defense cost curve.

(12) The role of international cooperation in the missile defeat policy and strategy of the United States and the plans, policies, and requirements for integration and interoperability of missile defeat capability with allies.

(13) Options for increasing the frequency of the codevelopment of missile defeat capabilities with allies of the United States in the near-term and far-term.

(14) Declaratory policy governing the employment of missile defeat capabilities and the military options and plans and employment options of such capabilities.

(15) The role of multi-mission defense and other assets of the United States, including space and terrestrial sensors and plans to achieve multi-mission capability in current, planned, and other future assets and acquisition programs.

(16) The indications and warning required to meet the missile defeat strategy and objectives of the United States described in paragraph (1) and the key enablers and programs to achieve such indications and warning.

(17) The impact of the mobility, countermeasures, and denial and deception capabilities of adversaries on the indications and warning described in paragraph (16) and the consequences on the missile defeat capability, objectives, and military options of the United States and the plans of the combatant commanders.

(18) Any other matters the Secretary determines relevant.

(c) REPORTS.—

(1) RESULTS.—Not later than January 31, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

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

(3) ANNUAL IMPLEMENTATION UPDATES.—During the five-year period beginning on the date of the submission of the report under paragraph (1), the Director of Cost Assessment and Program Evaluation shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees annual status updates detailing the progress of the Secretary in implementing the missile defeat strategy of the United States.

(4) THREAT REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an unclassified summary, consistent with the protection of intelligence sources and methods, of—

(A) as of the date of the report required by this paragraph, the ballistic and cruise missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short-, medium-, intermediate-, and long-range nuclear and non-nuclear ballistic and cruise missile threats; and

(B) an assessment of such threat in 2026.

(5) DECLARATORY POLICY, CONCEPT OF OPERATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-OF-LAUNCH CAPABILITY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees the following:

(A) The unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States against potential targets.

(B) Both the classified and unclassified concept of operations for the use of such capability across and between the combatant commands.

(C) Both the classified and unclassified employment strategy, plans, and options for such capability.

(d) NOTIFICATION.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or fiscal year 2018 for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 180 days has elapsed following the date of such notification.

(2) NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The non-standard acquisition processes

and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled "Missile Defense Program Direction" signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

(e) DESIGNATION REQUIRED.— 10 USC 2431 note.

(1) AUTHORITY.—Not later than March 31, 2018, the Secretary of Defense shall designate a military department or Defense Agency with acquisition authority with respect to—

(A) the capability to defend the homeland from cruise missiles; and

(B) left-of-launch ballistic missile defeat capability.

(2) DISCRETION.—The Secretary may designate a single military department or Defense Agency with the acquisition authority described in paragraph (1) or designate a separate military department or Defense Agency for each function specified in such paragraph.

(3) VALIDATION.—In making a designation under paragraph (1), the Secretary shall include a description of the manner in which the military requirements for such capabilities will be validated.

(f) DEFINITIONS.—In this section: 10 USC 2431 note.

(1) The term "Defense Agency" has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(2) The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1685. MAXIMIZING AEGIS ASHORE CAPABILITY AND DEVELOPING MEDIUM RANGE DISCRIMINATION RADAR.

(a) ANTI-AIR WARFARE CAPABILITY OF AEGIS ASHORE SITES.—

(1) AUTHORIZATION.—Using funds authorized to be appropriated by sections 101 and 201 of this Act or otherwise made available for fiscal year 2017 for procurement and research, development, test, and evaluation, the Secretary of Defense shall continue the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland.

(2) LONG-LEAD COMPONENTS.—Of the funds specified in paragraph (1), not more than $25,000,000 may be obligated or expended for the procurement of long-lead components to provide the anti-air warfare capabilities described in such paragraph.

(3) REPROGRAMMING AND TRANSFERS.—Any reprogramming or transfer made to carry out paragraph (1) shall be carried out in accordance with established procedures for reprogramming or transfers.

(b) AEGIS ASHORE CAPABILITY EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees an evaluation of the ballistic missile and air threat against the continental United States and the efficacy (including with respect to cost, ideal and optimal deployment locations, and potential deployment schedule) of deploying one or more Aegis Ashore sites and Aegis

Ashore components for the ballistic and cruise missile defense of the continental United States.

(c) AEGIS ASHORE SITE AND MEDIUM RANGE DISCRIMINATION RADAR ON THE PACIFIC MISSILE RANGE FACILITY.—

(1) LIMITATION.—During fiscal year 2017, the Secretary of Defense may not reduce the manning levels or test capability, as such levels and capability existed on January 1, 2015, of the Aegis Ashore site at the Pacific Missile Range Facility in Hawaii, including by putting such site into a "cold" or "stand by" status.

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall notify the congressional defense committees on whether the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii identified by the report under section 1689(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1144) would require an update to the environmental impact statement required for constructing the Aegis Ashore site at the Pacific Missile Range Facility.

(B) In carrying out the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, if the Director determines that an updated environmental impact statement, a new environmental impact statement, or another action is required or recommended pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), the Director shall commence such action by not later than 60 days after the date on which the Director makes the notification under subparagraph (A).

(3) EVALUATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees an evaluation of the ballistic missile and air threat against Hawaii (including with respect to threats to the Armed Forces and installations located in Hawaii) and the efficacy (including with respect to cost and potential alternatives) of—

(A) making the Aegis Ashore site at the Pacific Missile Range Facility operational;

(B) deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii described in paragraph (2)(A); and

(C) any other alternative the Secretary and the Chairman determine appropriate.

(d) FORMS.—The evaluations submitted under subsections (b) and (c)(3) shall each be submitted in unclassified form, but may each include a classified annex.

10 USC 2431 note.

SEC. 1686. TECHNICAL AUTHORITY FOR INTEGRATED AIR AND MISSILE DEFENSE ACTIVITIES AND PROGRAMS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Director of the Missile Defense Agency is the technical authority of the Department of Defense for integrated air and missile defense activities and programs,

including joint engineering and integration efforts for such activities and programs, including with respect to defining and controlling the interfaces of such activities and programs and the allocation of technical requirements for such activities and programs.

(2) DETAILEES.—

(A) In carrying out the technical authority under paragraph (1), the Director may seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary in accordance with subparagraph (B).

(B) In detailing staff under subparagraph (A) to carry out the technical authority under paragraph (1), the total number of staff, including detailees, of the Missile Defense Agency who carry out such authority may not exceed the number that is twice the number of such staff carrying out such authority as of January 1, 2016.

(b) ASSESSMENTS AND PLANS.—

(1) BIENNIAL SUBMISSION.—Not later than January 31, 2017, and biennially thereafter through 2021, the Director shall submit to the congressional defense committees an assessment of the state of integration and interoperability of the integrated air and missile defense capabilities of the Department of Defense.

(2) ELEMENTS.—Each assessment under paragraph (1) shall include the following:

(A) Identification of any gaps in the integration and interoperability of the integrated air and missile defense capabilities of the Department.

(B) A description of the options to improve such capabilities and remediate such gaps.

(C) A plan to carry out such improvements and remediations, including milestones and costs for such plan.

(3) FORM.—Each assessment under paragraph (1) shall be submitted in classified form unless the Director determines that submitting such assessment in unclassified form is useful and expedient.

SEC. 1687. HYPERSONIC DEFENSE CAPABILITY DEVELOPMENT.

10 USC 2431 note.

(a) EXECUTIVE AGENT.—The Director of the Missile Defense Agency shall serve as the executive agent for the Department of Defense for the development of a capability by the United States to counter hypersonic boost-glide vehicle capabilities and conventional prompt strike capabilities that may be employed against the United States, the allies of the United States, and the deployed forces of the United States.

(b) DUTIES.—In carrying out subsection (a), the Director shall—

(1) develop architectures for a hypersonic defense capability, from detecting threats to intercepting such threats, that—

(A) involves systems of the military departments and the Defense Agencies; and

(B) includes both kinetic and nonkinetic options for such interception; and

(2) not later than September 30, 2017, establish a program of record to develop a hypersonic defense capability.

(c) REPORTS REQUIRED.—Not later than March 31, 2017—

(1) the Director shall submit to the congressional defense committees a report on the architectures and sensors evaluated pursuant to subsection (b); and

(2) the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military capability or capabilities and capability gaps relating to the threat posed by hypersonic boost-glide vehicles and maneuvering ballistic missiles to the United States, the allies of the United States, and the deployed forces of the United States.

(d) NOTIFICATION OF FUNDING PROCEDURES.—Not later than 90 days after the date on which the Director submits the report under subsection (c)(1), the Director shall notify the congressional defense committees with respect to whether the Director intends to use established procedures for reprogramming or transfers to carry out subsection (a) to conduct activities regarding experimentation, modeling and simulation, or research and development, to develop a hypersonic defense capability.

(e) DEFINITIONS.—In this section:

(1) The term "Defense Agencies" has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(2) The term "executive agent" has the meaning given the term "DoD Executive Agent" in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(3) The term "hypersonic defense capability" means the capability to counter hypersonic boost-glide vehicles and conventional prompt strike ballistic missiles.

SEC. 1688. CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

(a) MILESTONE A APPROVAL DECISION.—The Secretary of Defense shall make a decision regarding Milestone A approval (as defined in section 2366(e) of title 10, United States Code) for the conventional prompt global strike weapons system not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 240 days after the date of the successful completion of intermediate range flight 2 of such system.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Defense-wide, for the conventional prompt global strike weapons system, not more than 75 percent may be obligated or expended until the date on which the Chairman of the Joint Chiefs of Staff, in consultation with the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Strategic Command, submits to the congressional defense committees a report on—

(1) whether there are warfighter requirements or integrated priorities list submitted needs for a limited operational conventional prompt strike capability; and

(2) whether the program plan and schedule proposed by the program office in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics supports such requirements and integrated priorities lists submissions.

SEC. 1689. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

10 USC 2431 note.

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

(5) The satisfaction of the "fly before buy" acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) Such a test would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pre-test design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under such subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

SEC. 1690. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $62,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral international agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2017 for procurement, Defense-wide, and available for the Missile Defense Agency—

(A) not more than $150,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and

(B) not more than $120,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.

(2) CERTIFICATION.—

(A) CRITERIA.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a certification that—

(i) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the David's Sling Weapon System and the Arrow 3 Upper Tier Development Program, respectively;

(ii) funds specified in subparagraphs (A) and (B) of paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel for such respective systems or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(iii) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(I) in accordance with clause (iv), the terms of coproduction of parts and components of such respective systems on the basis of the greatest practicable coproduction of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for coproduction;

(II) complete transparency on the requirement of Israel for the number of interceptors and batteries of such respective systems that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(III) technical milestones for coproduction of parts and components and procurement of such respective systems; and

(IV) joint approval processes for third-party sales of such respective systems and the components of such respective systems;

(iv) the level of coproduction described in clause (iii)(I) for the Arrow 3 Upper Tier Interceptor Program and the David's Sling Weapon System is not less than 50 percent; and

(v) of the funds specified in subparagraph (B) of paragraph (1), not more than $5,000,000 may be obligated or expended to cover costs related to any delays, including delays with respect to exchanging technical data or specifications, of the Arrow 3 Upper Tier Interceptor Program.

(B) NUMBER.—In carrying out subparagraph (A), the Under Secretary may submit—

(i) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(ii) separate certifications for each respective system.

(C) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification under subparagraph (A) by not later than 60 days before the funds specified in paragraph (1) for the respective system covered by the certification are provided to the Government of Israel.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in subparagraphs (A) and (B) of paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of either David's Sling Weapon System or the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes coproduction in the United States without incurring nonrecurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(c) LIMITATION ON FUNDING FOR DAVID'S SLING WEAPON SYSTEM.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1135) that remain available and are unobligated as of the date of the enactment of this Act may be obligated or expended until the appropriate congressional committees receive the plan required by subsection (d) of such section.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1691. LIMITATIONS ON AVAILABILITY OF FUNDS FOR LOWER TIER AIR AND MISSILE DEFENSE CAPABILITY OF THE ARMY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for lower tier missile defense capability (PE 0604114A) radar replacement, not more than 75 percent may be obligated or expended until each of the following occurs:

(1) The Director of the Missile Defense Agency, in coordination with the Chief of Staff of the Army, submits to the congressional defense committees a report on the manner in which the Director, acting as the technical integrating authority for air and missile defense, will ensure that the lower tier air and missile defense radar will meet the requirements of the

commanders of the combatant commands for interoperability with the ballistic missile defense system and other air and missile defense capabilities deployed and planned to be deployed by the United States, including the establishment of key military requirements for such integrated capability and program development milestones.

(2) The Chairman of the Joint Chiefs of Staff—

(A) certifies to the congressional defense committees that the planned lower tier air and missile defense radar of the Army is being designed to fully support the required attributes for modularity sought by the commanders of the geographic combatant commands, including a description of such required attributes and the key milestones that will be used to ensure such modularity is achieved; and

(B) notifies the congressional defense committees of any objective requirements not met in the threshold requirement for the air and missile defense capability of the Army, including an assessment of any resulting capability gaps to military air and missile defense capability.

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for lower tier missile defense capability (PE 0604114A) radar replacement, not more than 90 percent may be obligated or expended until the date on which the Chief of Staff of the Army, in coordination with the Secretary of the Army, submits to the congressional defense committees a determination regarding—

(1) whether the technology demonstration and knowledge points progression of the technology maturation and risk reduction phase of the lower tier air and missile defense radar acquisition program support a fair, full, and open acquisition program that can begin low-rate initial production earlier than 2021; and

(2) if such production can begin earlier than 2021, what steps the Chief of Staff is taking to achieve such an earlier production date.

(c) NOTIFICATION ON DELEGATION.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees as to whether the Under Secretary will delegate to the Secretary of the Army the acquisition authority for the lower tier air and missile defense radar program of the Army.

(d) NOTIFICATION ON FUNDING.—Not later than 30 days after the completion of the technology demonstration phase of the lower tier air and missile defense radar acquisition program, the Secretary of the Army shall notify the congressional defense committees whether the Secretary could carry out a reprogramming or transfer of funds previously authorized to be appropriated for another purpose (in accordance with established procedures for reprogramming or transfers) to meaningfully accelerate the acquisition program and, if so, how.

10 USC 2431 note.

SEC. 1692. PILOT PROGRAM ON LOSS OF UNCLASSIFIED, CONTROLLED TECHNICAL INFORMATION.

(a) PILOT PROGRAM.—Beginning not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency (including the contractors of the Agency), particularly with respect to unclassified, controlled technical information and controlled unclassified information.

(b) PRIORITY.—In carrying out the pilot program under subsection (a), the Director shall give priority to implementing data protection options that are used by the private sector and have been proven successful.

(c) DURATION.—The Director shall carry out the pilot program under subsection (a) for not more than a 5-year period.

(d) NOTIFICATION.—Not later than 30 days before the date on which the Director commences the pilot program under subsection (a), the Director shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of—

(1) the data protection options that the Director is considering to implement under the pilot program and the potential costs of such options; and

(2) such option that is the preferred option of the Director.

(e) DATA PROTECTION OPTIONS.—In this section, the term "data protection options" means actions to improve processes, practices, and systems that relate to the safeguarding, hygiene, and data protection of information.

SEC. 1693. PLAN FOR PROCUREMENT OF MEDIUM-RANGE DISCRIMINATION RADAR TO IMPROVE HOMELAND MISSILE DEFENSE.

(a) PLAN.—

(1) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a plan to—

(A) procure a medium-range discrimination radar or equivalent sensor for a location the Director determines will improve homeland missile defense for the defense of Hawaii from the limited ballistic missile threat (including accidental or unauthorized launch); and

(B) field such radar or equivalent sensor by not later than December 31, 2021.

(2) SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees the plan developed under paragraph (1).

(b) REQUEST FOR PROPOSALS.—Not later than October 1, 2017, the Director shall issue a request for proposals for the medium-range discrimination radar or equivalent sensor specified in subsection (a)(1)(A).

SEC. 1694. REVIEW OF MISSILE DEFENSE AGENCY BUDGET SUBMISSIONS FOR GROUND-BASED MIDCOURSE DEFENSE AND EVALUATION OF ALTERNATIVE GROUND-BASED INTERCEPTOR DEPLOYMENTS.

(a) BUDGET SUFFICIENCY.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report on the ground-based midcourse defense system.

(2) ELEMENTS.—The report under paragraph (1) shall include an evaluation of each of the following:

(A) The modernization requirements for the ground-based midcourse system, including all command and control, ground systems, sensors and sensor interfaces, boosters and kill vehicles, and integration of known future systems and components.

(B) The obsolescence of such systems and components.

(C) The industrial base requirements relating to the ground-based midcourse system, as determined by the Director of the Missile Defense Agency.

(D) The extent to which the estimated levels of annual funding included in the most recent budget and the future-years defense program submitted under section 221 of title 10, United States Code, fully fund the requirements under subparagraph (A).

(3) UPDATES.—Not later than 30 days after the date on which each budget is submitted through January 31, 2021, the Director shall submit to the congressional defense committees an update to the report under paragraph (1).

(b) EVALUATION OF TRANSPORTABLE GROUND-BASED INTERCEPTOR.—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on transportable ground-based interceptors. Such report shall detail the views of the Director regarding—

(1) the cost that is unconstrained by current projected budget levels for the Missile Defense Agency (including a detailed program development production and deployment cost and schedule for the earliest technically possible deployment), the associated manning, and the comparative cost (including as compared to developing a fixed ground-based interceptor site), technical readiness, and feasibility of a transportable ground-based interceptor as a means to deploy additional ground-based interceptors for the defense of the United States and the operational value of a transportable ground-based interceptor for the defense of the homeland against a limited ballistic missile attack, including from accidental or unauthorized ballistic missile launch;

(2) the type and number of flight and or intercept tests that would be required to validate the capability and compatibility of a transportable ground-based interceptor in the ballistic missile defense system;

(3) the enabling capabilities, and the cost of such capabilities, to support such a system;

(4) any safety consideration of a transportable ground-based interceptor; and

(5) other matters that the Director determines pertinent to such a system.

(c) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section, the terms "budget" and "defense budget materials" have the meanings given those terms in section 231 of title 10, United States Code.

SEC. 1695. SEMIANNUAL NOTIFICATIONS ON MISSILE DEFENSE TESTS AND COSTS.

(a) NOTIFICATIONS.—Not less than once every 180-day period beginning 90 days after the date of the enactment of this Act and ending on January 31, 2021, the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification on—

(1) the outcome of each planned flight test, including intercept tests, occurring during the period covered by the notification; and

(2) flight tests, including intercept tests, planned to occur after the date of the notification.

(b) ELEMENTS.—Each notification shall include the following:

(1) With respect to each test described in subsection (a)(1)—

(A) the cost;

(B) any changes made to the scope or objectives of the test, or future tests, and an explanation for such changes;

(C) in the event of a failure of the test or a decision to delay or cancel the test—

(i) the reasons such test did not succeed or occur;

(ii) the funds expended on such attempted test; and

(iii) in the case of a test failure or cancelled test that is the result of contractor performance, the contractor liability, if appropriate, as compared to the cost of such test and potential retest; and

(D) the plan to conduct a retest, if necessary, and an estimate of the cost of such retest.

(2) With respect to each test described in subsection (a)(2)—

(A) any changes made to the scope of the test;

(B) whether the test was to occur earlier but was delayed; and

(C) an explanation for any such changes or delays.

(3) The status of any open failure review boards or any failure review boards completed during the period covered by the notification.

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

SEC. 1696. REPORTS ON UNFUNDED PRIORITIES OF THE MISSILE DEFENSE AGENCY.

(a) REPORTS.—Not later than 10 days after the date on which the budget of the President for each of fiscal years 2018 and 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

(2) PRIORITIZATION OF PRIORITIES.—Each report under subsection (a) shall present the unfunded priorities covered by such report in order of urgency of priority.

(c) UNFUNDED PRIORITY DEFINED.—In this section, the term "unfunded priority", in the case of a fiscal year, means a program, activity, or mission requirement of the Missile Defense Agency that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Director of the Missile Defense Agency in connection with the budget if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement has emerged since the budget was formulated.

Subtitle F—Other Matters

SEC. 1697. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130i. Protection of certain facilities and assets from unmanned aircraft

10 USC 130i.

"(a) AUTHORITY.—Notwithstanding any provision of title 18, the Secretary of Defense may take, and may authorize the armed forces to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

"(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

"(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

"(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

"(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

"(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

"(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

"(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

"(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

"(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

"(d) REGULATIONS.—The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered facility or asset' means any facility or asset that—

"(A) is identified by the Secretary of Defense for purposes of this section;

"(B) is located in the United States (including the territories and possessions of the United States); and

"(C) relates to—

"(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

"(ii) the missile defense mission of the Department; or

"(iii) the national security space mission of the Department.

"(2) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130h the following new item:

10 USC 121 prec.

"130i. Protection of certain facilities and assets from unmanned aircraft.".

SEC. 1698. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) FEDERAL COMMUNICATIONS COMMISSION CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 343. CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS. 47 USC 343.

"(a) IN GENERAL.—The Commission shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until the date that is 90 days after the Commission resolves concerns of widespread harmful interference by such operations in such band to covered GPS devices.

"(b) NOTICE TO CONGRESS.—

"(1) IN GENERAL.—At the conclusion of the decision regarding whether to permit such operations in such band, the Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing the final decision of the Commission. If the decision is to permit such operations in such band, such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

"(2) CONGRESSIONAL COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are the following:

"(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

"(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

"(c) COVERED GPS DEVICE DEFINED.—In this section, the term 'covered GPS device' means a Global Positioning System device of the Department of Defense.".

(b) SECRETARY OF DEFENSE REVIEW OF HARMFUL INTERFERENCE.—

(1) REVIEW.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the date referred to in paragraph (3), the Secretary of Defense shall conduct a review to—

(A) assess the ability of covered GPS devices to receive signals from Global Positioning System satellites without widespread harmful interference; and

(B) determine if commercial communications services are causing or will cause widespread harmful interference with covered GPS devices.

(2) NOTICE TO CONGRESS.—

(A) NOTICE.—If the Secretary of Defense determines during a review under paragraph (1) that commercial communications services are causing or will cause widespread harmful interference with covered GPS devices, the Secretary shall promptly submit to the congressional defense committees notice of such interference.

(B) CONTENTS.—The notice required under subparagraph (A) shall include—

(i) a list and description of the covered GPS devices that are being or expected to be interfered with by commercial communications services;

(ii) a description of the source of, and the entity causing or expected to cause, the interference with such devices;

(iii) a description of the manner in which such source or such entity is causing or expected to cause such interference;

(iv) a description of the magnitude of harm caused or expected to be caused by such interference;

(v) a description of the duration of and the conditions and circumstances under which such interference is occurring or expected to occur;

(vi) a description of the impact of such interference on the national security interests of the United States; and

(vii) a description of the plans of the Secretary to address, alleviate, or mitigate such interference, including the cost of such plans.

(C) FORM.—The notice required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(3) TERMINATION DATE.—The date referred to in this paragraph is the earlier of—

(A) the date that is two years after the date of the enactment of this Act; or

(B) the date on which the Secretary—

(i) determines that commercial communications services are not causing any widespread harmful interference with covered GPS devices; and

(ii) submits to the congressional defense committees notice of the determination made under clause (i).

(c) COVERED GPS DEVICE DEFINED.—In this section, the term "covered GPS device" means a Global Positioning System device of the Department of Defense.

(d) CONFORMING REPEAL.—Section 911 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1534) is repealed.

Guam World War II Loyalty Recognition Act.

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

22 USC 1621 note.

SEC. 1701. SHORT TITLE.

This title may be cited as the "Guam World War II Loyalty Recognition Act".

SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

22 USC 1621 note.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1703. GUAM WORLD WAR II CLAIMS FUND.

22 USC 1621 note.

(a) ESTABLISHMENT OF FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States a special fund (in this title referred to as the "Claims Fund") for the payment of claims submitted by compensable Guam victims and survivors of compensable Guam decedents in accordance with sections 1704 and 1705.

(b) COMPOSITION OF FUND.—The Claims Fund established under subsection (a) shall be composed of amounts deposited into the Claims Fund under subsection (c) and any other payments made available for the payment of claims under this title.

(c) PAYMENT OF CERTAIN DUTIES, TAXES, AND FEES COLLECTED FROM GUAM DEPOSITED INTO FUND.—

(1) IN GENERAL.—Notwithstanding section 30 of the Organic Act of Guam (48 U.S.C. 1421h), the excess of—

(A) any amount of duties, taxes, and fees collected under such section after fiscal year 2014, over

(B) the amount of duties, taxes, and fees collected under such section during fiscal year 2014,

shall be deposited into the Claims Fund.

(2) APPLICATION.—Paragraph (1) shall not apply after the date for which the Secretary of the Treasury determines that all payments required to be made under section 1704 have been made.

(d) LIMITATION ON PAYMENTS MADE FROM FUND.—

(1) IN GENERAL.—No payment may be made in a fiscal year under section 1704 until funds are deposited into the Claims Fund in such fiscal year under subsection (c).

(2) AMOUNTS.—For each fiscal year in which funds are deposited into the Claims Fund under subsection (c), the total amount of payments made in a fiscal year under section 1704 may not exceed the amount of funds available in the Claims Fund for such fiscal year.

(e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE EXPENSES.—The Secretary of the Treasury shall deduct from any amounts deposited into the Claims Fund an amount equal to 5 percent of such amounts as reimbursement to the Federal Government for expenses incurred by the Foreign Claims Settlement Commission and by the Department of the Treasury in the administration

of this title. The amounts so deducted shall be covered into the Treasury as miscellaneous receipts.

22 USC 1621 note.

SEC. 1704. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—After the Secretary of the Treasury receives the certification from the Chairman of the Foreign Claims Settlement Commission as required under section 1705(b)(8), the Secretary of the Treasury shall make payments, subject to the availably of appropriations, to compensable Guam victims and survivors of a compensable Guam decedents as follows:

(1) COMPENSABLE GUAM VICTIM.—Before making any payments under paragraph (2), the Secretary shall make payments to compensable Guam victims as follows:

(A) In the case of a victim who has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) In the case of a victim who is not described in subparagraph (A), but who has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) In the case of a victim who is not described in subparagraph (A) or (B), but who has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF COMPENSABLE GUAM DECEDENTS.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to survivors of the decedent in accordance with subsection (b). The Secretary shall make payments under this paragraph only after all payments are made under paragraph (1).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A payment made under subsection (a)(2) to the survivors of a compensable Guam decedent shall be distributed as follows:

(1) In the case of a decedent whose spouse is living as of the date of the enactment of this Act, but who had no living children as of such date, the payment shall be made to such spouse.

(2) In the case of a decedent whose spouse is living as of the date of the enactment of this Act and who had one or more living children as of such date, 50 percent of the payment shall be made to the spouse and 50 percent shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(3) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had one or more living children as of such date, the payment shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(4) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had no living children as of such date, but who—

(A) had a parent who is living as of such date, the payment shall be made to the parent; or

(B) had two parents who are living as of such date, the payment shall be divided equally between the parents.

(5) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act, who had no living children as of such date, and who had no parents who are living as of such date, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term "compensable Guam decedent" means an individual determined under section 1705 to have been a resident of Guam who died as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term "compensable Guam victim" means an individual who is not deceased as of the date of the enactment of this Act and who is determined under section 1705 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall promulgate regulations to specify the injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1705. ADJUDICATION.

22 USC 1621 note.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission shall adjudicate claims and determine the eligibility of individuals for payments under section 1704.

(2) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Foreign Claims Settlement Commission shall publish in the Federal Register such rules and regulations as may be necessary to enable the Commission to carry out the functions of the Commission under this title.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1704 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—

(A) FILING PERIOD.—An individual filing a claim for a payment under section 1704 shall file such claim not later than one year after the date on which the Foreign Claims Settlement Commission publishes the notice described in subparagraph (B).

(B) NOTICE OF FILING PERIOD.—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall publish a notice of the deadline for filing a claim described in subparagraph (A)—

(i) in the Federal Register; and

(ii) in newspaper, radio, and television media in Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim filed under this title shall—

(A) be by majority vote;

(B) be in writing;

(C) state the reasons for the approval or denial of the claim; and

(D) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from a payment made to a compensable Guam victim or survivors of a compensable Guam decedent under this section, amounts paid to such victim or survivors under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) before the date of the enactment of this Act.

(5) INTEREST.—No interest shall be paid on payments made by the Foreign Claims Settlement Commission under section 1704.

(6) LIMITED COMPENSATION FOR PROVISION OF REPRESENTATIONAL SERVICES.—

(A) LIMIT ON COMPENSATION.—Any agreement under which an individual who provided representational services to an individual who filed a claim for a payment under this title that provides for compensation to the individual who provided such services in an amount that is more than one percent of the total amount of such payment shall be unlawful and void.

(B) PENALTIES.—Whoever demands or receives any compensation in excess of the amount allowed under subparagraph (A) shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the Chairman of the Foreign Claims Settlement Commission shall certify such decision to the Secretary of the Treasury for authorization of a payment under section 1704.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1704 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under such section as establishing a prima facie

case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim for a payment made under section 1704(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of a payment under section 1704 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant to such Act (Public Law 79–224), or this title.

SEC. 1706. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

22 USC 1621 note.

(a) ESTABLISHMENT.—Subject to subsection (b), the Secretary of the Interior shall establish a grant program under which the Secretary shall award grants for research, educational, and media activities for purposes of appropriately illuminating and interpreting the causes and circumstances of the occupation of Guam during World War II and other similar occupations during the war that—

(1) memorialize the events surrounding such occupation; or

(2) honor the loyalty of the people of Guam during such occupation.

(b) ELIGIBILITY.—The Secretary of the Interior may not award a grant under subsection (a) unless the person seeking the grant submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1707. AUTHORIZATION OF APPROPRIATIONS.

22 USC 1621 note.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For the purposes of carrying out sections 1704 and 1705, there is authorized to be appropriated for any fiscal year beginning after the date of enactment of this Act, an amount equal to the amount deposited into the Claims Fund in a fiscal year under section 1703. Not more than 5 percent of funds make available under this subsection shall be used for administrative costs. Amounts appropriated under this section may remain available until expended.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1706, there are authorized to be appropriated $5,000,000 for each fiscal year beginning after the date of the enactment of this Act.

TITLE XVIII—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT

Subtitle A—Improving Transparency and Clarity for Small Businesses

Subtitle A—Improving Transparency and Clarity for Small Businesses

SEC. 1801. PLAIN LANGUAGE REWRITE OF REQUIREMENTS FOR SMALL BUSINESS PROCUREMENTS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended to read as follows:

"(a) SMALL BUSINESS PROCUREMENTS.—

"(1) IN GENERAL.—For purposes of this Act, small business concerns shall receive any award or contract if such award or contract is, in the determination of the Administrator and the contracting agency, in the interest of—

"(A) maintaining or mobilizing the full productive capacity of the United States;

"(B) war or national defense programs; or

"(C) assuring that a fair proportion of the total purchase and contracts for goods and services of the Government in each industry category (as defined under paragraph (2)) are awarded to small business concerns.

"(2) INDUSTRY CATEGORY DEFINED.—

"(A) IN GENERAL.—In this subsection, the term 'industry category' means a discrete group of similar goods and services, as determined by the Administrator in accordance with the North American Industry Classification System codes used to establish small business size standards, except that the Administrator shall limit an industry category to a greater extent than provided under the North American Industry Classification System codes if the Administrator receives evidence indicating that further segmentation of the industry category is warranted—

"(i) due to special capital equipment needs;

"(ii) due to special labor requirements;

"(iii) due to special geographic requirements, except as provided in subparagraph (B);

"(iv) due to unique Federal buying patterns or requirements; or

"(v) to recognize a new industry.

"(B) EXCEPTION FOR GEOGRAPHIC REQUIREMENTS.—The Administrator may not further segment an industry category based on geographic requirements unless—

"(i) the Government typically designates the geographic area where work for contracts for goods or services is to be performed;

"(ii) Government purchases comprise the major portion of the entire domestic market for such goods or services; and

"(iii) it is unreasonable to expect competition from business concerns located outside of the general geographic area due to the fixed location of facilities, high mobilization costs, or similar economic factors.

"(3) DETERMINATIONS WITH RESPECT TO AWARDS OR CONTRACTS.—Determinations made pursuant to paragraph (1) may be made for individual awards or contracts, any part of an award or contract or task order, or for classes of awards or contracts or task orders.

"(4) INCREASING PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—

"(A) DESCRIPTION OF COVERED PROPOSED PROCUREMENTS.—The requirements of this paragraph shall apply to a proposed procurement that includes in its statement of work goods or services currently being supplied or performed by a small business concern and, as determined by the Administrator—

"(i) is in a quantity or of an estimated dollar value which makes the participation of a small business concern as a prime contractor unlikely;

"(ii) in the case of a proposed procurement for construction, seeks to bundle or consolidate discrete construction projects; or

"(iii) is a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

"(B) NOTICE TO PROCUREMENT CENTER REPRESENTATIVES.—With respect to proposed procurements described in subparagraph (A), at least 30 days before issuing a solicitation and concurrent with other processing steps required before issuing the solicitation, the contracting agency shall provide a copy of the proposed procurement to the procurement center representative of the contracting agency (as described in subsection (l)) along with a statement explaining—

"(i) why the proposed procurement cannot be divided into reasonably small lots (not less than economic production runs) to permit offers on quantities less than the total requirement;

"(ii) why delivery schedules cannot be established on a realistic basis that will encourage the participation of small business concerns in a manner consistent with the actual requirements of the Government;

"(iii) why the proposed procurement cannot be offered to increase the likelihood of the participation of small business concerns;

"(iv) in the case of a proposed procurement for construction, why the proposed procurement cannot be offered as separate discrete projects; or

"(v) why the contracting agency has determined that the bundling of contract requirements is necessary and justified.

"(C) ALTERNATIVES TO INCREASE PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—If the procurement center representative believes that the proposed procurement will make the participation of small business concerns as prime contractors unlikely, the procurement center representative, within 15 days after receiving the statement described in subparagraph (B), shall recommend to the contracting agency alternative procurement methods for increasing prime contracting opportunities for small business concerns.

"(D) FAILURE TO AGREE ON AN ALTERNATIVE PROCUREMENT METHOD.—If the procurement center representative and the contracting agency fail to agree on an alternative procurement method, the Administrator shall submit the matter to the head of the appropriate department or agency for a determination.

"(5) CONTRACTS FOR SALE OF GOVERNMENT PROPERTY.—With respect to a contract for the sale of Government property, small business concerns shall receive any such contract if, in the determination of the Administrator and the disposal agency, the award of such contract is in the interest of assuring that a fair proportion of the total sales of Government property be made to small business concerns.

"(6) SALE OF ELECTRICAL POWER OR OTHER PROPERTY.—Nothing in this subsection shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the Federal Government.

"(7) COSTS EXCEEDING FAIR MARKET PRICE.—A contract may not be awarded under this subsection if the cost of the contract to the awarding agency exceeds a fair market price.".

SEC. 1802. TRANSPARENCY IN SMALL BUSINESS GOALS.

Section 15(h)(3) of the Small Business Act (15 U.S.C. 644(h)(3)) is amended to read as follows:

"(3) PROCUREMENT DATA.—

"(A) FEDERAL PROCUREMENT DATA SYSTEM.—

"(i) IN GENERAL.—To assist in the implementation of this section, the Administrator shall have access to information collected through the Federal Procurement Data System, Federal Subcontracting Reporting System, or any new or successor system.

"(ii) GSA REPORT.—On the date that the Administrator makes available the report required under paragraph (2), the Administrator of the General Services Administration shall submit to the President and Congress, and shall make available on a public website, a report in the same form and manner, and including

the same information, as the report required under paragraph (2). The report shall include all procurements made for the period covered by the report and may not exclude any contract awarded.

"(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administrator, procurement information collected through agency data collection sources in existence at the time of the request. Contracting agencies shall not be required to establish new data collection systems to provide such data.".

Subtitle B—Clarifying the Roles of Small Business Advocates

SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER REPRESENTATIVES.

(a) Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by adding at the end the following new paragraph:

"(9) SCOPE OF REVIEW.—The Administrator—

"(A) may not limit the scope of review by the procurement center representative for any solicitation of a contract or task order without regard to whether the contract or task order or part of the contract or task order is set aside for small business concerns, whether 1 or more contracts or task order awards are reserved for small business concerns under a multiple award contract, or whether or not the solicitation would result in a bundled or consolidated contract (as defined in subsection (s)) or a bundled or consolidated task order; and

"(B) shall, unless the contracting agency requests a review, limit the scope of review by the procurement center representative for any solicitation of a contract or task order if such solicitation is awarded by or for the Department of Defense and—

"(i) is conducted pursuant to section 22 of the Arms Export Control Act (22 U.S.C. 2762);

"(ii) is a humanitarian operation as defined in section 401(e) of title 10, United States Code;

"(iii) is for a contingency operation, as defined in section 101(a)(13) of title 10, United States Code;

"(iv) is to be awarded pursuant to an agreement with the government of a foreign country in which Armed Forces of the United States are deployed; or

"(v) both the place of award and the place of performance are outside of the United States and its territories.".

(b) Section 15(g)(2)(B) of the Small Business Act (15 U.S.C. 644(g)(2)(B) is amended by inserting after the period at the end the following new sentence: "Contracts excluded from review by procurement center representatives pursuant to subsection (l)(9)(B) shall not be considered when establishing these goals.".

SEC. 1812. DUTIES OF THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by striking "section 8, 15 or 44" and inserting "section 8, 15, 31, 36, or 44";

(2) by striking "sections 8 and 15" each place such term appears and inserting "sections 8, 15, 31, 36, and 44";

(3) in paragraph (10), by striking "section 8(a)" and inserting "section 8, 15, 31, or 36";

(4) in paragraph (17)(C), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (17) the following new paragraph:

"(18) shall review summary data provided by purchase card issuers of purchases made by the agency greater than the micro-purchase threshold (as defined under section 1902 of title 41, United Stated Code) and less than the simplified acquisition threshold to ensure that the purchases have been made in compliance with the provisions of this Act and have been properly recorded in the Federal Procurement Data System, if the method of payment is a purchase card issued by the Department of Defense pursuant to section 2784 of title 10, United States Code, or by the head of an executive agency pursuant to section 1909 of title 41, United States Code;"; and

(6) in paragraph (16)—

(A) in subparagraph (B), by striking "and" at the end; and

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

"(D) any failure of the agency to comply with section 8, 15, 31, or 36;".

SEC. 1813. IMPROVING CONTRACTOR COMPLIANCE.

(a) REQUIREMENTS FOR THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)(8)), as amended by this Act, is further amended by inserting after paragraph (18) (as inserted by section 1812 of this Act) the following new paragraph:

"(19) shall provide assistance to a small business concern awarded a contract or subcontract under this Act or under title 10 or title 41, United States Code, in finding resources for education and training on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of such a contract or subcontract; and".

(b) REQUIREMENTS UNDER THE MENTOR-PROTEGE PROGRAM OF THE DEPARTMENT OF DEFENSE.—Section 831(e)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D) the assistance the mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense

(including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.".

(c) RESOURCES FOR SMALL BUSINESS CONCERNS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(u) POST-AWARD COMPLIANCE RESOURCES.—The Administrator shall provide to small business development centers and entities participating in the Procurement Technical Assistance Cooperative Agreement Program under chapter 142 of title 10, United States Code, and shall make available on the website of the Administration, a list of resources for small business concerns seeking education and assistance on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of a contract or subcontract.".

(d) REQUIREMENTS FOR PROCUREMENT CENTER REPRESENTATIVES.—Section 15(l)(2) of the Small Business Act (15 U.S.C. 644(l)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J);

(2) in subparagraph (H), by striking "and" at the end; and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) assist small business concerns with finding resources for education and training on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of a contract or subcontract; and".

(e) REQUIREMENTS UNDER THE MENTOR-PROTEGE PROGRAM OF THE SMALL BUSINESS ADMINISTRATION.—Section 45(b)(3) of the Small Business Act (15 U.S.C. 657r(b)(3)) is amended by adding at the end the following new subparagraph:

"(K) The types of assistance provided by a mentor to assist with compliance with the requirements of contracting with the Federal Government after award of a contract or subcontract under this section.".

SEC. 1814. IMPROVING EDUCATION ON SMALL BUSINESS REGULATIONS.

(a) REGULATORY CHANGES AND TRAINING MATERIALS.—Section 15 of the Small Business Act (15 U.S.C. 644), as amended by section 1813, is further amended by adding at the end the following new subsection:

"(v) REGULATORY CHANGES AND TRAINING MATERIALS.—Not less than annually, the Administrator shall provide to the Defense Acquisition University (established under section 1746 of title 10, United States Code), the Federal Acquisition Institute (established under section 1201 of title 41, United States Code), the individual responsible for mandatory training and education of the acquisition workforce of each agency (described under section 1703(f)(1)(C) of title 41, United States Code), small business development centers, and entities participating in the Procurement Technical Assistance Cooperative Agreement Program under chapter 142 of title 10, United States Code—

"(1) a list of all changes made in the prior year to regulations promulgated—

"(A) by the Administrator that affect Federal acquisition; and

"(B) by the Federal Acquisition Council that implement amendments to this Act; and

"(2) any materials the Administrator has developed that explain, train, or assist Federal agencies or departments or small business concerns with compliance with the regulations described in paragraph (1).".

15 USC 644 note.

(b) TRAINING TO BE UPDATED.—After receipt of information from the Administrator of the Small Business Administration pursuant to section 15(v) of the Small Business Act, the Defense Acquisition University (established under section 1746 of title 10, United States Code) and the Federal Acquisition Institute (established under section 1201 of title 41, United States Code) shall periodically update the training provided to the acquisition workforce to incorporate such information.

Subtitle C—Strengthening Opportunities for Competition in Subcontracting

SEC. 1821. GOOD FAITH IN SUBCONTRACTING.

(a) TRANSPARENCY IN SUBCONTRACTING GOALS.—Section 8(d)(9) of the Small Business Act (15 U.S.C. 637(d)(9)) is amended—

(1) by striking "(9) The failure" and inserting the following: "(9) MATERIAL BREACH.—The failure";

(2) in subparagraph (A), by striking "or" at the end;

(3) in subparagraph (B), by inserting "or" at the end;

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) assurances provided under paragraph (6)(E),"; and

(5) by moving the margins of subparagraphs (A) and (B), and the matter after subparagraph (C) (as inserted by paragraph (4)), 2 ems to the right.

(b) REVIEW OF SUBCONTRACTING PLANS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) as amended by this Act, is further amended by inserting after paragraph (19) (as inserted by section 1813 of this Act) the following new paragraph:

"(20) shall review all subcontracting plans required by paragraph (4) or (5) of section 8(d) to ensure that the plan provides maximum practicable opportunity for small business concerns to participate in the performance of the contract to which the plan applies.".

15 USC 637 note.

(c) GOOD FAITH COMPLIANCE.—Not later than 270 days after the date of enactment of this title, the Administrator of the Small Business Administration shall provide examples of activities that would be considered a failure to make a good faith effort to comply with the requirements imposed on an entity (other than a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is awarded a prime contract containing the clauses required under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES FOR QUALIFIED SUBCONTRACTORS TO OBTAIN PAST PERFORMANCE RATINGS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(17) PILOT PROGRAM PROVIDING PAST PERFORMANCE RATINGS FOR OTHER SMALL BUSINESS SUBCONTRACTORS.—

"(A) ESTABLISHMENT.—The Administrator shall establish a pilot program for a small business concern without a past performance rating as a prime contractor performing as a first tier subcontractor for a covered contract (as defined in paragraph 13(A)) to request a past performance rating in the system used by the Federal Government to monitor or record contractor past performance.

"(B) APPLICATION.—A small business concern described in subparagraph (A) shall submit an application to the appropriate official for a past performance rating no later than 270 days after the small business concern completed the work for which it seeks a past performance rating or 180 days after the prime contractor completes work on the covered contract, whichever is earlier. Such application shall include written evidence of the past performance factors for which the small business concern seeks a rating and a suggested rating.

"(C) DETERMINATION.—The appropriate official shall submit the application from the small business concern to the Office of Small and Disadvantaged Business Utilization for the covered contract and to the prime contractor for review. The Office of Small and Disadvantaged Business Utilization and the prime contractor shall, not later than 30 days after receipt of the application, submit to the appropriate official a response regarding the application.

"(i) AGREEMENT ON RATING.—If the Office of Small and Disadvantaged Business Utilization and the prime contractor agree on a past performance rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding person agrees with the rating of the applicant small business concern, the appropriate official shall enter the agreed-upon past performance rating in the system described in subparagraph (A).

"(ii) DISAGREEMENT ON RATING.—If the Office of Small and Disadvantaged Business Utilization and the prime contractor fail to respond within 30 days or if they disagree about the rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding person disagrees with the rating of the applicant small business concern, the Office of Small and Disadvantaged Business Utilization or the prime contractor shall submit a notice contesting the application to the appropriate official. The appropriate official shall follow the requirements of subparagraph (D).

"(D) PROCEDURE FOR RATING.—Not later than 14 calendar days after receipt of a notice under subparagraph (C)(ii), the appropriate official shall submit such notice to the applicant small business concern. Such concern may submit comments, rebuttals, or additional information relating to the past performance of such concern not later 14 calendar days after receipt of such notice. The appropriate official shall enter into the system described in subparagraph (A) a rating that is neither favorable nor unfavorable along with the initial application from such concern, any responses of the Office of Small

and Disadvantaged Business Utilization and the prime contractor, and any additional information provided by such concern. A copy of the information submitted shall be provided to the contracting officer (or designee of such officer) for the covered contract.

"(E) USE OF INFORMATION.—A small business subcontractor may use a past performance rating given under this paragraph to establish its past performance for a prime contract.

"(F) DURATION.—The pilot program established under this paragraph shall terminate 3 years after the date on which the first applicant small business concern receives a past performance rating for performance as a first tier subcontractor.

"(G) REPORT.—The Comptroller General of the United States shall begin an assessment of the pilot program 1 year after the establishment of such program. Not later than 6 months after beginning such assessment, the Comptroller General shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, which shall include—

"(i) the number of small business concerns that have received past performance ratings under the pilot program;

"(ii) the number of applications in which the contracting officer (or designee) or the prime contractor contested the application of the small business concern;

"(iii) any suggestions or recommendations the Comptroller General or the small business concerns participating in the program have to address disputes between the small business concern, the contracting officer (or designee), and the prime contractor on past performance ratings;

"(iv) the number of small business concerns awarded prime contracts after receiving a past performance rating under this pilot program; and

"(v) any suggestions or recommendation the Comptroller General has to improve the operation of the pilot program.

"(H) APPROPRIATE OFFICIAL DEFINED.—In this paragraph, the term 'appropriate official' means—

"(i) a commercial market representative;

"(ii) another individual designated by the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36; or

"(iii) the Office of Small and Disadvantaged Business Utilization of a Federal agency, if the head of the Federal agency and the Administrator agree.".

SEC. 1823. AMENDMENTS TO THE MENTOR-PROTEGE PROGRAM OF THE DEPARTMENT OF DEFENSE.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended—

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

"(d) MENTOR FIRM ELIGIBILITY.—

"(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if the mentor firm—

"(A) is eligible for award of Federal contracts; and
"(B) demonstrates that it—
"(i) is qualified to provide assistance that will contribute to the purpose of the program;
"(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and
"(iii) can impart value to a protege firm because of experience gained as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—
"(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or
"(II) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

"(2) A mentor firm may not enter into an agreement with a protege firm if the Administrator of the Small Business Administration has made a determination finding affiliation between the mentor firm and the protege firm.

"(3) If the Administrator of the Small Business Administration has not made such a determination and if the Secretary has reason to believe (based on the regulations promulgated by the Administrator regarding affiliation) that the mentor firm is affiliated with the protege firm, the Secretary shall request a determination regarding affiliation from the Administrator of the Small Business Administration.";

(2) in subsection (n), by amending paragraph (9) to read as follows:

"(9) The term 'affiliation', with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).''; and

(3) in subsection (f)(6)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656).".

Subtitle D—Miscellaneous Provisions

SEC. 1831. IMPROVEMENTS TO SIZE STANDARDS FOR SMALL AGRICULTURAL PRODUCERS.

(a) AMENDMENT TO DEFINITION OF AGRICULTURAL ENTERPRISES.—Paragraph (1) of section 18(b) of the Small Business Act

(15 U.S.C. 647(b)(1)) is amended by striking "businesses" and inserting "small business concerns".

(b) EQUAL TREATMENT OF SMALL FARMS.—Paragraph (1) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking "operation: Provided," and all that follows through the period at the end and inserting "operation.".

15 USC 632 note.

(c) UPDATED SIZE STANDARDS.—Size standards established for agricultural enterprises under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) shall be subject to the rolling review procedures established under section 1344(a) of the Small Business Jobs Act of 2010 (15 U.S.C. 632 note).

SEC. 1832. UNIFORMITY IN SERVICE-DISABLED VETERAN DEFINITIONS.

(a) SMALL BUSINESS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term 'small business concern owned and controlled by service-disabled veterans' means any of the following:

"(A) A small business concern—

"(i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more service-disabled veterans; and

"(ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

"(B) A small business concern—

"(i) not less than 51 percent of which is owned by one or more service-disabled veterans with a disability that is rated by the Secretary of Veterans Affairs as a permanent and total disability who are unable to manage the daily business operations of such concern; or

"(ii) in the case of a publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more such veterans.

"(C)(i) During the time period described in clause (ii), a small business concern that was a small business concern described in subparagraph (A) or (B) immediately prior to the death of a service-disabled veteran who was the owner of the concern, the death of whom causes the concern to be less than 51 percent owned by one or more service-disabled veterans, if—

"(I) the surviving spouse of the deceased veteran acquires such veteran's ownership interest in such concern;

"(II) such veteran had a service-connected disability (as defined in section 101(16) of title 38, United States Code) rated as 100 percent disabling under the

laws administered by the Secretary of Veterans Affairs or such veteran died as a result of a service-connected disability; and

"(III) immediately prior to the death of such veteran, and during the period described in clause (ii), the small business concern is included in the database described in section 8127(f) of title 38, United States Code.

"(ii) The time period described in this clause is the time period beginning on the date of the veteran's death and ending on the earlier of—

"(I) the date on which the surviving spouse remarries;

"(II) the date on which the surviving spouse relinquishes an ownership interest in the small business concern; or

"(III) the date that is 10 years after the date of the death of the veteran."; and

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

"(6) ESOP.—The term 'ESOP' has the meaning given the term 'employee stock ownership plan' in section 4975(e)(7) of the Internal Revenue Code of 1986 (26 U.S.C. 4975(e)(7)).

"(7) SURVIVING SPOUSE.—The term 'surviving spouse' has the meaning given such term in section 101(3) of title 38, United States Code.".

(b) VETERANS AFFAIRS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—

(1) IN GENERAL.—Section 8127 of title 38, United States Code, is amended—

(A) by striking subsection (h) and redesignating subsections (i) through (l) as subsections (h) through (k), respectively; and

(B) in subsection (k), as so redesignated—

(i) by amending paragraph (2) to read as follows:

"(2) The term 'small business concern owned and controlled by veterans' has the meaning given that term under section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))."; and

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

"(3) The term 'small business concern owned and controlled by veterans with service-connected disabilities' has the meaning given the term 'small business concern owned and controlled by service-disabled veterans' under section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by inserting "or a small business concern owned and controlled by veterans with service-connected disabilities" after "a small business concern owned and controlled by veterans";

(B) in subsection (c), by inserting "or a small business concern owned and controlled by veterans with service-connected disabilities" after "a small business concern owned and controlled by veterans";

(C) in subsection (d) by inserting "or small business concerns owned and controlled by veterans with service-connected disabilities" after "small business concerns

owned and controlled by veterans" both places it appears; and

(D) in subsection (f)(1), by inserting ", small business concerns owned and controlled by veterans with service-connected disabilities," after "small business concerns owned and controlled by veterans".

(c) TECHNICAL CORRECTION.—Section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)), is amended by adding at the end the following new subparagraph:

"(H) In this contract, the term 'small business concern owned and controlled by service-disabled veterans' has the meaning given that term in section 3(q).".

(d) REGULATIONS RELATING TO DATABASE OF THE SECRETARY OF VETERANS AFFAIRS.—

(1) REQUIREMENT TO USE CERTAIN SMALL BUSINESS ADMINISTRATION REGULATIONS.—Section 8127(f)(4) of title 38, United States Code, is amended by striking "verified" and inserting "verified, using regulations issued by the Administrator of the Small Business Administration with respect to the status of the concern as a small business concern and the ownership and control of such concern,".

(2) PROHIBITION ON SECRETARY OF VETERANS AFFAIRS ISSUING CERTAIN REGULATIONS.—Section 8127(f) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Secretary may not issue regulations related to the status of a concern as a small business concern and the ownership and control of such small business concern.".

15 USC 632 note.

(e) DELAYED EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date on which the Administrator of the Small Business Administration and the Secretary of Veterans Affairs jointly issue regulations implementing such sections.

(f) APPEALS OF INCLUSION IN DATABASE.—

(1) IN GENERAL.—Section 8127(f) of title 38, United States Code, as amended by this section, is further amended by adding at the end the following new paragraph:

"(8)(A) If a small business concern is not included in the database because the Secretary does not verify the status of the concern as a small business concern or the ownership or control of the concern, the concern may appeal the denial of verification to the Office of Hearings and Appeals of the Small Business Administration (as established under section 5(i) of the Small Business Act). The decision of the Office of Hearings and Appeals shall be considered a final agency action.

"(B)(i) If an interested party challenges the inclusion in the database of a small business concern owned and controlled by veterans or a small business concern owned and controlled by veterans with service-connected disabilities based on the status of the concern as a small business concern or the ownership or control of the concern, the challenge shall be heard by the Office of Hearings and Appeals of the Small Business Administration as described in subparagraph (A). The decision of the Office of Hearings and Appeals shall be considered final agency action.

"(ii) In this subparagraph, the term 'interested party' means—

"(I) the Secretary; or

"(II) in the case of a small business concern that is awarded a contract, the contracting officer of the Department or another small business concern that submitted an offer for the contract that was awarded to the small business concern that is the subject of a challenge made under clause (i).

"(C) For each fiscal year, the Secretary shall reimburse the Administrator of the Small Business Administration in an amount necessary to cover any cost incurred by the Office of Hearings and Appeals of the Small Business Administration for actions taken by the Office under this paragraph. The Administrator is authorized to accept such reimbursement. The amount of any such reimbursement shall be determined jointly by the Secretary and the Administrator and shall be provided from fees collected by the Secretary under multiple-award schedule contracts. Any disagreement about the amount shall be resolved by the Director of the Office of Management and Budget.".

(2) EFFECTIVE DATE.—Paragraph (8) of subsection (f) of title 38, United States Code, as added by paragraph (1), shall apply with respect to a verification decision made by the Secretary of Veterans Affairs on or after the date of the enactment of this Act. 38 USC 8127 note.

SEC. 1833. OFFICE OF HEARINGS AND APPEALS.

(a) CLARIFICATION AS TO JURISDICTION.—Section 5(i)(1)(B) of the Small Business Act (15 U.S.C. 634(i)(1)(B)) is amended to read as follows:

"(B) JURISDICTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Office of Hearings and Appeals shall hear appeals of agency actions under or pursuant to this Act, the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), and title 13 of the Code of Federal Regulations, and shall hear such other matters as the Administrator may determine appropriate.

"(ii) EXCEPTION.—The Office of Hearings and Appeals shall not adjudicate disputes that require a hearing on the record, except disputes pertaining to the small business programs described in this Act.".

(b) NEW RULES OR GUIDANCE FOR PETITIONS FOR RECONSIDERATION.—Section 3(a)(9) of the Small Business Act (15 U.S.C. 632(a)(9)) is amended by adding at the end the following new subparagraph:

"(E) RULES OR GUIDANCE.—The Office of Hearings and Appeals shall begin accepting petitions for reconsideration described in subparagraph (A) after the date on which the Administration issues a rule or other guidance implementing this paragraph. Notwithstanding the provisions of subparagraph (B), petitions for reconsideration of size standards revised, modified, or established in a Federal Register final rule published between November 25, 2015, and the effective date of such rule or other guidance shall be considered timely if filed within 30 days of such effective date.".

SEC. 1834. EXTENSION OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "September 30, 2017" and inserting "September 30, 2022".

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended by striking "fiscal year 2017" and inserting "fiscal year 2022".

15 USC 632 note.

SEC. 1835. ISSUANCE OF GUIDANCE ON SMALL BUSINESS MATTERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Veterans Affairs shall issue guidance pertaining to the amendments made by this title to the Small Business Act and section 8127 of title 38, United States Code. The Administrator and the Secretary shall provide notice and opportunity for comment on such guidance for a period of not less than 60 days.

Subtitle E—Improving Cyber Preparedness for Small Businesses

SEC. 1841. SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY AND OUTREACH.

(a) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Homeland Security shall work collaboratively to develop a cyber strategy for small business development centers to be known as the "Small Business Development Center Cyber Strategy".

(2) CONSULTATION.—In developing the strategy under this subsection, the Administrator of the Small Business Administration and the Secretary of Homeland Security shall consult with entities representing the concerns of small business development centers, including any association recognized under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)).

(3) CONTENT.—The strategy required under paragraph (1) shall include, at minimum, the following:

(A) Plans for allowing small business development centers (hereinafter in this paragraph referred to as "SBDCs") to access existing cyber programs of the Department of Homeland Security and other appropriate Federal agencies to enhance services and streamline cyber assistance to small business concerns.

(B) To the extent practicable, methods for providing counsel and assistance to improve a small business concern's cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees, including—

(i) working to ensure individuals are aware of best practices in the areas of cybersecurity, awareness of cyber threat indicators, and cyber training;

(ii) working with individuals to develop cost-effective plans for implementing best practices in these areas;

(iii) entering into agreements, where practical, with Information Sharing and Analysis Centers or similar entities that share cyber information to gain an awareness of actionable cyber threat indicators that may be beneficial to small business concerns; and

(iv) providing referrals to area specialists when necessary.

(C) An analysis of—

(i) how Federal Government programs, projects, and activities can be leveraged by SBDCs to improve access to high-quality cyber support for small business concerns;

(ii) additional resources SBDCs may need to effectively carry out their role; and

(iii) how SBDCs can leverage existing partnerships and develop new partnerships with Federal, State, and local government entities as well as private entities to improve the quality of cyber support services to small business concerns.

(4) DELIVERY OF STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Small Business Administrator and the Secretary of Homeland Security shall submit to the Committees on Homeland Security and Small Business of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Small Business and Entrepreneurship of the Senate the Small Business Development Center Cyber Strategy developed under paragraph (1).

(5) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) CYBER THREAT INDICATOR.—The term "cyber threat indicator" has the meaning given such term in section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a)).

(B) SMALL BUSINESS DEVELOPMENT CENTER.—The term "small business development center" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CYBERSECURITY OUTREACH FOR SMALL BUSINESS DEVELOPMENT CENTERS.—Section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

"(l) CYBERSECURITY OUTREACH.—

"(1) IN GENERAL.—The Secretary may leverage small business development centers to provide assistance to small business concerns by disseminating information on cyber threat indicators, defense measures, cybersecurity risks, incidents, analyses, and warnings to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'small business concern' and 'small business development center' have the meaning given such terms, respectively, under section 3 of the Small Business Act.".

SEC. 1842. ROLE OF SMALL BUSINESS DEVELOPMENT CENTERS IN CYBERSECURITY AND PREPAREDNESS.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking "and providing access to business analysts who can refer small business concerns to available experts:" and inserting "providing access to business analysts who can refer small business concerns to available experts; and, to the extent practicable, providing assistance in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017:"; and

(2) in subsection (c)(2)—

(A) in subparagraph (E), by striking "and" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(C) by adding at the end of the following new subparagraph:

"(G) access to cybersecurity specialists to counsel, assist, and inform small business concern clients, in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017.".

SEC. 1843. ADDITIONAL CYBERSECURITY ASSISTANCE FOR SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following new paragraph:

"(8) CYBERSECURITY ASSISTANCE.—

"(A) IN GENERAL.—The Department of Homeland Security, and any other Federal department or agency in coordination with the Department of Homeland Security, may leverage small business development centers to provide assistance to small business concerns by disseminating information relating to cybersecurity risks and other homeland security matters to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

"(B) DEFINITIONS.—In this paragraph, the terms 'cybersecurity risk' and 'cyber threat indicator' have the meanings given such terms, respectively, under section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a)).".

SEC. 1844. PROHIBITION ON ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated to carry out sections 1841 through 1843 or the amendments made by such sections.

TITLE XIX—DEPARTMENT OF HOMELAND SECURITY COORDINATION

SEC. 1901. DEPARTMENT OF HOMELAND SECURITY COORDINATION.

(a) IN GENERAL.—Subsection (d) of section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following new paragraph:

"(5) Any Director of a Joint Task Force under section 708.".

(b) JOINT TASK FORCES.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 708. JOINT TASK FORCES. 6 USC 348.

"(a) DEFINITION.—In this section, the term 'situational awareness' means knowledge and unified understanding of unlawful cross-border activity, including—

"(1) threats and trends concerning illicit trafficking and unlawful crossings;

"(2) the ability to forecast future shifts in such threats and trends;

"(3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

"(4) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

"(b) JOINT TASK FORCES.—

"(1) ESTABLISHMENT.—The Secretary may establish and operate departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department for the purposes specified in paragraph (2).

"(2) PURPOSES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the purposes referred to in paragraph (1) are or relate to the following:

"(i) Securing the land and maritime borders of the United States.

"(ii) Homeland security crises.

"(iii) Establishing regionally-based operations.

"(B) LIMITATION.—

"(i) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of such a Joint Task Force—

"(I) do not include operational functions related to incident management, including coordination of operations; and

"(II) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act, and section 302 of the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

"(ii) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section may be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Agency under title V of this Act or any other provision of law, including the diversion of any asset, function, or mission from the Agency or the Administrator of the Agency pursuant to section 506.

"(3) JOINT TASK FORCE DIRECTORS.—

"(A) DIRECTOR.—Each Joint Task Force established and operated pursuant to paragraph (1) shall be headed by a Director, appointed by the President, for a term of not more than two years. The Secretary shall submit to the President recommendations for such appointments after consulting with the heads of the components of the Department with membership on any such Joint Task Force. Any Director appointed by the President shall be—

"(i) a current senior official of the Department with not less than one year of significant leadership experience at the Department; or

"(ii) if no suitable candidate is available at the Department, an individual with—

"(I) not less than one year of significant leadership experience in a Federal agency since the establishment of the Department; and

"(II) a demonstrated ability in, knowledge of, and significant experience working on the issues to be addressed by any such Joint Task Force.

"(B) EXTENSION.—The Secretary may extend the appointment of a Director of a Joint Task Force under subparagraph (A) for not more than two years if the Secretary determines that such an extension is in the best interest of the Department.

"(4) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office of the Department than the Director of such Joint Task Force.

"(5) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

"(A) when established for the purpose referred to in paragraph (2)(A)(i), maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

"(B) provide operational plans and requirements for standard operating procedures and contingency operations within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

"(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

"(D) set and accomplish strategic objectives through integrated operational planning and execution;

"(E) exercise operational direction over personnel and equipment from components and offices of the Department

allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

"(F) when established for the purpose referred to in paragraph (2)(A)(i), establish operational and investigative priorities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

"(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

"(H) carry out other duties and powers the Secretary determines appropriate.

"(6) PERSONNEL AND RESOURCES.—

"(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate to such Joint Task Force on a temporary basis personnel and equipment of components and offices of the Department.

"(B) COST NEUTRALITY.—A Joint Task Force may not require more resources than would have otherwise been required by the Department to carry out the duties assigned to such Joint Task Force if such Joint Task Force had not been established.

"(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

"(D) CONSIDERATION OF IMPACT.—When reviewing requests for allocation of component personnel and equipment under subparagraph (A), the Secretary shall consider the impact of such allocation on the ability of the donating component or office to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 888.

"(E) LIMITATION.—Personnel and equipment of the Coast Guard allocated under this paragraph may be used only to carry out operations and investigations related to the missions specified in section 888.

"(F) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the total funding, personnel, and other resources that each component or office of the Department allocated under this paragraph to each Joint Task Force to carry out the mission of such Joint Task Force during the fiscal year immediately preceding each such report, and a description of the degree to which the resources drawn from each component or office impact the primary mission of such component or office.

"(7) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

"(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities of such Joint Task Force required under this section;

"(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which such resources are assigned; and

"(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the head of the component or office of the Department that provided such personnel or equipment.

"(8) JOINT TASK FORCE STAFF.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

"(9) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary shall—

"(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

"(B) not later than 120 days after the date of the enactment of this section and 120 days after the establishment of a new Joint Task Force, as appropriate, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate the metrics established under subparagraph (A).

"(C) not later than January 31 of each year beginning in 2017, submit to each committee specified in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

"(10) JOINT DUTY TRAINING PROGRAM.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish a joint duty training program in the Department for the purposes of—

"(I) enhancing coordination within the Department; and

"(II) promoting workforce professional development; and

"(ii) tailor such joint duty training program to improve joint operations as part of the Joint Task Forces.

"(B) ELEMENTS.—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

"(i) National security strategy.

"(ii) Strategic and contingency planning.

"(iii) Command and control of operations under joint command.

"(iv) International engagement.

"(v) The homeland security enterprise.

"(vi) Interagency collaboration.

"(vii) Leadership.

"(viii) Specific subject matters relevant to the Joint Task Force, including matters relating to the missions specified in section 888, to which the joint duty training program is assigned.

"(C) TRAINING REQUIRED.—

"(i) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

"(ii) JOINT TASK FORCE STAFF.—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to such Joint Task Force.

"(iii) EXCEPTION.—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of the enactment of this section.

"(iv) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that such a waiver is in the interest of homeland security or necessary to carry out the mission for which a Joint Task Force was established.

"(11) NOTIFICATION OF JOINT TASK FORCE FORMATION.—

"(A) IN GENERAL.—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment.

"(B) WAIVER AUTHORITY.—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or property.

"(12) REVIEW.—

"(A) IN GENERAL.—Not later than January 31, 2018, and January 31, 2021, the Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a review of the Joint Task Forces established under this subsection.

"(B) CONTENTS.—The reviews required under subparagraph (A) shall include—

"(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

"(ii) recommendations for enhancements to such structure to strengthen the effectiveness of each Joint Task Force.

"(13) SUNSET.—This section expires on September 30, 2022.

"(c) JOINT DUTY ASSIGNMENT PROGRAM.—After establishing the joint duty training program under subsection (b)(10), the Secretary shall establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.".

6 USC 348 note.

(c) TRANSITION.—An individual serving as a Director of a Joint Task Force of the Department of Homeland Security in existence on the day before the date of the enactment of this section may serve as the Director of such Joint Task Force on and after such date of enactment until a Director of such Joint Task Force is appointed pursuant to subparagraph (A) of section 708(b)(3), as added by subsection (a) of this section.

(d) CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 is amended—

(1) in subsection (c) of section 506 (6 U.S.C. 316)—

(A) in paragraph (1), by inserting ", including through a Joint Task Force established under section 708," after "reduce"; and

(B) in paragraph (2), by inserting "including a Joint Task Force established under section 708," after "Department,"; and

(2) in paragraph (2) of section 509(c) (6 U.S.C. 319)—

(A) in the paragraph heading, by inserting "; JOINT TASK FORCE" after "OFFICIAL"; and

(B) in the matter preceding subparagraph (A), by inserting "or Director of a Joint Task Force established under section 708" before "shall".

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 707 the following new item:

"Sec. 708. Joint Task Forces.".

SEC. 1902. OFFICE OF STRATEGY, POLICY, AND PLANS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) OFFICE OF STRATEGY, POLICY, AND PLANS.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1901 of this title, is further amended by adding at the end the following new section:

6 USC 349.

"SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.

"(a) IN GENERAL.—There is established in the Department an Office of Strategy, Policy, and Plans.

"(b) HEAD OF OFFICE.—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) FUNCTIONS.—The Under Secretary for Strategy, Policy, and Plans shall—

"(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

"(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;

"(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 707;

"(4) manage Department leadership councils and provide analytics and support to such councils;

"(5) manage international coordination and engagement for the Department;

"(6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and

"(7) carry out such other responsibilities as the Secretary determines appropriate.

"(d) DEPUTY UNDER SECRETARY.—

"(1) IN GENERAL.—The Secretary may—

"(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary's responsibilities; and

"(B) appoint a career employee to such position.

"(2) LIMITATION ON ESTABLISHMENT OF DEPUTY UNDER SECRETARY POSITIONS.—A Deputy Under Secretary position (or any substantially similar position) within the Office of Strategy, Policy, and Plans may not be established except for the position provided for by paragraph (1), unless the Secretary receives prior authorization from Congress.

"(3) DEFINITIONS.—For purposes of paragraph (1)—

"(A) the term 'career employee' means any employee (as such term is defined in section 2105 of title 5, United States Code), but does not include a political appointee; and

"(B) the term 'political appointee' means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

"(e) COORDINATION BY DEPARTMENT COMPONENTS.—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance with respect to each such component.

"(f) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

"(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Strategy, Policy, and Plans shall—

"(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

"(B) be provided by the heads of all components of the Department with statistical data maintained by the Department regarding the operations of the Department;

"(C) conduct or oversee analysis and reporting of such data by the Department as required by law or as directed by the Secretary; and

"(D) ensure the accuracy of metrics and statistical data provided to Congress.

"(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and United States Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled 'Yearbook of Immigration Statistics' prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.

"(g) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 707(a)(3) of the Homeland Security Act of 2002 (6 U.S.C. 347(a)(3)) is amended by inserting before the semicolon the following: ", including the Under Secretary for Strategy, Policy, and Plans".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 , as amended by section 1901 of this title, is further amended by inserting after the item relating to section 708 the following new item:

"Sec. 709. Office of Strategy, Policy, and Plans.".

SEC. 1903. MANAGEMENT AND EXECUTION.

(a) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by inserting before the period at the end the following: ", who shall be first assistant to the Deputy Secretary of Homeland Security for purposes of subchapter III of chapter 33 of title 5, United States Code"; and

(B) by adding at the end the following:

"(K) An Under Secretary for Strategy, Policy, and Plans."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) ABSENCE, DISABILITY, OR VACANCY OF SECRETARY OR DEPUTY SECRETARY.—Notwithstanding chapter 33 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.

"(2) FURTHER ORDER OF SUCCESSION.—Notwithstanding chapter 33 of title 5, United States Code, the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary.

"(3) NOTIFICATION OF VACANCIES.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of any vacancies that require notification under sections 3345 through 3349d of title 5, United States Code (commonly known as the 'Federal Vacancies Reform Act of 1998').".

(b) UNDER SECRETARY FOR MANAGEMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and inserting the following:

"(9) The management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, to ensure an efficient and orderly consolidation of functions and personnel in the Department, including—

"(A) the development of centralized data sources and connectivity of information systems to the greatest extent practicable to enhance program visibility, transparency, and operational effectiveness and coordination;

"(B) the development of standardized and automated management information to manage and oversee programs and make informed decisions to improve the efficiency of the Department;

"(C) the development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and evaluated data on all acquisitions and investments; and

"(D) the overall supervision, including the conduct of internal audits and management analyses, of the programs and activities of the Department, including establishment of oversight procedures to ensure a full and effective review of the efforts by components of the Department to implement policies and procedures of the Department for management integration and transformation.";

(B) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

(C) by inserting after paragraph (9) the following:

"(10) The development of a transition and succession plan, before December 1 of each year in which a Presidential election is held, to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the congressional homeland security committees.

"(11) Reporting to the Government Accountability Office every six months to demonstrate measurable, sustainable progress made in implementing the corrective action plans of the Department to address the designation of the management functions of the Department on the bi-annual high risk list of the Government Accountability Office, until the Comptroller General of the United States submits to the appropriate congressional committees written notification of removal of the high-risk designation.";

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

"(b) WAIVERS FOR CONDUCTING BUSINESS WITH SUSPENDED OR DEBARRED CONTRACTORS.—Not later than five days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed as a party suspended or debarred from receiving contracts, grants, or other types of Federal assistance in the System

for Award Management maintained by the General Services Administration, or any successor thereto, the Under Secretary for Management shall submit to the congressional homeland security committees and the Inspector General of the Department notice of the waiver and an explanation of the finding by the Under Secretary that a compelling reason exists for the waiver.";

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

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

"(d) SYSTEM FOR AWARD MANAGEMENT CONSULTATION.—The Under Secretary for Management shall require that all Department contracting and grant officials consult the System for Award Management (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.".

SEC. 1904. CHIEF HUMAN CAPITAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended to read as follows:

"SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

"(a) IN GENERAL.—The Chief Human Capital Officer shall report directly to the Under Secretary for Management.

"(b) RESPONSIBILITIES.—In addition to the responsibilities set forth in chapter 14 of title 5, United States Code, and other applicable law, the Chief Human Capital Officer of the Department shall—

"(1) develop and implement strategic workforce planning policies that are consistent with Government-wide leading principles and in line with Department strategic human capital goals and priorities, taking into account the special requirements of members of the Armed Forces serving in the Coast Guard;

"(2) develop performance measures to provide a basis for monitoring and evaluating Department-wide strategic workforce planning efforts;

"(3) develop, improve, and implement policies, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

"(4) identify methods for managing and overseeing human capital programs and initiatives, in coordination with the head of each component of the Department;

"(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department;

"(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

"(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

"(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

"(9) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

"(10) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code.

"(c) COMPONENT STRATEGIES.—

"(1) IN GENERAL.—Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

"(2) STRATEGY REQUIREMENTS.—In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services.

"(d) ANNUAL SUBMISSION.—Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

"(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c);

"(2) the number of on-board staffing for Federal employees from the prior fiscal year;

"(3) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note); and

"(4) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

"(e) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.".

SEC. 1905. DEPARTMENT OF HOMELAND SECURITY TRANSPARENCY.

(a) FEASIBILITY STUDY.—The Administrator of the Federal Emergency Management Agency shall initiate a study to determine the feasibility of gathering data and providing information to Congress on the use of Federal grant awards, for expenditures of more than $5,000, by entities that receive a Federal grant award under the Urban Area Security Initiative and the State Homeland Security Grant Program under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), respectively.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on

Homeland Security and Governmental Affairs a report on the results of the study required under subsection (a).

SEC. 1906. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

6 USC 195e.

"SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

"(a) REQUIREMENT TO LIST RESEARCH AND DEVELOPMENT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall maintain a detailed list of the following:

"(A) Each classified and unclassified research and development project, and all appropriate details for each such project, including the component of the Department responsible for each such project.

"(B) Each task order for a Federally Funded Research and Development Center not associated with a research and development project.

"(C) Each task order for a University-based center of excellence not associated with a research and development project.

"(D) The indicators developed and tracked by the Under Secretary for Science and Technology with respect to transitioned projects pursuant to subsection (c).

"(2) EXCEPTION FOR CERTAIN COMPLETED PROJECTS.—Paragraph (1) shall not apply to a project completed or otherwise terminated before the date of the enactment of this section.

"(3) UPDATES.—The list required under paragraph (1) shall be updated as frequently as possible, but not less frequently than once per quarter.

"(4) RESEARCH AND DEVELOPMENT DEFINED.—For purposes of the list required under paragraph (1), the Secretary shall provide a definition for the term 'research and development'.

"(b) REQUIREMENT TO REPORT TO CONGRESS ON ALL PROJECTS.—Not later than January 1, 2017, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a classified and unclassified report, as applicable, that lists each ongoing classified and unclassified project at the Department, including all appropriate details of each such project.

"(c) INDICATORS OF SUCCESS OF TRANSITIONED PROJECTS.—

"(1) IN GENERAL.—For each project that has been transitioned to practice from research and development, the Under Secretary for Science and Technology shall develop and track indicators to demonstrate the uptake of the technology or project among customers or end-users.

"(2) REQUIREMENT.—To the fullest extent possible, the tracking of a project required under paragraph (1) shall continue for the three-year period beginning on the date on which such project was transitioned to practice from research and development.

"(d) DEFINITIONS.—In this section:

"(1) ALL APPROPRIATE DETAILS.—The term 'all appropriate details' means, with respect to a research and development project—

"(A) the name of such project, including both classified and unclassified names if applicable;

"(B) the name of the component of the Department carrying out such project;

"(C) an abstract or summary of such project;

"(D) funding levels for such project;

"(E) project duration or timeline;

"(F) the name of each contractor, grantee, or cooperative agreement partner involved in such project;

"(G) expected objectives and milestones for such project; and

"(H) to the maximum extent practicable, relevant literature and patents that are associated with such project.

"(2) CLASSIFIED.—The term 'classified' means anything containing—

"(A) classified national security information as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order;

"(B) Restricted Data or data that was formerly Restricted Data, as defined in section 11y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

"(C) material classified at the Sensitive Compartmented Information (SCI) level, as defined in section 309 of the Intelligence Authorization Act for Fiscal Year 2001 (50 U.S.C. 3345); or

"(D) information relating to a special access program, as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order.

"(3) CONTROLLED UNCLASSIFIED INFORMATION.—The term 'controlled unclassified information' means information described as 'Controlled Unclassified Information' under Executive Order 13556 (50 U.S.C. 3501 note) or any successor order.

"(4) PROJECT.—The term 'project' means a research or development project, program, or activity administered by the Department, whether ongoing, completed, or otherwise terminated.

"(e) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 318 the following new item:

"Sec. 319. Transparency in research and development.".

SEC. 1907. UNITED STATES GOVERNMENT REVIEW OF CERTAIN FOREIGN FIGHTERS.

(a) REVIEW.—Not later than 30 days after the date of the enactment of this Act, the President shall initiate a review of known instances since 2011 in which a person has traveled or attempted to travel to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a terrorist organization.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall—

(1) include relevant unclassified and classified information held by the United States Government related to each instance described in subsection (a);

(2) ascertain which factors, including operational issues, security vulnerabilities, systemic challenges, or other issues,

which may have undermined efforts to prevent the travel of persons described in subsection (a) to a conflict zone in Iraq or Syria from the United States, including issues related to the timely identification of suspects, information sharing, intervention, and interdiction; and

(3) identify lessons learned and areas that can be improved to prevent additional travel by persons described in subsection (a) to a conflict zone in Iraq or Syria, or other terrorist safe haven abroad, to join or provide material support or resources to a terrorist organization.

(c) INFORMATION SHARING.—The President shall direct the heads of relevant Federal agencies to provide the appropriate information that may be necessary to complete the review required under this section.

(d) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the President, consistent with the protection of classified information, shall submit a report to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees that includes the results of the review required under this section, including information on travel routes of greatest concern, as appropriate.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Select Committee on Intelligence of the Senate;

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

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

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

(F) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) the Committee on Appropriations of the Senate;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Committee on the Judiciary of the House of Representatives;

(K) the Committee on Armed Services of the House of Representatives;

(L) the Committee on Foreign Affairs of the House of Representatives;

(M) the Committee on Appropriations of the House of Representatives; and

(N) the Committee on Financial Services of the House of Representatives.

(2) MATERIAL SUPPORT OR RESOURCES.—The term "material support or resources" has the meaning given such term in section 2339A of title 18, United States Code.

6 USC 123 note.

SEC. 1908. NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be the policy of the United States to—

(1) continue to regularly assess the evolving terrorist threat to the United States;

(2) catalog existing Federal Government efforts to obstruct terrorist and foreign fighter travel into, out of, and within the United States, and overseas;

(3) identify such efforts that may benefit from reform or consolidation, or require elimination;

(4) identify potential security vulnerabilities in United States defenses against terrorist travel; and

(5) prioritize resources to address any such security vulnerabilities in a risk-based manner.

(b) NATIONAL STRATEGY AND UPDATES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees a national strategy to combat terrorist travel. The strategy shall address efforts to intercept terrorists and foreign fighters and constrain the domestic and international travel of such persons. Consistent with the protection of classified information, the strategy shall be submitted in unclassified form, including, as appropriate, a classified annex.

(2) UPDATED STRATEGIES.—Not later than 180 days after the date on which a new President is inaugurated, the President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an updated version of the strategy described in paragraph (1).

(3) CONTENTS.—The strategy and updates required under this subsection shall—

(A) include an accounting and description of all Federal Government programs, projects, and activities designed to constrain domestic and international travel by terrorists and foreign fighters;

(B) identify specific security vulnerabilities within the United States and outside of the United States that may be exploited by terrorists and foreign fighters;

(C) delineate goals for—

(i) closing the security vulnerabilities identified under subparagraph (B); and

(ii) enhancing the ability of the Federal Government to constrain domestic and international travel by terrorists and foreign fighters; and

(D) describe the actions that will be taken to achieve the goals delineated under subparagraph (C) and the means needed to carry out such actions, including—

(i) steps to reform, improve, and streamline existing Federal Government efforts to align with the current threat environment;

(ii) new programs, projects, or activities that are requested, under development, or undergoing implementation;

(iii) new authorities or changes in existing authorities needed from Congress;

(iv) specific budget adjustments being requested to enhance United States security in a risk-based manner; and

(v) the Federal departments and agencies responsible for the specific actions described in this subparagraph.

(4) SUNSET.—The requirement to submit updated national strategies under this subsection shall terminate on the date that is seven years after the date of the enactment of this Act.

(c) DEVELOPMENT OF IMPLEMENTATION PLANS.—For each national strategy required under subsection (b), the President shall direct the heads of relevant Federal agencies to develop implementation plans for each such agency.

(d) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—The President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an implementation plan developed under subsection (c) with each national strategy required under subsection (b). Consistent with the protection of classified information, each such implementation plan shall be submitted in unclassified form, but may include a classified annex.

(2) ANNUAL UPDATES.—The President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an annual updated implementation plan during the ten-year period beginning on the date of the enactment of this Act.

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) in the House of Representatives—

(A) the Committee on Homeland Security;

(B) the Committee on Armed Services;

(C) the Permanent Select Committee on Intelligence;

(D) the Committee on the Judiciary;

(E) the Committee on Foreign Affairs;

(F) the Committee on Appropriations; and

(2) in the Senate—

(A) the Committee on Homeland Security and Governmental Affairs;

(B) the Committee on Armed Services;

(C) the Select Committee on Intelligence;

(D) the Committee on the Judiciary;

(E) the Committee on Foreign Relations; and

(F) the Committee on Appropriations.

(f) SPECIAL RULE FOR CERTAIN RECEIPT.—The definition under subsection (e) shall be treated as including the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate for purposes of receipt of those portions of—

(1) the national strategy (including updates thereto), and

(2) the implementation plan (including updates thereto), required under this section that relate to maritime travel into and out of the United States.

SEC. 1909. NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended—

(1) in subsection (a)—

(A) by striking "emergency managers and decision makers" and inserting "emergency managers, decision makers, and other appropriate officials"; and

(B) by inserting "and steady-state activity" before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "and tribal governments" and inserting "tribal, and territorial governments, the private sector, and international partners";

(ii) by striking "in the event of" and inserting "for events, threats, and incidents involving"; and

(iii) by striking "and" at the end;

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

(C) by adding at the end the following:

"(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.";

(4) in subsection (c)—

(A) in the subsection heading, by striking "Fire Service" and inserting "Emergency Responder";

(B) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT OF POSITIONS.—The Secretary shall establish a position, on a rotating basis, for a representative of State and local emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local emergency response services.";

(C) by striking paragraph (2); and

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

SEC. 1910. DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR INTERNATIONAL PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a comprehensive three-year strategy for international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(b) CONTENTS.—The strategy required under subsection (a) shall include, at a minimum, the following:

(1) Specific Department of Homeland Security risk-based goals for international programs of the Department in which personnel and resources of the Department are deployed abroad

for vetting and screening of persons seeking to enter the United States.

(2) A risk-based method for determining whether to establish new international programs in new locations, given resource constraints, or expand existing international programs of the Department, in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(3) Alignment with the highest Department-wide and Government-wide strategic priorities of resource allocations on international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(4) A common reporting framework for the submission of reliable, comparable cost data by components of the Department on overseas expenditures attributable to international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(c) CONSIDERATIONS.—In developing the strategy required under subsection (a), the Secretary of Homeland Security shall consider, at a minimum, the following:

(1) Information on existing operations of international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States that includes corresponding information for each location in which each such program operates.

(2) The number of Department personnel deployed to each location at which an international program referred to in subparagraph (A) is in operation during the current and preceding fiscal year.

(3) Analysis of the impact of each international program referred to in paragraph (1) on domestic activities of components of the Department of Homeland Security.

(4) Analysis of barriers to the expansion of an international program referred to in paragraph (1).

(d) FORM.—The strategy required under subsection (a) shall be submitted in unclassified form but may contain a classified annex if the Secretary of Homeland Security determines that such is appropriate.

SEC. 1911. STATE AND HIGH-RISK URBAN AREA WORKING GROUPS.

Subsection (b) of section 2021 of the Homeland Security Act of 2002 (6 U.S.C. 611) is amended to read as follows:

"(b) PLANNING COMMITTEES.—

"(1) IN GENERAL.—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a State planning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The State planning committees and urban area working groups referred to in paragraph (1) shall include at least one representative from each of the following significant stakeholders:

"(i) Local or tribal government officials.

"(ii) Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers.

"(iii) Public health officials and other appropriate medical practitioners.

"(iv) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.

"(v) State and regional interoperable communications coordinators, as appropriate.

"(vi) State and major urban area fusion centers, as appropriate.

"(B) GEOGRAPHIC REPRESENTATION.—The members of the State planning committee or urban area working group, as the case may be, shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

"(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or high-risk urban area create a State planning committee or urban area working group, as the case may be, if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.".

SEC. 1912. CYBERSECURITY STRATEGY FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by inserting after section 228 the following new section:

"SEC. 228A. CYBERSECURITY STRATEGY. 6 USC 149a.

"(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop a departmental strategy to carry out cybersecurity responsibilities as set forth in law.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

"(1) Strategic and operational goals and priorities to successfully execute the full range of the Secretary's cybersecurity responsibilities.

"(2) Information on the programs, policies, and activities that are required to successfully execute the full range of the Secretary's cybersecurity responsibilities, including programs, policies, and activities in furtherance of the following:

"(A) Cybersecurity functions set forth in the section 227 (relating to the national cybersecurity and communications integration center).

"(B) Cybersecurity investigations capabilities.

"(C) Cybersecurity research and development.

"(D) Engagement with international cybersecurity partners.

"(c) CONSIDERATIONS.—In developing the strategy required under subsection (a), the Secretary shall—

"(1) consider—

"(A) the cybersecurity strategy for the Homeland Security Enterprise published by the Secretary in November 2011;

"(B) the Department of Homeland Security Fiscal Years 2014–2018 Strategic Plan; and

"(C) the most recent Quadrennial Homeland Security Review issued pursuant to section 707; and

"(2) include information on the roles and responsibilities of components and offices of the Department, to the extent practicable, to carry out such strategy.

"(d) IMPLEMENTATION PLAN.—Not later than 90 days after the development of the strategy required under subsection (a), the Secretary shall issue an implementation plan for the strategy that includes the following:

"(1) Strategic objectives and corresponding tasks.

"(2) Projected timelines and costs for such tasks.

"(3) Metrics to evaluate performance of such tasks.

"(e) CONGRESSIONAL OVERSIGHT.—The Secretary shall submit to Congress for assessment the following:

"(1) A copy of the strategy required under subsection (a) upon issuance.

"(2) A copy of the implementation plan required under subsection (d) upon issuance, together with detailed information on any associated legislative or budgetary proposals.

"(f) CLASSIFIED INFORMATION.—The strategy required under subsection (a) shall be in an unclassified form but may contain a classified annex.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as permitting the Department to engage in monitoring, surveillance, exfiltration, or other collection activities for the purpose of tracking an individual's personally identifiable information.

"(h) DEFINITION.—In this section, the term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 228 the following new item:

"Sec. 228A. Cybersecurity strategy.".

SEC. 1913. EMP AND GMD PLANNING, RESEARCH AND DEVELOPMENT, AND PROTECTION AND PREPAREDNESS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 2 (6 U.S.C. 101)—

(A) by redesignating paragraphs (9) through (18) as paragraphs (11) through (20), respectively;

(B) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (6) the following new paragraph:

"(7) The term 'EMP' means an electromagnetic pulse caused by a nuclear device or nonnuclear device, including such a pulse caused by an act of terrorism."; and

(D) by inserting after paragraph (9), as so redesignated, the following new paragraph:

"(10) The term 'GMD' means a geomagnetic disturbance caused by a solar storm or another naturally occurring phenomenon.";

(2) in subsection (d) of section 201 (6 U.S.C. 121), by adding at the end the following new paragraph:

"(26)(A) Not later than six months after the date of the enactment of this paragraph, to conduct an intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure, and submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate—

"(i) a recommended strategy to protect and prepare the critical infrastructure of the homeland against threats of EMP and GMD; and

"(ii) not less frequently than every two years thereafter for the next six years, updates of the recommended strategy.

"(B) The recommended strategy under subparagraph (A) shall—

"(i) be based on findings of the research and development conducted under section 319;

"(ii) be developed in consultation with the relevant Federal sector-specific agencies (as defined under Presidential Policy Directive-21) for critical infrastructure;

"(iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructure;

"(iv) be informed, to the extent practicable, by the findings of the intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure conducted under subparagraph (A); and

"(v) be submitted in unclassified form, but may include a classified annex.

"(C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism, cyber attacks, and other threats if, as incorporated, the recommended strategy complies with subparagraph (B).";

(3) in title III (6 U.S.C. 181 et seq.), by adding at the end the following new section:

"SEC. 319. EMP AND GMD MITIGATION RESEARCH AND DEVELOPMENT. 6 USC 195f.

"(a) IN GENERAL.—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies, relevant State, local, and tribal governments, and relevant owners and operators of critical infrastructure, shall,

to the extent practicable, conduct research and development to mitigate the consequences of threats of EMP and GMD.

"(b) SCOPE.—The scope of the research and development under subsection (a) shall include the following:

"(1) An objective scientific analysis—

"(A) evaluating the risks to critical infrastructure from a range of threats of EMP and GMD; and

"(B) which shall—

"(i) be conducted in conjunction with the Office of Intelligence and Analysis; and

"(ii) include a review and comparison of the range of threats and hazards facing critical infrastructure of the electrical grid.

"(2) Determination of the critical utilities and national security assets and infrastructure that are at risk from threats of EMP and GMD.

"(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, which shall include a review of the feasibility of rapidly isolating one or more portions of the electrical grid from the main electrical grid.

"(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to threats of EMP and GMD, including an analysis of neutral current blocking devices that may protect high-voltage transmission lines.

"(5) The restoration and recovery capabilities of critical infrastructure under differing levels of damage and disruption from various threats of EMP and GMD, as informed by the objective scientific analysis conducted under paragraph (1).

"(6) An analysis of the feasibility of a real-time alert system to inform electrical grid operators and other stakeholders within milliseconds of a high-altitude nuclear explosion.

"(c) EXEMPTION FROM DISCLOSURE.—

"(1) INFORMATION SHARED WITH THE FEDERAL GOVERNMENT.—Section 214, and any regulations issued pursuant to such section, shall apply to any information shared with the Federal Government under this section.

"(2) INFORMATION SHARED BY THE FEDERAL GOVERNMENT.—Information shared by the Federal Government with a State, local, or tribal government under this section shall be exempt from disclosure under any provision of State, local, or tribal freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records."; and

(4) in title V (6 U.S.C. 311 et seq.), by adding at the end the following new section:

6 USC 321p.

"SEC. 527. NATIONAL PLANNING AND EDUCATION.

"The Secretary shall, to the extent practicable—

"(1) include in national planning frameworks the threat of an EMP or GMD event; and

"(2) conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency

response providers at all levels of government regarding threats of EMP and GMD.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(A) by inserting after the item relating to section 317 the following new item:

"Sec. 319. EMP and GMD mitigation research and development."; and

(B) by inserting after the item relating to section 525 the following:

"Sec. 526. Integrated Public Alert and Warning System modernization.

"Sec. 527. National planning and education.".

(2) Section 501(13) of the Homeland Security Act of 2002 (6 U.S.C. 311(13)) is amended by striking "section 2(11)(B)" and inserting "section 2(13)(B)".

(3) Section 712(a) of title 14, United States Code, is amended by striking "section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))" and inserting "section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)".

(c) DEADLINE FOR INITIAL RECOMMENDED STRATEGY.—Not later than one year after the date of the enactment of this section, the Secretary of Homeland Security shall submit the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section. 6 USC 121 note.

(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary of Homeland Security shall submit to Congress a report describing the progress made in, and an estimated date by which the Department of Homeland Security will have completed—

(1) including threats of EMP and GMD (as those terms are defined in section 2 of the Homeland Security Act of 2002, as amended by this section) in national planning, as described in section 527 of the Homeland Security Act of 2002, as added by this section;

(2) research and development described in section 319 of the Homeland Security Act of 2002, as added by this section;

(3) development of the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section; and

(4) beginning to conduct outreach to educate emergency planners and emergency response providers at all levels of government regarding threats of EMP and GMD events.

(e) NO REGULATORY AUTHORITY.—Nothing in this section, including the amendments made by this section, shall be construed to grant any regulatory authority. 6 USC 101 note.

(f) NO NEW AUTHORIZATION OF APPROPRIATIONS.—This section, including the amendments made by this section, may be carried out only by using funds appropriated under the authority of other laws.

Military Construction Authorization Act for Fiscal Year 2017.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2017".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alaska	Fort Wainwright	$47,000,000
California	Concord	$12,600,000
Colorado	Fort Carson	$13,100,000
Georgia	Fort Gordon	$100,600,000
	Fort Stewart	$14,800,000
Missouri	Fort Leonard Wood	$6,900,000
Texas	Fort Hood	$7,600,000
Utah	Camp Williams	$7,400,000
Virginia	Fort Belvoir	$23,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the installations or locations outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation	Amount
Cuba	Guantanamo Bay	$33,000,000
Germany	East Camp Grafenwoehr	$22,000,000
	Garmisch	$9,600,000
	Wiesbaden Army Airfield	$19,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	$297,000,000
	Camp Walker	Family Housing New Construction	$54,554,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified

in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,618,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1148), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	$12,200,000
Virginia	Fort Belvoir	Secure Admin/ Operations Facility	$172,200,000
Italy	Camp Ederle	Barracks	$36,000,000
Japan	Sagami	Vehicle Maintenance Shop	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	$2,500,000
Marshall Islands	Kwajalein Atoll	Pier	$63,000,000
Japan	Kyotango City	Company Operations Complex	$33,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$48,355,000
California	Coronado	$104,501,000
	Lemoore	$26,723,000
	Miramar	$193,600,000
	Seal Beach	$21,007,000
Florida	Eglin Air Force Base	$20,489,000
Guam	Joint Region Marianas	$89,185,000
Hawaii	Barking Sands	$43,384,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Kaneohe Bay	$72,565,000
Maine	Kittery	$47,892,000
Maryland	Patuxent River	$40,576,000
Nevada	Fallon	$13,523,000
North Carolina	Camp Lejeune	$18,482,000
	Cherry Point Marine Corps Air Station	$12,515,000
South Carolina	Beaufort	$83,490,000
	Parris Island	$29,882,000
Virginia	Norfolk	$27,000,000
Washington	Bangor	$113,415,000
	Bremerton	$6,704,000
	Whidbey Island	$75,976,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Japan	Kadena Air Base	$26,489,000
	Sasebo	$16,420,000
Spain	Rota	$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	$41,380,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	$78,815,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,149,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Camp Pendleton	Comm. Information Systems Ops Complex	$78,897,000
Greece	Souda Bay	Intermodal Access Road	$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	$3,743,000
Worldwide Unspecified	Various Worldwide Locations	BAMS Operational Facilities	$34,048,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe	Aircraft Maintenance Hangar Upgrades	$31,820,000
	Pearl City	Water Transmission Line	$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	$11,334,000
Virginia	Quantico	Academic Instruction Facility TECOM Schools	$25,731,000
	Quantico	Fuller Road Improvements	$9,013,000

SEC. 2208. STATUS OF "NET NEGATIVE" POLICY REGARDING NAVY ACREAGE ON GUAM .

(a) REPORT ON STATUS.—

(1) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Navy shall submit a report to the congressional defense committees regarding the status of the implementation of the "net negative" policy regarding the total number of acres of the real property controlled by the Department of the Navy on Guam, as described in subsection (b).

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

(A) A description of the real property controlled by the Navy on Guam which the Navy has transferred to the control of Guam after January 20, 2011, or which the Navy plans to transfer to the control of Guam, as well as a description of the specific legal authority under which the Navy has transferred or will transfer each such property.

(B) The methodology and process the Navy will use to determine the total number of acres of real property that the Navy will transfer or has transferred to the control of Guam as part of the "net negative" policy, and the date on which the Navy will transfer or has transferred control of any such property.

(C) A description of the real property controlled by the Navy on Guam which the Navy plans to retain under its control and the reasons for retaining such property, including a detailed explanation of the reasons for retaining any such property which has not been developed or for which no development has been proposed under the current installation master plans for major military installations (as described in section 2864 of title 10, United States Code).

(3) EXCLUSION OF CERTAIN PROPERTY.—In preparing and submitting the report under this subsection, the Secretary may not take into account any real property which has been transferred to the Government of Guam prior to January 20, 2011, to include property under the Guam Excess Lands Act (Public Law 103–339) or the Guam Land Use Plan (GLUP) 1977, or pursuant to base realignment and closure authorized under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) POLICY DESCRIBED.—The "net negative" policy described in this section is the policy of the Secretary of the Navy, as expressed in the statement released by Under Secretary of the Navy on January 20, 2011, that the relocation of Marines to Guam occurring during 2011 will not cause the total number of acres of real property controlled by the Navy on Guam upon the completion of such relocation to exceed the total number of acres of real property controlled by the Navy on Guam prior to such relocation.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,000,000
Alaska	Clear Air Force Station	$20,000,000
	Eielson Air Force Base	$295,600,000
	Joint Base Elmendorf-Richardson	$29,000,000
Arizona	Luke Air Force Base	$20,000,000
California	Edwards Air Force Base	$24,000,000
Colorado	Buckley Air Force Base	$13,500,000
Delaware	Dover Air Force Base	$39,000,000
Florida	Eglin Air Force Base	$123,600,000
	Patrick Air Force Base	$13,500,000
Georgia	Moody Air Force Base	$30,900,000
Guam	Joint Region Marianas	$80,658,000
Illinois	Scott Air Force Base	$41,000,000
Kansas	McConnell Air Force Base	$19,800,000
Louisiana	Barksdale Air Force Base	$21,000,000
Maryland	Joint Base Andrews	$66,500,000
Massachusetts	Hanscom Air Force Base	$30,965,000
Montana	Malmstrom Air Force Base.	$14,600,000
Nevada	Nellis Air Force Base	$10,600,000
New Mexico	Cannon Air Force Base	$21,000,000
	Holloman Air Force Base	$10,600,000
	Kirtland Air Force Base	$7,300,000
Ohio	Wright-Patterson Air Force Base	$12,600,000
Oklahoma	Altus Air Force Base	$11,600,000
	Tinker Air Force Base	$43,000,000
South Carolina	Joint Base Charleston	$17,000,000
Texas	Joint Base San Antonio	$67,300,000
Utah	Hill Air Force Base	$44,500,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Joint Base Langley-Eustis.	$59,200,000
Washington	Fairchild Air Force Base	$27,000,000
Wyoming	F.E. Warren Air Force Base.	$5,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	$30,400,000
Germany	Ramstein Air Base	$13,437,000
	Spangdahlem Air Base	$43,465,000
Japan	Kadena Air Base	$19,815,000
	Yokota Air Base	$32,020,000
Mariana Islands	Unspecified Location	$9,000,000
Turkey	Incirlik Air Base	$13,449,000
United Arab Emirates	Al Dhafra	$35,400,000
United Kingdom	Royal Air Force Croughton.	$69,582,00

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,368,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $56,984,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153) for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force's construction guidelines.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (126 Stat. 2126) and extended by section 2309 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1155), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2013 Project Authorization

State/Country	Installation or Location	Project	Amount
Portugal	Lajes Field	Sanitary Sewer Lift/Pump Station	$2,000,000

SEC. 2307. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2014 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

Country	Installation or Location	Project	Amount
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility	$22,047,000

SEC. 2308. RESTRICTION ON ACQUISITION OF PROPERTY IN NORTHERN MARIANA ISLANDS.

The Secretary of the Air Force may not use any of the amounts authorized to be appropriated under section 2304 to acquire property or interests in property at an unspecified location in the Commonwealth of the Northern Mariana Islands, as specified in the funding table set forth in section 2301(b) and the funding table in section 4601, until the congressional defense committees have received from the Secretary a report providing the following information:

(1) The specific location of the property or interest in property to be acquired.

(2) The total cost, scope, and location of the military construction projects and the acquisition of property or interests in property required to support the Secretary's proposed divert activities and exercises in the Commonwealth of the Northern Mariana Islands.

(3) An analysis of any alternative locations that the Secretary considered acquiring, including other locations or interests within the Commonwealth of the Northern Mariana Islands or the Freely Associated States. For purposes of this paragraph, the term "Freely Associated States" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$155,000,000
	Fort Greely	$9,560,000
	Joint Base Elmendorf-Richardson	$4,900,000
Arizona	Fort Huachuca	$4,493,000
California	Coronado	$175,412,000
	Travis Air Force Base	$26,500,000
Delaware	Dover Air Force Base	$44,115,000
Florida	Patrick Air Force Base	$10,100,000
Georgia	Fort Benning	$4,820,000
	Fort Gordon	$25,000,000
Maine	Portsmouth	$27,100,000
Maryland	Bethesda Naval Hospital	$510,000,000
	Fort Meade	$38,000,000
Missouri	St. Louis	$801,000
North Carolina	Camp Lejeune	$31,000,000
	Fort Bragg	$86,593,000
South Carolina	Joint Base Charleston	$17,000,000
Texas	Red River Army Depot	$44,700,000
	Sheppard Air Force Base	$91,910,000
Virginia	Pentagon	$20,216,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$30,000,000
Germany	Kaiserslautern	$45,221,000
Japan	Ikakuni	$6,664,000
	Kadena Air Base	$161,224,000
	Yokota Air Base	$113,731,000
Kwajalein	Kwajalein Atoll	$85,500,000
United Kingdom	Royal Air Force Croughton	$71,424,000
	Royal Air Force Lakenheath	$13,500,000
Wake Island	Wake Island	$11,670,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
California	Edwards Air Force Base	$8,400,000
	Naval Base San Diego	$4,230,000
	Fort Hunter Liggett	$5,400,000
Colorado	Fort Carson	$5,000,000
	Schriever Air Force Base	$3,295,000
Florida	SUBASE Kings Bay NAS Jacksonville	$3,230,000
Guam	NAVBASE Guam	$8,540,000
Hawaii	NSAH Wahiawa Kunia Oahu	$14,890,000
Ohio	Wright Patterson Air Force Base	$14,400,000
Utah	Dugway Proving Ground	$7,500,000
	Tooele Army Depot	$8,200,000
Various Locations	Various Locations	$28,088,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Cuba	Guantanamo Bay	$6,080,000
Diego Garcia	NSF Diego Garcia	$17,010,000
Japan	Kadena Air Base	$4,007,000
	Misawa Air Base	$5,315,000
Spain	Rota	$3,710,000
Various Locations	Various Locations	$2,705,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 996), for Royal Air

Force Lakenheath, United Kingdom, for construction of a high school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127) and amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1160), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	$13,273,000
Pennsylvania	New Cumberland	Replace reservoir	$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center	$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School	$49,907,000
	Ramstein Air Base	Replace Ramstein High School	$98,762,000

Defense Agencies: Extension of 2014 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
Hawaii	Joint Base Pearl Harbor-Hickam	DISA Pacific Facility Upgrade	$2,615,000
Massachusetts	Hanscom Air Force Base	Replace Hanscom Primary School	$36,213,000
United Kingdom	RAF Lakenheath	Replace Lakenheath High School	$69,638,000
Virginia	Marine Corps Base Quantico	Replace Quantico Middle/High School	$40,586,000
	Pentagon	PFPA Support Operations Center	$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade	$32,000,000
	Pentagon	Boundary Channel Access Control Point	$6,700,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from

the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	$11,600,000
	Army	Camp Humphreys	Duplex Company Operations, Zoeckler Station	$10,200,00
	Army	Camp Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3rd CAB)	$49,500,000
	Army	Camp Humphreys	8th Army Correctional Facility ..	$14,600,000
	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center ...	$68,000,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	$14,100,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	$14,100,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility ..	$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	$7,500,000
	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	$74,600,000
	Defense-Wide	USAG Humphreys	Elementary School	$42,000,000
	Defense-Wide	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	$9,900,000
	Defense-Wide	K–16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	$11,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Colorado	Fort Carson	$16,500,000
Hawaii	Hilo	$31,000,000
Iowa	Davenport	$23,000,000
Kansas	Fort Leavenworth	$29,000,000
New Hampshire	Hooksett	$11,000,000
	Rochester	$8,900,000
Oklahoma	Ardmore	$22,000,000
Pennsylvania	Fort Indiantown Gap	$20,000,000
	York	$9,300,000
Rhode Island	East Greenwich	$20,000,000
Utah	Camp Williams	$37,000,000
Wyoming	Camp Guernsey	$31,000,000
	Laramie	$21,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601,

the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	$30,000,000
California	Camp Parks	$19,000,000
	Fort Hunter Liggett	$21,500,000
Virginia	Dublin	$6,000,000
Wisconsin	Fort McCoy	$11,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	$11,207,000
New York	Brooklyn	$1,964,000
	Syracuse	$13,229,000
Texas	Galveston	$8,414,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley IAP	$6,300,000
Florida	Jacksonville IAP	$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$11,000,000
Iowa	Sioux Gateway Airport	$12,600,000
Maryland	Joint Base Andrews	$5,000,000
Minnesota	Duluth IAP	$7,600,000
New Hampshire	Pease International Trade Port	$1,500,000
North Carolina	Charlotte/Douglas IAP	$50,600,000
Ohio	Toledo Express Airport	$6,000,000
South Carolina	McEntire ANGS	$8,400,000

Air National Guard—Continued

State	Location	Amount
Texas	Ellington Field	$4,500,000
Vermont	Burlington IAP	$4,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	$97,950,000
Pennsylvania	Pittsburgh International Airport	$85,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construction of a new Army Reserve Center at that location, the Secretary of the Army may add to or alter the existing Army Reserve Center at Bullville, New York.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1163) for MacDill Air Force Base, Florida, for construction of an Army Reserve Center/Aviation Support Facility at that location, the Secretary of the Army may relocate and construct replacement skeet and grenade launcher ranges necessary to clear the site for the new Army Reserve facilities.

SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1166), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	$19,162,000

SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Parks	Army Reserve Center	$17,500,000

National Guard and Reserve: Extension of 2014 Project Authorizations—Continued

State	Installation or Location	Project	Amount
	March Air Force Base	NOSC Moreno Valley Reserve Training Center	$11,086,000
Florida	Homestead ARB	Entry Control Complex	$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	$4,000,000
	Martin State Airport	Cyber/ISR Facility	$8,000,000
New York	Bullville	Army Reserve Center	$14,500,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. MODIFICATION OF CRITERIA FOR TREATMENT OF LABORATORY REVITALIZATION PROJECTS AS MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE IN THRESHOLD.—Section 2805(d) of title 10, United States Code, is amended by striking "$4,000,000" each place it appears in paragraph (1)(A), (1)(B), and (2) and inserting "$6,000,000".

(b) NOTICE REQUIREMENTS.—Section 2805(d) of such title is amended—

(1) by striking the second sentence of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

"(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.".

(c) EXTENSION OF SUNSET.—Paragraph (5) of section 2805(d) of such title is amended by striking "2018" and inserting "2025".

SEC. 2802. CLASSIFICATION OF FACILITY CONVERSION PROJECTS AS REPAIR PROJECTS.

Subsection (e) of section 2811 of title 10, United States Code, is amended to read as follows:

"(e) REPAIR PROJECT DEFINED.—In this section, the term 'repair project' means a project—

"(1) to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose; or

"(2) to convert a real property facility, system, or component to a new functional purpose without increasing its external dimensions.".

SEC. 2803. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.

(a) IN GENERAL.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking "The scope of work" and inserting "Except as provided in subsection (d), the scope of work";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

"(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided

to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

"(2) the increase is approved by the Secretary concerned;

"(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

"(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.".

(b) CROSS-REFERENCE AMENDMENTS.—(1) Subsection (a) of such section is amended by striking "subsection (c) or (d)" and inserting "subsection (c), (d), or (e)".

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking "through (d)" and inserting "through (e)".

(c) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting "of this title" after "section 2805(a)".

SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2802 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1169), is amended—

(1) in paragraph (1), by striking "December 31, 2016" and inserting "December 31, 2017"; and

(2) in paragraph (2), by striking "fiscal year 2017" and inserting "fiscal year 2018".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended—

(1) by striking "October 1, 2015" and inserting "October 1, 2016";

(2) by striking "December 31, 2016" and inserting "December 31, 2017"; and

(3) by striking "fiscal year 2017" and inserting "fiscal year 2018".

SEC. 2805. AUTHORITY TO EXPAND ENERGY CONSERVATION CONSTRUCTION PROGRAM TO INCLUDE ENERGY RESILIENCY PROJECTS.

(a) EXPANSION OF AUTHORITY TO ENERGY RESILIENCY AND ENERGY SECURITY PROJECTS.—

(1) IN GENERAL.—Section 2914 of title 10, United States Code, is amended—

(A) in the section heading, by inserting "**RESILIENCY AND**" before "**CONSERVATION CONSTRUCTION PROJECTS**"; and

(B) in subsection (a), by striking "military construction project for energy conservation" and inserting "military construction project for energy resiliency, energy security, or energy conservation".

10 USC prec. 2911.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2914 and inserting the following new item:

"2914. Energy resiliency and conservation construction projects.".

(b) NOTICE AND REPORTING REQUIREMENTS FOR PROJECTS.—

(1) CONTENTS OF NOTIFICATIONS.—

(A) CONTENTS.—Section 2914(b) of title 10, United States Code, is amended—

(i) by striking "When a decision" and inserting "(1) When a decision"; and

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

"(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the following information:

"(A) In the case of a military construction project for energy conservation, the justification and current cost estimate for the project, the expected savings-to-investment ratio, simple payback estimates, and the project's measurement and verification cost estimate.

"(B) In the case of a military construction project for energy resiliency or energy security, the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.".

10 USC 2914 note.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with respect to notifications provided during fiscal year 2017 or any succeeding fiscal year.

(2) ANNUAL REPORT.—Section 2914 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year (beginning with fiscal year 2017), the Secretary of Defense shall submit to the appropriate committees of Congress a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

"(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

"(2) In the case of a military construction project for energy conservation—

"(A) the original expected savings-to-investment ratio and simple payback estimates and measurement and verification cost estimate;

"(B) the most current expected savings-to-investment ratio and simple payback estimates and measurement and verification plan and costs; and

"(C) a brief description of the measurement and verification plan and planned funding source.

"(3) In the case of a military construction project for energy resiliency or energy security, the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.

"(4) Such other information as the Secretary considers appropriate.".

SEC. 2806. ADDITIONAL ENTITIES ELIGIBLE FOR PARTICIPATION IN DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM.

Section 2803(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169; 10 U.S.C. 2358 note) is amended by adding at the end the following:

"(4) A Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Reinvention Laboratory, but nonetheless is involved with developmental test and evaluation.".

SEC. 2807. EXTENSION OF TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

Section 2804(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1171; 10 U.S.C. 2350j note) is amended by striking "September 30, 2020" and inserting "September 30, 2030".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. ACCEPTANCE OF MILITARY CONSTRUCTION PROJECTS AS PAYMENTS IN-KIND AND IN-KIND CONTRIBUTIONS.

(a) PAYMENTS-IN-KIND AND IN-KIND CONTRIBUTIONS.—Subsection (f) of section 2687a of title 10, United States Code, is amended to read as follows:

"(f) ACCEPTANCE OF MILITARY CONSTRUCTION PROJECTS AS PAYMENTS-IN-KIND AND IN-KIND CONTRIBUTIONS.—(1)(A) Except as provided in subparagraph (B), a military construction project costing more than $6,000,000 may be accepted as payment-in-kind or as an in-kind contribution required by a bilateral agreement with a host country only if that military construction project is authorized by law.

"(B) Subparagraph (A) does not apply to a military construction project that—

"(i) was specified in a bilateral agreement with a host country that was entered into before December 26, 2013;

"(ii) was the subject of negotiation between the United States and a host country as of the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2015; or

"(iii) was accepted as payment-in-kind for the residual value of improvements made by the United States at military installations released to the host country under section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 10 U.S.C. 2687 note) before December 26, 2013.

"(2)(A) If the Secretary of Defense accepts a military construction project to be built for Department of Defense personnel outside the United States as a payment-in-kind or an in-kind contribution required by a bilateral agreement with a host country, the Secretary shall submit to the congressional defense committees a written

notification at least 30 days before the initiation date for any such military construction project.

"(B) A notification under subparagraph (A) with respect to a proposed military construction project shall include the following:

"(i) The requirements for, and purpose and description of, the proposed project.

"(ii) The cost of the proposed project.

"(iii) The scope of the proposed project.

"(iv) The schedule for the proposed project.

"(v) Such other details as the Secretary considers relevant.

"(C) Subparagraph (A) shall not apply to a military construction project authorized in a Military Construction Authorization Act.

"(3) To the extent that a payment-in-kind or an in-kind contribution is provided under a bilateral agreement with a host country with respect to a military construction project for which funds have already been obligated or expended by the Secretary of Defense, the Secretary shall return to the Treasury funds in an amount equal to the value of the funds already obligated or expended for the project.

"(4) In this subsection, the term 'military construction project' has the meaning given such term in section 2801 of this title.".

(b) CONFORMING AMENDMENT.—Section 2802 of such title is amended by striking subsection (d).

(c) REPEAL

of 1966 (42 U.S.C. 1786)) that participates in the special supplemental nutrition program for women, infants, and children under such section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 152 of title 10, United States Code, is amended by inserting after the item relating to section 2566 the following new item:

"2567. Space and services: provision to WIC offices".

SEC. 2813. SENSE OF CONGRESS REGARDING INCLUSION OF STORMWATER SYSTEMS AND COMPONENTS WITHIN THE MEANING OF "WASTEWATER SYSTEM" UNDER THE DEPARTMENT OF DEFENSE AUTHORITY FOR CONVEYANCE OF UTILITY SYSTEMS .

It is the sense of Congress that the reference to a system for the collection or treatment of wastewater in the definition of "utility system" in section 2688 of title 10, United States Code, which authorizes the Department of Defense to convey utility systems, includes stormwater systems and components.

SEC. 2814. ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT REQUIRED.—

(1) UPDATE OF 2011 ASSESSMENT ON SCHOOL CAPACITY AND CONDITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an update of the assessment on the capacity and facility condition deficiencies of elementary and secondary public schools on military installations conducted by the Secretary in July 2011 under section 8109 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 82). In updating the assessment, the Secretary shall take into consideration factors including—

(A) schools that have had changes in their condition or capacity since the original assessment; and

(B) the capacity and facility condition deficiencies of schools that may have been inadvertently omitted from the original assessment.

(2) ADDITIONAL INFORMATION.—The Secretary shall include in the update submitted under paragraph (1) a report on the status of the funds already appropriated, and the schedule for the completion of projects already approved, under the programs funded under section 8109 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 82), section 8118 of the Consolidated Appropriations Act, 2012 (Public Law 112–74; 125 Stat. 833), section 8108 of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 322), and section 8107 of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2255).

(b) COMPTROLLER GENERAL EVALUATION.—Not later than 180 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an evaluation of the updated assessment prepared by the Secretary of Defense under

paragraph (1) of subsection (a), including an evaluation of the accuracy and analytical sufficiency of the updated assessment.

10 USC 2556 note.

SEC. 2815. PRIOR CERTIFICATION REQUIRED FOR USE OF DEPARTMENT OF DEFENSE FACILITIES BY OTHER FEDERAL AGENCIES FOR TEMPORARY HOUSING SUPPORT.

The Secretary of Defense shall not sign a memorandum of agreement with another Federal agency to provide the agency with a vacant facility for purposes of temporary housing support unless the Secretary first submits to the Committees on Armed Services of the House of Representatives and Senate a certification that the provision of the facility to the agency for such purpose will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

Subtitle C—Land Conveyances

SEC. 2821. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the University to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to Ahtna, Incorporated (in this section referred to as "Ahtna"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c), the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range 1 east; and township 8 north, range 2 east; Copper River Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:

(A) Section 1.

(B) E½, S½NW¼, SW¼ of section 2.
(C) S½SE¼, NE¼SE¼ of section 3.
(D) E½ of section 10.
(E) Sections 11 and 12.
(F) That portion of N½, N½S½ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.
(G) N½, N½S½ of section 14.
(H) NE¼, NE¼SE¼ of section 15.
(2) Township 7 north, range 2 east:
(A) W½ of section 6.
(B) NW¼ of section 7, and the portion of N½SW¼ and NW¼SE¼ of such section lying northerly of the Glenn Highway right-of-way.
(3) Township 8 north, range 1 east:
(A) SE¼SE¼ of section 35.
(B) E½, SW¼, SE¼NW¼ of section 36.
(4) Township 8 north, range 2 east:
(A) W½ of section 31.

(c) EXCLUSION OF CERTAIN PROPERTY.—The real property authorized for conveyance under subsection (a) may not include the following:

(1) Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described in such Warranty Deed from Ahtna, Incorporated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) CONVEYANCE TO AHTNA.—As consideration for the conveyance of property under subsection (a)(2), Ahtna shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any

improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are undergoing environmental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the

property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) CONVEYANCE AGREEMENT.—The conveyance of land under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the appropriate Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) SUPERSEDENCE OF PUBLIC LAND ORDERS.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

SEC. 2823. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon,

at Joint Base Elmendorf-Richardson ("JBER"), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair, and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85–1–99–14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85–1–97–36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–99–14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–97–36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.

(a) IN GENERAL.—All administrative jurisdiction of the Secretary of Agriculture over 28,423 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled "Navajo Army Depot Jurisdiction" and dated July 19, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—

(1) AGREEMENT.—The Secretary of the Army and the Secretary of Agriculture shall enter into an agreement to authorize the Secretary of Agriculture to occupy, access by vehicle, and use Volunteer Mountain Lookout for the purposes of wildfire detection and reporting for as long as needed by the Secretary of Agriculture.

(2) MAINTENANCE.—The Secretary of Agriculture shall be responsible for maintaining the Volunteer Mountain Lookout structure. The Secretary of the Army, in coordination with the Secretary of Agriculture, shall be responsible for maintaining road access to Volunteer Mountain Lookout.

(c) RESTORATION OR REMEDIATION.—The Secretary of the Army shall be responsible for, and fund any environmental restoration

or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture from any financial obligation to contribute to any such restoration or remediation.

(d) REVOCATION.—Public Land Order 59 (dated November 12, 1942) and Public Land Order 176 (dated September 29, 1943) are hereby revoked.

(e) REVERSIONARY INTEREST.—On the request of the owners of the Camp Navajo railroad 1 parcel and the Camp Navajo railroad 2 parcel, any reversionary interest of the United States pursuant to the Act of July 27, 1866 (14 Stat. 292, chapter 278), in and to the Camp Navajo railroad 1 parcel shall be transferred to the Camp Navajo railroad 2 parcel.

(f) RELEASE.—On transfer of the reversionary interest under subsection (e), the Camp Navajo railroad 1 parcel shall no longer be subject to the reversionary interest described in that subsection.

(g) DEFINITIONS.—In this section:

(1) CAMP NAVAJO RAILROAD 1 PARCEL.—The term "Camp Navajo railroad 1 parcel" means the land described in the deed recorded in Coconino County, Arizona, on October 6, 2014, as document number 3703647.

(2) CAMP NAVAJO RAILROAD 2 PARCEL.—The term "Camp Navajo railroad 2 parcel" means the parcel of land as described in the deed recorded in Coconino County, Arizona, on June 2, 2006, as document number 3386576.

SEC. 2825. EXCHANGE OF PROPERTY INTERESTS, SAN DIEGO UNIFIED PORT DISTRICT, CALIFORNIA.

(a) EXCHANGE OF PROPERTY INTERESTS AUTHORIZED.—

(1) INTERESTS TO BE CONVEYED.—The Secretary of the Navy (hereafter referred to as the "Secretary") may convey to the San Diego Unified Port District (hereafter referred to as the "District") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and, without limitation, any leasehold interests of the United States therein, consisting of approximately 0.33 acres and identified as Parcel No. 4 on District Drawing No. 018–107 (April 2013). This parcel contains 48 parking spaces central to the mission conducted on the site of the Navy's leasehold interest at 1220 Pacific Highway, San Diego, California.

(2) INTERESTS TO BE ACQUIRED.—In exchange for the property interests described in paragraph (1), the Secretary may accept from the District property interests of equal value and similar utility, as determined by the Secretary, located within immediate proximity to the property described in paragraph (1), that provide the rights to an equivalent number of parking spaces of equal value (subject to subsection (c)(1)).

(b) ENCUMBRANCES.—

(1) NO ACCEPTANCE OF PROPERTY WITH ENCUMBRANCES PRECLUDING USE AS PARKING SPACES.—In an exchange of property interests under subsection (a), the Secretary may not accept any property under subsection (a)(2) unless the property is free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces, as determined under paragraph (2).

(2) DETERMINATION OF FREEDOM FROM ENCUMBRANCES.—For purposes of paragraph (1), a property shall be considered to be free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces if—

(A) the District guarantees and certifies that the property is free of such encumbrances under its own authority to preclude the use of the property for parking spaces; and

(B) the District obtains guarantees and certifications from appropriate entities of the State and units of local government that the property is free of any such encumbrances that may be in place pursuant to the Tidelands Trust, the North Embarcadero Visionary Plan, the Downtown Community Plan, or any other law, regulation, plan, or document.

(c) EQUALIZATION.—

(1) TRANSFER OF RIGHTS TO ADDITIONAL PARKING SPACES.—If the value of the property interests described in subsection (a)(1) is greater than the value of the property interests and rights to parking spaces described in subsection (a)(2), the values shall be equalized by the transfer to the Secretary of rights to additional parking spaces.

(2) NO AUTHORIZATION OF CASH EQUALIZATION PAYMENTS FROM SECRETARY.—If the value of the property interests and parking rights described in subsection (a)(2) are greater than the value of the property interests described in subsection (a)(1), the Secretary may not make a cash equalization payment to equalize the values.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the District to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the exchange of property interests under this section, including survey costs, costs related to environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests. If amounts are collected from the District in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the exchange of property interests. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(f) CONVEYANCE AGREEMENT.—The exchange of property interests under this section shall be accomplished using a lease, lease amendment, or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the District,

including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. RELEASE OF PROPERTY INTERESTS RETAINED IN CONNECTION WITH LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) RELEASE OF EXCEPTIONS, LIMITATIONS, AND CONDITIONS IN DEEDS.—With respect to approximately 126 acres of real property in Okaloosa County, Florida, more particularly described in subsection (b), which were conveyed by the United States to the Air Force Enlisted Mens' Widows and Dependents Home Foundation, Incorporated ("Air Force Enlisted Village"), the Secretary of the Air Force may release, without consideration, any and all exceptions, limitations, and conditions specified by the United States in the deeds conveying such real property.

(b) PROPERTY DESCRIBED.—The real property subject to subsection (a) was part of Eglin Air Force, Florida, and consists of all parcels conveyed in exchange for fair market value cash payment by the Air Force Enlisted Village pursuant to section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (Public Law 100–456; 102 Stat. 2123), and section 2861 of the Military Construction Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2223).

(c) INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.—The Secretary may execute and record in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of exceptions, limitations, and conditions under subsection (a).

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) PAYMENT REQUIRED.—The Secretary may require the Air Force Enlisted Village to pay for any costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Air Force Enlisted Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release under subsection (a) shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release of exceptions, limitations, and conditions under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 437 acres at Fort Hood, Texas,

for the purpose of permitting the City to improve arterial transportation routes in the vicinity of Fort Hood and to promote economic development in the area of the City and Fort Hood.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary of the Army all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of the real property acquired by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Army.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyances under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, P–36 WAREHOUSE, COLBERN UNITED STATES ARMY RESERVE CENTER, LAREDO, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Laredo Community College (in this section referred to as the "LCC") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 0.077 acres, including the approximately 725 sq. ft. Historic Building, P–36 Warehouse, and other improvements thereon, at Colbern United States Army Reserve Center, Laredo, Texas, for the purposes of educational use and historic preservation.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the LCC to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

If amounts are collected from the LCC in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the LCC.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(d) REVERSIONARY INTEREST.—

(1) REVERSION.—If the Secretary of the Army determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(2) PAYMENT OF CONSIDERATION IN LIEU OF REVERSION.—In lieu of exercising the right of reversion retained under paragraph (1) with respect to the property conveyed under subsection (a), the Secretary may require the LCC to pay to the United States an amount equal to the fair market value of the property conveyed, as determined by the Secretary.

(3) TREATMENT OF CASH CONSIDERATION.—Any cash payment received by the United States under paragraph (2) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, ST. GEORGE NATIONAL GUARD ARMORY, ST. GEORGE, UTAH.

(a) LAND CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, as described in Public Land Order 6840 published in the Federal Register on March 29, 1991 (56 Fed. Reg. 13081), and containing the St. George National Guard Armory for the purpose of permitting the Utah National Guard to use the conveyed land for military purposes.

(b) TERMINATION OF PRIOR ADMINISTRATIVE ACTION.—The Public Land Order described in subsection (a), which provided for a 20-year withdrawal of the public land described in the Public Land Order, is withdrawn upon conveyance of the land under this section.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Interior.

(d) CONVEYANCE AGREEMENT.—The conveyance under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Interior and the State of Utah, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSIONARY INTEREST.—If the Secretary of the Interior determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

SEC. 2829A. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation, or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title, and interest in and to land—

(A) from Arlington County (in this section referred to as the "County"), one or more parcels of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth of Virginia (in this section referred to as the "Commonwealth"), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Washington Boulevard-Columbia Pike interchange, but excluding the Virginia Department of Transportation Maintenance and Operations Facility.

(2) SELECTION OF PROPERTY FOR ACQUISITION.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north of Columbia Pike through a realignment of Southgate Road to the western boundary of the former Navy Annex site; and

(B) to support the realignment and straightening of Columbia Pike and redesign of the Washington Boulevard-Columbia Pike interchange.

(3) CONSIDERATION.—The Secretary is authorized to expend amounts up to fair market value consideration for the interests in land acquired under this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) EXCHANGE.—In carrying out the acquisition authorized in subsection (a), in lieu of the consideration authorized under subsection (a)(3), the Secretary may convey through land exchange—

(A) to the County, all right, title, and interest of the United States in and to one or more parcels of real property, together with any improvements thereon, located south of current Columbia Pike and west of South Joyce Street in Arlington County, Virginia;

(B) to the Commonwealth, all right, title, and interest of the United States in and to one or more parcels of property east of Joyce Street in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, other real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) EXCHANGE VALUE.—

(A) MINIMUM VALUE.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) CASH EQUALIZATION.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) APPRAISALS.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) REPEAL OF AUTHORITY.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3712) is repealed.

SEC. 2829B. RELEASE OF RESTRICTIONS, RICHLAND INNOVATION CENTER, RICHLAND, WASHINGTON.

(a) RELEASE AUTHORIZED.—The Secretary of Transportation, acting through the Maritime Administrator and in consultation with the Administrator of General Services, may, upon receipt of full consideration as provided in subsection (b), release all remaining right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Richland, Washington, consisting as of the date of the enactment of this Act of approximately 71.5 acres and containing personal and real property, to the Port of Benton (hereafter in this section referred to as the "Port").

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the release under subsection (a), the Port shall provide an amount that is acceptable to the Secretary of Transportation, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, at such time as the Secretary may require. The Secretary may determine the level of acceptable consideration under this paragraph on the basis of the value of the restrictions released under subsection (a), but only if the value of such restrictions is determined without regard to any improvements made by the Port.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the Port under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility or infrastructure under the jurisdiction of any office of the Federal Government.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.

(c) PAYMENT OF COST OF RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of Transportation shall require the Port to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs for environmental documentation related to the release, and any other administrative costs related to the release. If amounts are collected from the Port in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Port.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred

by the Secretary in carrying out the release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property which is the subject of the release under subsection (a) shall be determined by a survey satisfactory to the Secretary of Transportation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Transportation may require such additional terms and conditions in connection with the release under subsection (a) as the Secretary, in consultation with the Administrator of General Services, considers appropriate to protect the interests of the United States.

SEC. 2829C. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE.

Section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 16 U.S.C. 668dd note) is amended by adding at the end the following new subparagraph:

"(C)(i) Notwithstanding clause (i) of subparagraph (A), the restriction attached to any deed to any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if a determination is made that the property will be protective of human health and the environment for the proposed use with an adequate margin of safety following the modification or removal of the restriction.

"(ii) The determination described in clause (i) shall be made after—

"(I) the performance of a risk assessment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

"(II) the completion of response actions that are necessary to protect human health and the environment to allow for the proposed use.

"(iii) The Secretary of the Army shall not be responsible or liable for any of the following:

"(I) The cost of the risk assessment performed under subclause (I) of clause (ii) or any response actions described in subclause (II) of clause (ii).

"(II) Any damages attributable to the use of property for residential or industrial purposes as the result of the modification or removal of a deed restriction pursuant to clause (i), or the costs of any actions taken in response to such damages.".

SEC. 2829D. CLOSURE OF ST. MARYS AIRPORT.

(a) RELEASE OF RESTRICTIONS.—Subject to subsection (b), the United States, acting through the Administrator of the Federal Aviation Administration, shall release the city of St. Marys, Georgia, from all restrictions, conditions, and limitations on the use, encumbrance, conveyance, and closure of the St. Marys Airport, to the

extent such restrictions, conditions, and limitations are enforceable by the Administrator.

(b) REQUIREMENTS FOR RELEASE OF RESTRICTIONS.—The Administrator shall execute the release under subsection (a) once all of the following occurs:

(1) The Secretary of the Navy transfers to the Georgia Department of Transportation the amounts described in subsection (c) and requires as an enforceable condition on such transfer that all funds transferred shall be used only for airport development (as defined in section 47102 of title 49, United States Code) of a general aviation airport in Georgia, consistent with planning efforts conducted by the Administrator and the Georgia Department of Transportation.

(2) The city of St. Marys, for consideration as provided for in this section, grants to the United States, under the administrative jurisdiction of the Secretary, a restrictive use easement in the real property used for the St. Marys Airport, as determined acceptable by the Secretary, under such terms and conditions as the Secretary considers necessary to protect the interests of the United States and prohibiting the future use of such property for all aviation-related purposes and any other purposes deemed by the Secretary to be incompatible with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(3) The Secretary obtains an appraisal to determine the fair market value of the real property used for the St. Marys Airport in the manner described in subsection (c)(1).

(4) The Administrator fulfills the obligations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the release under subsection (a). In carrying out such obligations—

(A) the Administrator shall not assume or consider any potential or proposed future redevelopment of the current St. Marys airport property;

(B) any potential new general aviation airport in Georgia shall be deemed to be not connected with the release noted in subsection (a) nor the closure of St. Marys Airport; and

(C) any environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a potential general aviation airport in Georgia shall be considered through an environmental review process separate and apart from the environmental review made a condition of release by this section.

(c) TRANSFER OF AMOUNTS DESCRIBED.—The amounts described in this subsection are the following:

(1) An amount equal to the fair market value of the real property of the St. Marys Airport, as determined by the Secretary and concurred in by the Administrator, based on an appraisal report and title documentation that—

(A) is prepared or adopted by the Secretary, and concurred in by the Administrator, not more than 180 days prior to the transfer described in subsection (b)(1); and

(B) meets all requirements of Federal law and the appraisal and documentation standards applicable to the acquisition and disposal of real property interests of the United States.

(2) An amount equal to the unamortized portion of any Federal development grants (including grants available under a State block grant program established pursuant to section 47128 of title 49, United States Code), other than used for the acquisition of land, paid to the city of St. Marys for use as the St. Marys Airport.

(3) An amount equal to the airport revenues remaining in the airport account for the St. Marys Airport as of the date of the enactment of this Act and as otherwise due to or received by the city of St. Marys after such date of enactment pursuant to sections 47107(b) and 47133 of title 49, United States Code.

(d) AUTHORIZATION FOR TRANSFER OF FUNDS.—Using funds available to the Department of the Navy for operation and maintenance, the Secretary may pay the amounts described in subsection (c) to the Georgia Department of Transportation, conditioned as described in subsection (b)(1).

(e) ADDITIONAL REQUIREMENTS.—

(1) SURVEY.—The exact acreage and legal description of St. Marys Airport shall be determined by a survey satisfactory to the Secretary and concurred in by the Administrator.

(2) PLANNING OF GENERAL AVIATION AIRPORT.—Any planning effort for the development of a new general aviation airport in southeast Georgia using the amounts described in subsection (c) shall be conducted in coordination with the Secretary, and shall ensure that any such airport does not encroach on the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the applicability of—

(1) the requirements and processes under section 46319 of title 49, United States Code;

(2) the requirements and processes under part 157 of title 14, Code of Federal Regulations; or

(3) the public notice requirements under section 47107(h)(2) of title 49, United States Code.

SEC. 2829E. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.

(a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.—

(1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:

"(1) The term 'Pentagon Reservation' means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.".

(2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the end the following new paragraphs:

"(3) The term 'Pentagon' means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

"(4) The term 'Mark Center Campus' means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

"(5) The term 'Raven Rock Mountain Complex' means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.".

(3) CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1) of such section is amended by inserting "for the Pentagon Reservation and" after "law enforcement and security functions".

(4) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Subsection (g) of such section is repealed.

(b) UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.—Subsection (a) of such section is amended—

(1) by striking "Jurisdiction" and inserting "The Secretary of Defense has jurisdiction"; and

(2) by striking "is transferred to the Secretary of Defense".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Such subsection is further amended—

(1) by striking "(1)" after "(a)"; and

(2) by striking paragraphs (2) and (3).

(d) SUBSECTION CAPTIONS.—Such section is further amended—

(1) in subsection (a), as amended by subsection (c) of this section, by inserting "PENTAGON RESERVATION.—" after "(a)";

(2) in subsection (b), by striking "(b)(1)" and inserting "(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)";

(3) in subsection (c), by striking "(c)(1)" and inserting "(c) REGULATIONS AND ENFORCEMENT.—(1)";

(4) in subsection (d), by inserting "AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—" after "(d)";

(5) in subsection (e), by striking "(e)(1)" and inserting "(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)"; and

(6) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

SEC. 2829F. RETURN OF CERTAIN LANDS AT FORT WINGATE, NEW MEXICO, TO THE ORIGINAL INHABITANTS.

(a) DIVISION AND TREATMENT OF LANDS OF FORMER FORT WINGATE DEPOT ACTIVITY, NEW MEXICO, TO BENEFIT THE ZUNI TRIBE AND NAVAJO NATION.—

(1) IMMEDIATE TRUST ON BEHALF OF ZUNI TRIBE; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (b), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark blue on the map titled "The Fort Wingate Depot Activity Negotiated Property Division April 2016" (in this section referred to as the "Map") and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Zuni Tribe as part of the Zuni Reservation, unless the Zuni Tribe otherwise elects

under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(2) IMMEDIATE TRUST ON BEHALF OF THE NAVAJO NATION; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (b), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark green on the Map and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Navajo Nation as part of the Navajo Reservation, unless the Navajo Nation otherwise elects under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(3) SUBSEQUENT TRANSFER AND TRUST; RESTRICTED FEE STATUS ALTERNATIVE.—

(A) TRANSFER UPON COMPLETION OF REMEDIATION.—Not later than 60 days after the date on which the Secretary of the Army, with the concurrence of the New Mexico Environment Department, notifies the Secretary of the Interior that remediation of a parcel of land of Former Fort Wingate Depot Activity has been completed consistent with subsection (c), the Secretary of the Army shall transfer administrative jurisdiction over the parcel to the Secretary of the Interior.

(B) NOTIFICATION OF TRANSFER.—Not later than 30 days after the date on which the Secretary of the Army transfers administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity under subparagraph (A), the Secretary of the Interior shall notify the Zuni Tribe and Navajo Nation of the transfer of administrative jurisdiction over the parcel.

(C) TRUST OR RESTRICTED FEE STATUS.—

(i) TRUST.—Except as provided in clause (ii), the Secretary of the Interior shall hold each parcel of land of Former Fort Wingate Depot Activity transferred under subparagraph (A) in trust—

(I) for the Zuni Tribe, in the case of land depicted in blue on the Map; or

(II) for the Navajo Nation, in the case of land depicted in green on the Map.

(ii) RESTRICTED FEE STATUS.—In lieu of having a parcel of land held in trust under clause (i), the Zuni Tribe, with respect to land depicted in blue on the Map, and the Navajo Nation, with respect to land depicted in green on the Map, may elect to have the Secretary of the Interior convey the parcel or any portion of the parcel to it in restricted fee status.

(iii) NOTIFICATION OF ELECTION.—Not later than 45 days after the date on which the Zuni Tribe or the Navajo Nation receives notice under subparagraph (B) of the transfer of administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity, the Zuni Tribe or the Navajo Nation shall notify the Secretary of the Interior of an election under clause (ii) for conveyance of the parcel or any portion of the parcel in restricted fee status.

(iv) CONVEYANCE.—As soon as practicable after receipt of a notice from the Zuni Tribe or the Navajo

Nation under clause (iii), but in no case later than 6 months after receipt of the notice, the Secretary of the Interior shall convey, in restricted fee status, the parcel of land of Former Fort Wingate Depot Activity covered by the notice to the Zuni Tribe or the Navajo Nation, as the case may be.

(v) RESTRICTED FEE STATUS DEFINED.—For purposes of this section only, the term "restricted fee status", with respect to land conveyed under clause (iv), means that the land so conveyed—

(I) shall be owned in fee by the Indian tribe to whom the land is conveyed;

(II) shall be part of the Indian tribe's Reservation and expressly made subject to the jurisdiction of the Indian Tribe;

(III) shall not be sold by the Indian tribe without the consent of Congress;

(IV) shall not be subject to taxation by a State or local government other than the government of the Indian tribe; and

(V) shall not be subject to any provision of law providing for the review or approval by the Secretary of the Interior before an Indian tribe may use the land for any purpose, directly or through agreement with another party.

(4) SURVEY AND BOUNDARY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Interior shall—

(i) provide for the survey of lands of Former Fort Wingate Depot Activity taken into trust for the Zuni Tribe or the Navajo Nation or conveyed in restricted fee status for the Zuni Tribe or the Navajo Nation under paragraph (1), (2), or (3); and

(ii) establish legal boundaries based on the Map as parcels are taken into trust or conveyed in restricted fee status.

(B) CONSULTATION.—Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior shall consult with the Zuni Tribe and the Navajo Nation to determine their priorities regarding the order in which parcels should be surveyed and, to the greatest extent feasible, the Secretary shall follow these priorities.

(5) RELATION TO CERTAIN REGULATIONS.—Part 151 of title 25, Code of Federal Regulations, shall not apply to taking lands of Former Fort Wingate Depot Activity into trust under paragraph (1), (2), or (3).

(6) FORT WINGATE LAUNCH COMPLEX LAND STATUS.—Upon certification by the Secretary of Defense that the area generally depicted as "Fort Wingate Launch Complex" on the Map is no longer required for military purposes and can be transferred to the Secretary of the Interior—

(A) the areas generally depicted as "FWLC A" and "FWLC B" on the Map shall be held in trust by the Secretary of the Interior for the Zuni Tribe in accordance with this subsection; and

(B) the areas generally depicted as "FWLC C" and "FWLC D" on the Map shall be held in trust by the Secretary of the Interior for the Navajo Nation in accordance with this subsection.

(b) TEMPORARY RETENTION OF NECESSARY EASEMENTS AND ACCESS.—

(1) TREATMENT OF EXISTING EASEMENTS, PERMIT RIGHTS, AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be held in trust with easements, permit rights, and rights-of-way, and access associated with such easements, permit rights, and rights-of-way, of any applicable utility service provider in existence or for which an application is pending for existing facilities at the time of the conveyance or change to trust status, including the right to upgrade applicable utility services recognized and preserved, for a period of 40 years beginning on the date of the conveyance or change to trust status and without the right of revocation during such period (except as provided in subparagraph (B)).

(B) TERMINATION.—During the 40-year period referred to in subparagraph (A), an easement, permit right, or right-of-way recognized and preserved under subparagraph (A) shall terminate only—

(i) on the relocation of an applicable utility service referred to in subparagraph (A), but only with respect to that portion of the utility facilities that are relocated; or

(ii) with the consent of the holder of the easement, permit right, or right-of-way.

(C) ADDITIONAL EASEMENTS.—During the 40-year period referred to in subparagraph (A), the Secretary of the Interior shall grant to a utility service provider, without consideration, such additional easements across lands held in trust or conveyed in restricted fee status pursuant to subsection (a) as the Secretary considers necessary to accommodate the relocation or reconnection of a utility service existing on the date of enactment of this section.

(2) ACCESS FOR ENVIRONMENTAL RESPONSE ACTIONS.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be subject to reserved access by the United States as the Secretary of the Army and the Secretary of the Interior determine are reasonably required to permit access to lands of Former Fort Wingate Depot Activity for administrative and environmental response purposes. The Secretary of the Army shall provide to the governments of the Zuni Tribe and the Navajo Nation written copies of all access reservations under this subsection.

(3) SHARED ACCESS.—

(A) PARCEL 1 SHARED CULTURAL AND RELIGIOUS ACCESS.—In the case of the lands of Former Fort Wingate Depot Activity depicted as Parcel 1 on the Map, the lands shall be held in trust subject to a shared easement for cultural and religious purposes only. Both the Zuni Tribe and the Navajo Nation shall have unhindered access to

their respective cultural and religious sites within Parcel 1. Within 1 year after the date of the enactment of this section, the Zuni Tribe and the Navajo Nation shall exchange detailed information to document the existence of cultural and religious sites within Parcel 1 for the purpose of carrying out this subparagraph. The information shall also be provided to the Secretary of the Interior.

(B) OTHER SHARED ACCESS.—Subject to the written consent of both the Zuni Tribe and the Navajo Nation, the Secretary of the Interior may facilitate shared access to other lands held in trust or restricted fee status pursuant to subsection (a), including, but not limited to, religious and cultural sites.

(4) I–40 FRONTAGE ROAD ENTRANCE.—The access road for the Former Fort Wingate Depot Activity, which originates at the frontage road for Interstate 40 and leads to the parcel of the Former Fort Wingate Depot Activity depicted as "administration area" on the Map, shall be held in common by the Zuni Tribe and Navajo Nation to provide for equal access to Former Fort Wingate Depot Activity.

(5) COMPATIBILITY WITH DEFENSE ACTIVITIES.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be subject to reservations by the United States as the Secretary of Defense determines are reasonably required to permit access to lands of the Fort Wingate launch complex for administrative, test operations, and launch operations purposes. The Secretary of Defense shall provide the governments of the Zuni Tribe and the Navajo Nation written copies of all reservations under this paragraph.

(c) ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be construed as alleviating, altering, or affecting the responsibility of the United States for cleanup and remediation of Former Fort Wingate Depot Activity in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(d) PROHIBITION ON GAMING.—Any real property of the Former Fort Wingate Depot Activity and all other real property subject to this section shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

Subtitle D—Military Memorials, Monuments, and Museums

10 USC 4781 note.

SEC. 2831. CYBER CENTER FOR EDUCATION AND INNOVATION-HOME OF THE NATIONAL CRYPTOLOGIC MUSEUM.

(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum

"(a) ESTABLISHMENT.—The Secretary of Defense may establish at a publicly accessible location at Fort George G. Meade the 'Cyber Center for Education and Innovation-Home of the National Cryptologic Museum' (in this section referred to as the 'Center').

The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency, its predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

"(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a nonprofit organization, for the design, construction, and operation of the Center.

"(c) ACCEPTANCE AUTHORITY.—

"(1) ACCEPTANCE OF FACILITY.—If the Foundation constructs the Center pursuant to an agreement with the Foundation under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center (or any phase thereof) from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

"(2) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation in connection with the design, construction, and operation of the Center. For purposes of this section and any other provision of law, employees or personnel of the Foundation shall not be considered to be employees of the United States.

"(d) FEES AND USER CHARGES.—

"(1) AUTHORITY TO ASSESS FEES AND USER CHARGES.—The Secretary may assess fees and user charges sufficient to cover the cost of the use of Center facilities and property, including rental, user, conference, and concession fees.

"(2) USE OF FUNDS.—Amounts received by the Secretary under paragraph (1) shall be deposited into the Fund established under subsection (e).

"(e) FUND.—

"(1) ESTABLISHMENT.—Upon the Secretary's acceptance of the Center under subsection (c)(1), there is established in the Treasury a fund to be known as the Cyber Center for Education and Innovation-Home of the National Cryptologic Museum Fund (in this section referred to as the 'Fund').

"(2) CONTENTS.—The Fund shall consist of the following amounts:

"(A) Fees and user charges deposited by the Secretary under subsection (d).

"(B) Any other amounts received by the Secretary which are attributable to the operation of the Center.

"(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary for the benefit and operation of the Center, including the costs of operation and the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

"(4) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available without fiscal year limitation.".

10 USC prec. 4771.

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

"4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.".

SEC. 2832. RENAMING SITE OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

Section 101(b)(5) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)(5)) is amended by striking "Aviation Center" and inserting "National Museum".

10 USC 113 note.

SEC. 2833. WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS.

(a) AUTHORIZATION.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract with a nonprofit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) OFFSET.—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

16 USC 423a–3.

SEC. 2834. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled "Petersburg National Battlefield Proposed Boundary Expansion", numbered 325/80,080, and dated June 2007/March 2016. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—

(1) AUTHORITY.—The Secretary of the Interior (referred to in this section as the "Secretary") is authorized to acquire the land and interests in land described in subsection (a) from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(2) TECHNICAL CORRECTION.—Section 313(a) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking "twenty-one" and inserting "23".

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as "Area to be transferred to Fort Lee Military Reservation" on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as "Area to be transferred to Petersburg National Battlefield" on the map described in paragraph (2).

(2) MAP.—The parcels of land described in paragraph (1) are depicted on the map titled "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,801A, dated May 2011/March 2016. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall be without reimbursement or consideration.

(B) MANAGEMENT.—

(i) LAND TRANSFERRED TO THE SECRETARY OF THE ARMY.—The land transferred to the Secretary of the Army under paragraph (1)(A) shall be excluded from the boundary of the Petersburg National Battlefield.

(ii) LAND TRANSFERRED TO THE SECRETARY.—The land transferred to the Secretary under paragraph (1)(B)—

(I) shall be included within the boundary of the Petersburg National Battlefield; and

(II) shall be administered as part of Petersburg National Battlefield in accordance with applicable laws and regulations.

Subtitle E—Designations and Other Matters

SEC. 2841. DESIGNATION OF PORTION OF MOFFETT FEDERAL AIRFIELD, CALIFORNIA, AS MOFFETT AIR NATIONAL GUARD BASE.

(a) DESIGNATION.—The 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the 129th Rescue Wing of the California Air National Guard shall be known and designated as "Moffett Air National Guard Base".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the cantonment area at Moffett Federal Airfield described in subsection (a) shall be considered to be a reference to Moffett Air National Guard Base.

SEC. 2842. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–118)), and as amended by section 2862 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1701), is further amended—

(1) by striking "Mike O'Callaghan Federal Medical Center" each place it appears and inserting "Mike O'Callaghan Military Medical Center"; and

(2) in the heading, by striking "**MIKE O'CALLAGHAN**" and all that follows and inserting "**MIKE O'CALLAGHAN MILITARY MEDICAL CENTER.**".

SEC. 2843. REPLENISHMENT OF SIERRA VISTA SUBWATERSHED REGIONAL AQUIFER, ARIZONA.

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1439).

SEC. 2844. LIMITED EXCEPTIONS TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

(a) REVISION.—Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3701), the Secretary of Defense may proceed with a public infrastructure project on Guam which is described in subsection (b) if—

(1) the project was identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1017); and

(2) amounts have been appropriated or made available to be expended by the Department of Defense for the project.

(b) PROJECTS DESCRIBED.—A project described in this subsection is any of the following:

(1) A project intended to improve water and wastewater systems.

(2) A project intended to improve curation of archeological and cultural artifacts.

(c) REPEAL OF SUPERSEDED LAW.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1177) is repealed.

SEC. 2845. DURATION OF WITHDRAWAL AND RESERVATION OF PUBLIC LAND, NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA.

Section 2979 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1047) is amended by striking "March 31, 2039" and inserting "March 31, 2064".

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	$37,409,000
Iceland	Keflavik	$19,600,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	$13,400,000
Djibouti	Chabelley Airfield	$10,500,000
Estonia	Amari Air Base	$6,500,000
Germany	Spangdahlem Air Base	$18,700,000
Lithuania	Siauliai	$3,000,000
Poland	Powidz Air Base	$4,100,000
	Lask Air Base	$4,100,000
Romania	Campia Turzii	$18,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602 and 4603.

TITLE XXX—UTAH TEST AND TRAINING RANGE AND RELATED MATTERS

Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

Subtitle B—Bureau of Land Management Land Exchange With State of Utah

Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

SEC. 3001. DEFINITIONS.

In this subtitle:

(1) BLM LAND.—The term "BLM land" means certain public land administered by the Bureau of Land Management in the State comprising approximately 703,621 acres, as generally depicted on the map entitled "Utah Test and Training Range Enhancement/West Desert Land Exchange" and dated July 21, 2016.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—The term "Utah Test and Training Range" means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 3002. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this subtitle.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 3005 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this subtitle.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 3001(1).

(c) LAND SAFETY.—If decontamination of the BLM land is necessary due to an action of the Air Force, the Secretary of the Air Force shall—

(1) render the BLM land safe for public use; and

(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this subtitle.

(e) GRAZING.—

(1) EFFECT.—Nothing in this subtitle affects the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

SEC. 3003. TEMPORARY CLOSURES.

(a) IN GENERAL.—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public

use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) LIMITATIONS.—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods that the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) SPECIAL NOTIFICATION PROCEDURES.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) MAXIMUM ANNUAL CLOSURES.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) PROHIBITION ON CERTAIN TEMPORARY CLOSURES.—The northernmost area identified as "Newfoundland's" on the map described in section 3001(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) EMERGENCY GROUND RESPONSE.—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) LIVESTOCK.—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) LAW ENFORCEMENT AND SECURITY.—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

SEC. 3004. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

SEC. 3005. COMMUNITY RESOURCE ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Advisory Group (referred to in this section as the "Community Group") to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) AIR FORCE PERSONNEL.—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without compensation.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Secretary shall select ½ of the original members of the Community Group to serve for a term of 4 years and the other ½ of the original members of the Community Group to serve for a term of 2 years, to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has resigned; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The Community Group shall terminate on the date that is seven years after the date of enactment of this Act.

(2) EARLY TERMINATION.—The Secretary and the Community Group, acting jointly, may elect to terminate the Community Group before the date provided in subsection (a).

SEC. 3006. SAVINGS CLAUSES.

(a) EFFECT ON WEAPON IMPACT AREA.—Nothing in this subtitle expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.—Nothing in this subtitle limits or alters the Military

Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) EFFECT ON EXISTING RIGHTS AND AGREEMENTS.—Except as otherwise provided in section 3003, nothing in this subtitle limits or alters any existing right or right of access to—

(1) the Knolls Special Recreation Management Area; or

(2)(A) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(B) any other county or community pit located within close proximity to the BLM land.

(e) INTERSTATE 80.—Nothing in this subtitle authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this subtitle affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this subtitle affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this subtitle alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this subtitle diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

Subtitle B—Bureau of Land Management Land Exchange With State of Utah

SEC. 3011. DEFINITIONS.

In this subtitle:

(1) EXCHANGE MAP.—The term "Exchange Map" means the map prepared by the Bureau of Land Management entitled "Utah Test and Training Range Enhancement/West Desert Land Exchange" and dated Jule 21, 2016.

(2) FEDERAL LAND.—The term "Federal land" means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as "BLM Lands Proposed for Transfer to State Trust Lands".

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the land owned by the State in Box Elder, Tooele,

and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) "State Trust Land Proposed for Transfer to BLM"; and

(B) "State Trust Minerals Proposed for Transfer to BLM".

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 3012. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this subtitle notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this subtitle.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this subtitle shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this subtitle shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the "Mining Law of 1872") (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this subtitle requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under this subtitle shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this subtitle shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this subtitle before the completion of the land exchange.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this subtitle—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—

(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as

necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled "Bureau of Land Management Environmental Assessment UT–100–06–EA", numbered UTU–82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under this subtitle is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this subtitle prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If non-Federal land conveyed by the State under this subtitle is used by a grazing permittee or lessee to meet the base property requirements for a Federal

grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this subtitle is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

SEC. 3013. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) IN GENERAL.—On conveyance to the United States under this subtitle, the non-Federal land shall be managed by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.—On conveyance to the Secretary under this subtitle, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.—On conveyance to the Secretary under this subtitle, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

SEC. 3014. HAZARDOUS SUBSTANCES.

(a) COSTS.—Except as provided in subsection (b), the costs of remedial actions relating to hazardous substances on land acquired under this subtitle shall be paid by those entities responsible for the costs under applicable law.

(b) REMEDIATION OF PRIOR TESTING AND TRAINING ACTIVITY.—The Secretary of the Air Force shall bear all costs of remediation required as a result of the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this subtitle.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for

fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 17–D–401, Saltstone Disposal Unit #7, Savannah River Site, Aiken, South Carolina, $9,729,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.

(a) IN GENERAL.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2772) is amended by inserting after section 4732 the following new section:

"SEC. 4733. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS. 50 USC 2773.

"(a) REVIEWS.—The appropriate head shall ensure that an independent entity conducts reviews of each capital assets acquisition project as the project moves toward the approval of each of critical decision 0, critical decision 1, and critical decision 2 in the acquisition process.

"(b) PRE-CRITICAL DECISION 1 REVIEWS.—In addition to any other matters, with respect to each review of a capital assets acquisition project under subsection (a) that has not reached critical decision 1 approval in the acquisition process, such review shall include—

"(1) a review using best practices of the analysis of alternatives for the project; and

"(2) identification of any deficiencies in such analysis of alternatives for the appropriate head to address.

"(c) INDEPENDENT ENTITIES.—The appropriate head shall ensure that each review of a capital assets acquisition project under subsection (a) is conducted by an independent entity with the appropriate expertise with respect to the project and the stage in the acquisition process of the project.

"(d) DEFINITIONS.—In this section:

"(1) The term 'acquisition process' means the acquisition process for a project, as defined in Department of Energy Order 413.3B (relating to project management and project management for the acquisition of capital assets), or a successor order.

"(2) The term 'appropriate head' means—

"(A) the Administrator, with respect to capital assets acquisition projects of the Administration; and

"(B) the Assistant Secretary of Energy for Environmental Management, with respect to capital assets acquisition projects of the Office of Environmental Management.

"(3) The term 'capital assets acquisition project' means a project—

"(A) the total project cost of which is more than $500,000,000; and

"(B) that is covered by Department of Energy Order 413.3, or a successor order, for the acquisition of capital assets for atomic energy defense activities.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4732 the following new item:

"Sec. 4733. Independent acquisition project reviews of capital assets acquisition projects.".

SEC. 3112. PROTECTION OF CERTAIN NUCLEAR FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) IN GENERAL.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

50 USC 2661.

"SEC. 4510. PROTECTION OF CERTAIN NUCLEAR FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

"(a) AUTHORITY.—Notwithstanding any provision of title 18, United States Code, the Secretary of Energy may take such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Energy, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

"(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

"(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

"(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

"(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

"(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

"(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

"(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

"(2) The Secretary of Energy shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

"(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Energy is subject to forfeiture to the United States.

"(d) REGULATIONS.—The Secretary of Energy and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered facility or asset' means any facility or asset that is—

"(A) identified by the Secretary of Energy for purposes of this section;

"(B) located in the United States (including the territories and possessions of the United States); and

"(C) owned by the United States or contracted to the United States, to store or use special nuclear material.

"(2) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).".

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4509 the following new item:

"Sec. 4510. Protection of certain nuclear facilities and assets from unmanned aircraft.".

SEC. 3113. COMMON FINANCIAL REPORTING SYSTEM FOR THE NUCLEAR SECURITY ENTERPRISE.

50 USC 2512 note.

(a) IN GENERAL.—By not later than four years after the date of the enactment of this Act, the Administrator for Nuclear Security shall, in consultation with the National Nuclear Security Administration Council established by section 4102(b) of the Atomic Energy Defense Act (50 U.S.C. 2512(b)), complete, to the extent practicable, the implementation of a common financial reporting system for the nuclear security enterprise.

(b) ELEMENTS.—The common financial reporting system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds of the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying and reporting costs for programs of records and base capabilities within the Administration.

(4) A capability to leverage, where appropriate, the Defense Cost Analysis Resource Center of the Office of Cost Assessment and Program Evaluation of the Department of Defense using historical costing data by the Administration.

(c) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2017, and annually thereafter, the Administrator shall, in consultation with the National Nuclear Security Administration Council, submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial reporting system for the nuclear security enterprise as required by subsection (a).

(2) REPORT.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, challenges, benefits, and costs related to the implementation of a common financial reporting system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial reporting system for the nuclear security enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial reporting system for the nuclear security enterprise, including an update on possible risks, challenges, and costs related to such implementation.

(3) TERMINATION.—No report is required under this subsection after the completion of the implementation of a common financial reporting system for the nuclear security enterprise.

(d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term "nuclear security enterprise" has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3114. ROUGH ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Nuclear Reservation, Richland, Washington.

(b) ELEMENTS.—The rough estimate of the total life cycle cost required by subsection (a) shall include cost estimates for the following:

(1) The Waste Treatment and Immobilization Plant, assuming a hot start occurs in 2033 and initial plant operations commence in 2036.

(2) Operations of the Waste Treatment and Immobilization Plant, assuming operations continue through 2061.

(3) Tank waste management and treatment, assuming operations of the Waste Treatment and Immobilization Plant continue through 2061.

(4) Anticipated increases in the volume of waste in the double shell tanks resulting from tank waste management activities.

(5) High-level waste canister temporary storage and preparation for permanent disposal.

(6) Any additional facilities, including additional evaporative capacity, that may be needed to treat tank waste at Hanford Nuclear Reservation.

(c) COST ESTIMATING BEST PRACTICES.—To the maximum extent practicable, the rough estimate of the total life cycle cost required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees, as part of the rough estimate of the total life cycle cost required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before the date on which the rough estimate of the total life cycle cost is required to be submitted under that subsection.

SEC. 3115. ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.

(a) IN GENERAL.—In order to ensure that waste shipments to the Waste Isolation Pilot Plant, Carlsbad, New Mexico (in this section referred to as "WIPP") are packaged and handled properly to prevent the release of radiation or contamination above regulatory limits, the Secretary of Energy shall submit to the congressional defense committees, not later than February 1 of each year during the five-year period beginning on the date of the enactment of this Act, a written certification that—

(1) the Secretary knew of the contents of such shipments during the 12-month period preceding the date of the certification and has ensured that the Secretary will know of the contents of such shipments planned during the 12-month period following the date of the certification; and

(2) such shipments made during the 12-month period preceding the date of the certification were sufficiently safe and secure for transportation and disposal and the Secretary has ensured that such shipments planned during the 12-month period following the date of the certification will be sufficiently safe and secure for transportation and disposal.

(b) ADDITIONAL ASSURANCES.—The Secretary shall submit to the congressional defense committees, with the certification required by subsection (a), assurances that—

(1) the Carlsbad Field Office of the Department of Energy has certified that—

(A) the contents of each shipment of waste that arrived at WIPP during 12-month period preceding the date of the certification met the criteria for accepting waste at WIPP; and

(B) the Office will ensure that the waste destined for WIPP during the 12-month period following the date of the certification is packaged according to the criteria for accepting waste at WIPP;

(2) the Assistant Secretary of Energy for Environmental Management has reviewed and accepted the certification of the Carlsbad Field Office under paragraph (1); and

(3) the Administrator for Nuclear Security has ensured that waste destined for WIPP that was packaged at facilities of the National Nuclear Security Administration during the 12-month period preceding the date of the certification, and waste planned to be packaged at such facilities during the 12-month period following the date of the certification, and

for which the Administration is responsible, meets the criteria for accepting waste at WIPP.

SEC. 3116. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.

(a) CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES AT MOX FACILITY.—

(1) IN GENERAL.—Using funds described in paragraph (2), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.

(B) Funds authorized to be appropriated for a fiscal year prior to fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities that are unobligated as of the date of the enactment of this Act.

(b) ASSESSMENT OF THE MOX FACILITY CONTRACT BY OWNER'S AGENT.—

(1) ARRANGEMENT WITH OWNER'S AGENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections 1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner's agent with respect to preparing the report required by paragraph (2).

(2) REPORT OF OWNER'S AGENT.—

(A) IN GENERAL.—The Chief of Engineers shall prepare a report on the contract for the construction, management and operations of the MOX facility, as in effect on the date of the enactment of this Act, that includes the following:

(i) An assessment of the contractual, technical, and managerial risks for the Department of Energy and the contractor.

(ii) An assessment of what elements of the contract can be changed to—

(I) a fixed price provision;

(II) a fixed price incentive fee provision; or

(III) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(iii) An assessment of the options under clause (ii), including milestones, cost, schedules, and any damage fees for those options.

(iv) Recommendations on changes to the contract, based on the assessments described in clauses (i), (ii), and (iii), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(v) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to clause (iv), an assessment of the risks and costs associated with that element and a description of why

that element is not appropriate for the provision types described in clause (ii).

(B) CONSULTATIONS.—In preparing the report required by subparagraph (A), the Chief of Engineers shall consult with the Secretary, the contractor referred to in subparagraph (A)(i), and other knowledgeable parties, as the Chief of Engineers considers appropriate.

(C) SUBMISSION TO SECRETARY.—Not later than 30 days after entering into the arrangement under paragraph (1), the Chief of Engineers shall submit to the Secretary the report required by subparagraph (A).

(3) SUBMISSIONS BY DEPARTMENT OF ENERGY.—Not later than 60 days after receiving the report required by paragraph (2), the Secretary shall transmit to the congressional defense committees and the Comptroller General of the United States—

(A) the report;

(B) any comments of the Secretary with respect to the report;

(C) a determination of whether the contractor referred to in paragraph (2)(A)(i) will or will not agree to the revisions to the contract recommended by the Chief of Engineers and offered by the Secretary to the contractor;

(D) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions; and

(E) any other materials relating to the potential modification of the contract that the Secretary considers appropriate.

(4) BRIEFING BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under paragraph (3), the Comptroller General of the United States shall brief the congressional defense committees on the actions taken by the Secretary under this subsection, to be followed by a written report not later than 120 days after the briefing is provided to Congress.

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term "project support activities" means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3117. DESIGN BASIS THREAT.

(a) UPDATE TO ORDER.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall update Department of Energy Order 470.3B relating to the design basis threat for protecting nuclear weapons, special nuclear material, and other critical assets in the custody of the Department of Energy.

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

(1) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) should promulgate regular, biannual updates to the Nuclear Security Threat Capabilities Assessment to better inform nuclear security postures within the Department of Defense and the Department of Energy;

(2) the Department of Defense and the Department of Energy should closely, and in real-time, track and assess national, regional, and local threats to the defense nuclear facilities of the respective Departments; and

(3) the Department of Defense and the Department of Energy should regularly review assessments and other input provided by activities described in paragraphs (1) and (2) and adjust security postures accordingly.

50 USC 2512 note.

SEC. 3118. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.

(a) COMMITTEE ON INDUSTRY BEST PRACTICES IN OPERATIONS.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the "committee") to identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purposes of—

(1) improving mission performance and effectiveness;

(2) lowering costs and administrative burdens; and

(3) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing the national security laboratories and the nuclear weapons production facilities (as those terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purposes described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administrator may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall

submit to the appropriate congressional committees a report on the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices of industry in the operations of the facilities and sites of the Administration.

(E) An estimate of the costs to be saved as a result of the best practices of industry implemented by the Administration at the facilities and sites of the Administration, set forth by fiscal year.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(e) TERMINATION.—The committee shall terminate after the submittal under subsection (d) of the report required by that subsection that covers 2021.

SEC. 3119. PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

50 USC 2791 note.

(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program under which each national security laboratory (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) is prohibited from using funds described in subsection (b) to cover the costs of general and administrative overhead for the laboratory.

(b) FUNDS DESCRIBED.—The funds described in this subsection are funds made available for a national security laboratory under section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) for laboratory-directed research and development.

(c) DURATION.—The pilot program required by subsection (a) shall—

(1) take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act; and

(2) terminate on the date that is three years after the day described in paragraph (1).

(d) REPORT REQUIRED.—Before the termination under subsection (c)(2) of the pilot program required by subsection (a), the Administrator for Nuclear Security shall submit to the congressional defense committees a report that assesses the costs, benefits, risks, and other effects of the pilot program.

SEC. 3120. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Energy may be obligated or expended to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(b) EXCEPTION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for defense nuclear nonproliferation, as specified in the funding table in division D, not more than $5,000,000 shall be made available to the Deputy Administrator for Naval Reactors of the National Nuclear Security Administration for initial planning and early research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(c) BUDGET MATTERS.—Section 3118 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following new paragraph:

"(2) BUDGET REQUESTS.—If the Secretaries determine under paragraph (1) that research and development of an advanced naval nuclear fuel system based on low-enriched uranium should continue, the Secretaries shall ensure that each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2018 and each fiscal year thereafter in which such research and development is carried out includes in the budget line item for the 'Defense Nuclear Nonproliferation' account amounts necessary to carry out the conceptual plan under subsection (b)."; and

(2) in subsection (d), by striking "for material management and minimization".

SEC. 3121. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.

(a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking "$3,000,000" and inserting "$5,000,000".

(b) CONSTRUCTION DESIGN.—Subsection (b) of such section is amended by striking "$1,000,000" each place it appears and inserting "$2,000,000".

SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROGRAMS IN RUSSIAN FEDERATION.

(a) PROHIBITION.—

(1) IN GENERAL.—None of the funds described in paragraph (2) may be obligated or expended to enter into a contract

with, or otherwise provide assistance to, the Russian Federation.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for atomic energy defense activities.

(B) Funds authorized to be appropriated or otherwise made available for a fiscal year prior to fiscal year 2017 for atomic energy defense activities that are unobligated or unexpended as of the date of the enactment of this Act.

(b) WAIVER.—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a)(1) only if—

(1) the Secretary determines, in writing, that a nuclear-related threat arising in the Russian Federation must be addressed urgently and it is necessary to waive the prohibition to address that threat;

(2) the Secretary of State and the Secretary of Defense concur in the determination under paragraph (1);

(3) the Secretary of Energy submits to the appropriate congressional committees a report containing—

(A) a notification that the waiver is in the national security interest of the United States;

(B) justification for the waiver, including the determination under paragraph (1); and

(C) a description of the activities to be carried out pursuant to the waiver, including the expected cost and timeframe for such activities; and

(4) a period of 15 days elapses following the date on which the Secretary submits the report under paragraph (3).

(c) EXCEPTION.—The prohibition under subsection (a)(1) and the requirements under subsection (b) to waive that prohibition shall not apply to an amount, not to exceed $3,000,000, that the Secretary may make available for the Department of Energy Russian Health Studies Program.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR FEDERAL SALARIES AND EXPENSES.

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the National Nuclear Security Administration for defense-related Federal salaries and expenses, not more than 90 percent may be obligated or expended until the date on which the Secretary of Energy submits to the congressional defense committees and the congressional intelligence committees the following:

(1) The updated plan on the designing and building of prototypes of nuclear weapons that is required—

(A) by paragraph (2) of section 4509(a) of the Atomic Energy Defense Act (50 U.S.C. 2660(a)), to be developed

by not later than the date on which the budget of the President for fiscal year 2018 is submitted to Congress; and

(B) by paragraph (3)(B) of such section, to be submitted to the congressional defense committees and the congressional intelligence committees.

(2) A description of the determination of the Secretary under paragraph (4)(B) of such section with respect to the manner in which the designing and building of prototypes of nuclear weapons is carried out under such updated plan.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE ENVIRONMENTAL CLEANUP PROGRAM DIRECTION.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for defense environmental cleanup for program direction, not more than 90 percent may be obligated or expended until the date on which the Secretary of Energy submits to Congress the future-years defense environmental cleanup plan required to be submitted during 2017 under section 4402A of the Atomic Energy Defense Act (50 U.S.C. 2582a).

SEC. 3125. LIMITATION ON AVAILABILITY OF FUNDS FOR ACCELERATION OF NUCLEAR WEAPONS DISMANTLEMENT.

(a) LIMITATION ON MAXIMUM AMOUNT FOR DISMANTLEMENT.—Of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration, not more than $56,000,000 may be obligated or expended in each such fiscal year to carry out the nuclear weapons dismantlement and disposition activities of the Administration.

(b) LIMITATION ON ACCELERATION OF DISMANTLEMENT ACTIVITIES.—Except as provided by subsection (c), none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration may be obligated or expended to accelerate the nuclear weapons dismantlement activities of the United States to a rate that exceeds the rate described in the Stockpile Stewardship and Management Plan schedule.

(c) EXCEPTION.—The limitation in subsection (b) shall not apply to the following:

(1) The dismantlement of a nuclear weapon not covered by the Stockpile Stewardship and Management Plan schedule if the Administrator for Nuclear Security certifies, in writing, to the congressional defense committees that—

(A) the components of the nuclear weapon are directly required for the purposes of a current life extension program; or

(B) such dismantlement is necessary to conduct maintenance or surveillance of the nuclear weapons stockpile or to ensure the safety or reliability of the nuclear weapons stockpile.

(2) The dismantlement of a nuclear weapon if the President certifies, in writing, to the congressional defense committees that—

(A) such dismantlement is being carried out pursuant to a nuclear arms reduction treaty or similar international agreement that requires such dismantlement; and

(B) such treaty or similar international agreement—

(i) has entered into force after the date of the enactment of this Act; and

(ii) was approved—

(I) with the advice and consent of the Senate pursuant to clause 2 of section 2 of Article II of the Constitution of the United States after the date of the enactment of this Act; or

(II) by an Act of Congress, as described in section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(d) STOCKPILE STEWARDSHIP AND MANAGEMENT PLAN SCHEDULE DEFINED.—In this section, the term "Stockpile Stewardship and Management Plan schedule" means the schedule described in table 2–7 of the annex of the report titled "Fiscal Year 2016 Stockpile Stewardship and Management Plan" submitted in March 2015 by the Administrator for Nuclear Security to the congressional defense committees under section 4203(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

Subtitle C—Plans and Reports

SEC. 3131. INDEPENDENT ASSESSMENT OF TECHNOLOGY DEVELOPMENT UNDER DEFENSE ENVIRONMENTAL CLEANUP PROGRAM.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall seek to enter into an agreement with the National Academy of Sciences to conduct an independent assessment of the technology development efforts of the defense environmental cleanup program of the Department of Energy.

(b) ELEMENTS.—The assessment under subsection (a) shall include the following:

(1) A review of the technology development efforts of the defense environmental cleanup program of the Department of Energy, including an assessment of the process by which the Secretary identifies and chooses technologies to pursue under the program.

(2) A comprehensive review and assessment of technologies or alternative approaches to defense environmental cleanup efforts that could—

(A) reduce the long-term costs of such efforts;

(B) accelerate schedules for carrying out such efforts;

(C) mitigate uncertainties, vulnerabilities, or risks relating to such efforts; or

(D) otherwise significantly improve the defense environmental cleanup program.

(c) SUBMISSION.—Not later than the date that is 18 months after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congressional defense committees

and the Secretary a report on the assessment under subsection (a).

SEC. 3132. UPDATED PLAN FOR VERIFICATION AND MONITORING OF PROLIFERATION OF NUCLEAR WEAPONS AND FISSILE MATERIAL.

(a) UPDATED PLAN.—

(1) TRANSMISSION.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a comprehensive and detailed update to the plan developed under section 3133(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3896) with respect to verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(2) FORM.—The updated plan under paragraph (1) shall be transmitted in unclassified form, but may include a classified annex.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for supporting the Executive Office of the President, $10,000,000 may not be obligated or expended until the date on which the President transmits to the appropriate congressional committees the updated plan under subsection (a)(1).

(c) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the President shall provide to the Committees on Armed Services of the Senate and House of Representatives (and any other appropriate congressional committee upon request) an interim briefing on the updated plan under subsection (a)(1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(5) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3133. REPORT ON THE USE OF HIGHLY-ENRICHED URANIUM FOR NAVAL REACTORS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, and the Secretary of State, shall, in accordance with the protection of sources and methods, submit to the appropriate congressional committees a report that includes the following:

(1) An assessment on the current and anticipated intentions of countries producing or using highly-enriched uranium in naval reactors or considering the development of naval reactors.

(2) An evaluation of the security measures each country producing or using highly-enriched uranium in naval reactors has in place.

(3) An evaluation of the potential effects on nuclear nonproliferation efforts and the naval reactor programs and related actions of other countries if the United States pursued the development of an advanced low-enriched uranium fuel for certain United States naval reactors as described in the report of the Director of Naval Reactors to Congress, dated July 2016 and entitled "Conceptual Research and Development Plan for Low-Enriched Uranium Naval Fuel".

(4) Such other information or updates as the Director of National Intelligence, the Secretary of Defense, the Secretary of Energy, and the Secretary of State consider appropriate.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3134. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

(b) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immobilizing the low-activity waste.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the "Resource Conservation and Recovery Act of 1976"), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) REVIEW OF ANALYSIS.—

(1) IN GENERAL.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) METHOD OF REVIEW.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(3) PUBLIC REVIEW.—In conducting the review required paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall provide an opportunity for public comment, with sufficient notice, to inform and improve the quality of the review.

(d) CONSULTATION WITH STATE.—Prior to the submission in accordance with subsection (e)(2) of the analysis required by subsection (a) and the review of the analysis required by subsection (c), the federally funded research and development center and the National Academies of Sciences, Engineering, and Medicine shall provide to the State of Washington—

(1) the analysis and review in draft form; and

(2) an opportunity to comment on the analysis and review for a period of not less than 60 days.

(e) SUBMISSION TO CONGRESS.—

(1) BRIEFINGS ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the materials described in paragraph (2) are submitted in accordance with that paragraph, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review of the analysis required by subsection (c).

(2) COMPLETED ANALYSIS AND REVIEW.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (c), any comments of the State of Washington under subsection (d)(2), and any comments of the Secretary on the analysis or the review of the analysis.

(f) LIMITATIONS.—

(1) SECRETARY OF ENERGY.—This section does not conflict with or impair the obligation of the Secretary to comply with any requirement of—

(A) the amended consent decree in Washington v. Moniz, No. 2:08-CV-5085-RMP (E.D. Wash.); or

(B) the Hanford Federal Facility Agreement and Consent Order.

(2) STATE OF WASHINGTON.—This section does not conflict with or impair the regulatory authority of the State of Washington under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the "Resource Conservation and Recovery Act of 1976") and any corresponding State law.

SEC. 3135. CLARIFICATION OF ANNUAL REPORT AND CERTIFICATION ON STATUS OF SECURITY OF ATOMIC ENERGY DEFENSE FACILITIES.

Section 4506(b)(1)(B) of the Atomic Energy Defense Act (50 U.S.C. 2657(b)(1)(B)) is amended to read as follows:

"(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.".

SEC. 3136. REPORT ON SERVICE SUPPORT CONTRACTS AND AUTHORITY FOR APPOINTMENT OF CERTAIN PERSONNEL.

(a) ANNUAL REPORT ON SERVICE SUPPORT CONTRACTS.—Section 3241A(f) of the National Nuclear Security Administration Act (50 U.S.C. 2441a(f)) is amended by adding at the end the following new paragraph:

"(5) With respect to each contract identified under paragraph (2)—

"(A) the cost of the contract; and

"(B) identification of the program or program direction accounts that support the contract.".

(b) EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN PERSONNEL.—Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "2016" and inserting "2020".

SEC. 3137. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) REPORTS ON PLAN TO PROTECT AGAINST INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(b) GAO REPORT ON PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.—Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 50 U.S.C. 2571 note) is amended—

(1) in subsection (b)(1), by striking ", and to the Comptroller General of the United States,";

(2) by striking subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GAO STUDY ON ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO MODERNIZATION AND REFURBISHMENT OF NUCLEAR

WEAPONS STOCKPILE.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

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

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

"(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.".

(d) STRATEGY ON RISKS TO NONPROLIFERATION CAUSED BY ADDITIVE MANUFACTURING.—Section 3139(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1215; 50 U.S.C. 2367 note) is amended to read as follows:

"(b) BRIEFINGS.—

"(1) IN GENERAL.—Not later than March 31, 2016, and annually thereafter through 2019, the President shall provide to the appropriate congressional committees a briefing on the strategy developed under subsection (a).

"(2) INTERIM BRIEFINGS.—In addition to the briefings required by paragraph (1), the President shall provide to the appropriate congressional committees a notification or briefing if there is a development in additive manufacture technology, or increased use of additive manufacture technology, that could pose an increased risk to the United States from nuclear proliferation.".

SEC. 3138. REPORT ON UNITED STATES NUCLEAR DETERRENCE.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Energy shall, consistent with the protection of sources and methods, submit to the appropriate congressional committees the full, unredacted report, and any related materials, titled "U.S. Nuclear Deterrence in the Coming Decades", dated August 15, 2014.

(b) COVER LETTER.—The Secretary may submit to the appropriate congressional committees, with the report submitted under subsection (a), a cover letter containing any views or perspectives of the Secretary on the report or related matters.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2017, $31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,950,000 for fiscal year 2017 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration, Coast Guard, and Shipping Matters

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $36,000,000, which shall remain available until expended.

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

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

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $299,997,000.

(7) For expenses necessary to provide assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, $30,000,000, of which—

(A) $5,000,000 shall remain available until expended for training grants; and

(B) $25,000,000 shall remain available until expended for capital and related improvements.

(8) For administrative expenses associated with the program authorized by chapter 537 of title 46, United States Code, $3,000,000, which shall remain available until expended.

SEC. 3502. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS IN THE MARITIME SECURITY FLEET.

(a) AUTHORITY.—

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

"(g) AUTHORITY TO EXTEND MAXIMUM SERVICE AGE FOR VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may, for a particular participating fleet vessel, treat the ages specified in section 53101(5)(A)(ii) and section 53106(c)(3) as increased by up to 5 years if the Secretaries jointly determine that it is in the national interest to do so.".

(2) CONFORMING AMENDMENT.—The heading of subsection (f) of such section is amended to read as follows: "AUTHORITY TO WAIVE AGE RESTRICTION FOR ELIGIBILITY OF A VESSEL TO BE INCLUDED IN FLEET.—".

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

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

(2) in subparagraph (B), by striking "; or" and inserting a period; and

(3) by striking subparagraph (C).

SEC. 3503. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.

(a) SHORT TITLE CORRECTION.—The Coast Guard Authorization Act of 2015 (Public Law 114–120) is amended by striking "Coast Guard Authorization Act of 2015" each place it appears (including in quoted material) and inserting "Coast Guard Authorization Act of 2016".

(b) TITLE 46, UNITED STATES CODE.—

(1) EXAM REVIEW.—Section 7510(c) of title 46, United States Code, is amended—

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

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

(2) VESSEL CERTIFICATION.—Section 4503(f)(2) of title 46, United States Code, is amended by striking ", that" and inserting ", then".

(c) PROVISIONS RELATING TO THE PRIBILOF ISLANDS.—Section 521 of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by subsection (a), is amended by striking "2015" and inserting "2016".

(d) TITLE 14, UNITED STATES CODE.—

(1) REDISTRIBUTION OF AUTHORIZATIONS OF APPROPRIATIONS.—Section 2702 of title 14, United States Code, is amended—

(A) in paragraph (1)(B), by striking "$6,981,036,000" and inserting "$6,986,815,000"; and

(B) in paragraph (3)(B), by striking "$140,016,000" and inserting "$134,237,000".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of part III of title 14, United States Code, is amended by striking the period at the end of the item relating to chapter 29.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of Public Law 114–120.

SEC. 3504. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405) is amended—

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

(2) by adding at the end the following:

"(g) VESSEL STATUS.—A vessel in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet shall remain a vessel within the meaning of that term in section 3 of title 1, United States Code, and subject to the rights and responsibilities of a vessel under admiralty law at least until such time as the vessel is delivered to a dismantling facility or is disposed of otherwise from the National Defense Reserve Fleet.".

SEC. 3505. NDRF NATIONAL SECURITY MULTI-MISSION VESSEL.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Chief of Naval Operations and the Commandant of the Coast Guard, shall ensure that the Maritime Administrator takes all necessary actions—

(1) to complete the design of a national security multi-mission vessel for the National Defense Reserve Fleet to allow for the construction of such vessel to begin in fiscal year 2018; and

(2) subject to the availability of appropriations, to have an entity enter into a contract for the construction of such vessel in accordance with this section.

(b) USE OF VESSEL.—A vessel constructed pursuant to this section shall be for use—

(1) as a training vessel that can be provided to State maritime academies under section 51504(b) of title 46, United States Code; and

(2) in conducting humanitarian assistance, disaster response, domestic and foreign emergency contingency operations, and other authorized uses of vessels of the National Defense Reserve Fleet.

(c) CONSTRUCTION AND DOCUMENTATION REQUIREMENTS.—A vessel constructed pursuant to this section shall meet the requirements for and be issued a certificate of documentation and a coastwise endorsement under chapter 121 of title 46, United States Code.

(d) DESIGN STANDARDS AND CONSTRUCTION PRACTICES.—Subject to subsection (c), a vessel constructed pursuant to this section shall be constructed using commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.

(e) CONSULTATION WITH OTHER FEDERAL ENTITIES.—The Maritime Administrator may consult and coordinate with the Secretary of the Navy regarding the vessel described in subsection (a) and activities associated with such vessel.

(f) CONTRACTING.—The Maritime Administrator shall provide for an entity other than the Maritime Administration to contract for the construction of the vessel described in subsection (a).

(g) REPEAL OF PLAN APPROVAL REQUIREMENT.—Section 109(j)(3) of title 49, United States Code, is repealed.

SEC. 3506. SUPERINTENDENT OF UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Section 51301 of title 46, United States Code, is amended by adding at the end the following:

"(c) SUPERINTENDENT.—

"(1) IN GENERAL.—The immediate command of the United States Merchant Marine Academy shall be in the Superintendent of the Academy, subject to the direction of the Maritime Administrator under the general supervision of the Secretary of Transportation.

"(2) APPOINTMENT.—The Secretary of Transportation shall appoint as the Superintendent—

"(A) an individual who has—

"(i) attained a general or flag officer rank in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; and

"(ii) served at sea in any rank;

"(B) an individual who has—

"(i)(I) served at sea in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; or

"(II) held a valid Coast Guard merchant mariner credential; and

"(ii) demonstrated exemplary leadership in the education of individuals in the Armed Forces or United States merchant marine; or

"(C) if a qualified individual described in subparagraph (A) or (B) does not apply for the position, an individual who has—

"(i) attained the grade of captain or above in the Navy, Coast Guard, or National Oceanic and Atmospheric Administration or colonel or above in the Army, Air Force, or Marine Corps; and

"(ii) served at sea in any grade.

"(3) RULE OF CONSTRUCTION.—Notwithstanding paragraph (2), the Secretary of Transportation may appoint an individual who is the best qualified candidate, even if such individual does not fully meet the criteria described in paragraph (2).".

(b) SAVINGS CLAUSE.—Nothing in this section may be construed to require any change to the current leadership of the United States Merchant Marine Academy.

46 USC 51301 note.

SEC. 3507. USE OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING PROCEEDS.

(a) FUNDING ALLOCATION.—Section 308704 of title 54, United States Code, is amended—

(1) in subsection (a)(1), by amending subparagraph (C) to read as follows:

"(C) The remainder shall be available to the Secretary to carry out the Program, as provided in subsection (b).";

and

(2) in subsection (b), by amending paragraph (1) to read as follows:

"(1) ALLOCATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), of the amounts available each fiscal year for the Program under subsection (a)(1)(C)—

"(i) 50 percent shall be used for grants under section 308703(b); and

"(ii) 50 percent shall be used for grants under section 308703(c).

"(B) SET ASIDE.—

"(i) IN GENERAL.—Not less than 25 percent of the amounts available each fiscal year for the Program under subsection (a)(1)(C) shall be used for the preservation and presentation to the public of the maritime heritage property of the Maritime Administration.

"(ii) DIRECT TRANSFERS.—The Secretary may provide amounts used for the preservation and presentation to the public of the maritime heritage property of the Maritime Administration through direct transfers to the Maritime Administration.

"(iii) WAIVER.—The Maritime Administrator may waive the application of clause (i) for any fiscal year.".

(b) CONFORMING AMENDMENT.—Section 308703(c)(1) of title 54, United States Code, is amended by striking "under section 308704(b)(1)(B)" and inserting "under section 308704(b)(1)(A)".

(c) REPORTING REQUIREMENT.—Section 308703(j) of title 54, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "Congress" and inserting "the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives";

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

"(1) the total number of grant applications submitted and approved under the Program in the period covered by the report;"; and

(4) in paragraph (2), as redesignated, by inserting "detailed" before "description".

(d) ANNUAL REPORT BY THE MARITIME ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1 of each year, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the Ship Disposal program of the Maritime Administration.

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

(A) the total amount of funds, attributable to the Ship Disposal program of the Maritime Administration, credited in the most recently completed fiscal year to—

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

(ii) any other account;

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

(i) the Vessel Operations Revolving Fund; and

(ii) any other account for which a credited amount was included under subparagraph (A)(ii);

(C) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Fund in that fiscal year; and

(D) a summary of each maritime heritage project selected by the Maritime Administrator, for preservation and presentation to the public of the Maritime Administration's maritime heritage property, for which funds from the Vessel Operations Revolving Fund were expended in that fiscal year.

(e) ASSESSMENTS BY THE MARITIME ADMINISTRATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Maritime Administrator shall complete an assessment of the Ship Disposal program of the Maritime Administration.

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

(A) an inventory of each vessel, subject to a disposal agreement or a memorandum of agreement with another Federal agency relating to the disposal of the vessel, for which the Maritime Administration is acting as the disposal agency, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency that has or had custody over the vessel prior to any disposal agreement or memorandum of agreement with the Maritime Administration;

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

(i) the age of the vessel;

(ii) the name of the applicable Federal agency; and

(iii) whether the vessel is expected to be declared obsolete and dismantled in the next 5 years;

(C) a plan to serve as the disposal agency, as appropriate, for the vessels described in subparagraph (B);

(D) a plan for the timely distribution of the proceeds that the Maritime Administration currently has in ship disposal accounts;

(E) a projection of future distributions of such proceeds; and

(F) any other assessment related to the Ship Disposal program that the Maritime Administrator determines appropriate.

(3) INCLUSION IN THE ANNUAL REPORT.—A detailed description of the results of each assessment under paragraph (1) shall be included in the annual report under subsection (d) for the year in which the assessment was completed.

(f) CESSATION OF EFFECTIVENESS.—Subsections (d) and (e) of this section shall cease to be effective on the date that is 5 years and 1 day after the date of the enactment of this Act.

SEC. 3508. FLOATING DRY DOCKS.

Section 55122 of title 46, United States Code, is amended—

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

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

"(b) DRY DOCKS FOR CONSTRUCTION OF CERTAIN NAVAL VESSELS.—

"(1) IN GENERAL.—In applying subsection (a) to a floating dry dock used for the construction of naval vessels in a shipyard located in the United States, the ownership and operation requirement in paragraph (1)(B) of that subsection shall be treated as satisfied and 'December 19, 2017' shall be substituted for the date referred to in paragraph (1)(C) of that subsection if the Secretary of the Navy determines that—

"(A) such dry dock is necessary for the timely completion of such construction; and

"(B) such dry dock—

"(i) is owned and operated by—

"(I) a shipyard located in the United States that is an eligible owner specified under section 12103(b); or

"(II) an affiliate of such a shipyard; or

"(ii) is—

"(I) owned by the State in which the shipyard is located or a political subdivision of that State; and

"(II) operated by a shipyard located in the United States that is an eligible owner specified under section 12103(b).

"(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1), the Secretary of the Navy shall notify the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate of such determination.".

SEC. 3509. TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR INDIVIDUALS UNDERGOING SEPARATION, DISCHARGE, OR RELEASE FROM THE ARMED FORCES.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(2), by striking "and" after the semicolon at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following:

"(G) a member of the Armed Forces who—

"(i) is undergoing separation, discharge, or release from the Armed Forces under honorable conditions;

"(ii) applies for a transportation security card; and

"(iii) is otherwise eligible for such a card; and"; and

(2) by amending subsection (j) to read as follows:

"(j) PRIORITY PROCESSING FOR SEPARATING SERVICE MEMBERS.—(1) The Secretary and the Secretary of Defense shall enter into a memorandum of understanding regarding the submission

and processing of applications for transportation security cards under subsection (b)(2)(G).

"(2) Not later than 30 days after the submission of such an application by an individual who is eligible to submit such an application, the Secretary shall process and approve or deny the application unless an appeal or waiver applies or further application documentation is necessary.".

(b) DEADLINE FOR MEMORANDUM.—The Secretary of the department in which the Coast Guard is operating and the Secretary of Defense shall enter into the memorandum of understanding required by the amendment made by subsection (a)(2) by not later than 180 days after the date of the enactment of this Act.

(c) APPLICATION OF PROCESSING DEADLINE.—Section 70105(j)(2) of title 46, United States Code, as amended by this section, shall apply to applications for transportation security cards submitted after the expiration of the 180-day period beginning on the date of the enactment of this Act.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit a report described in subparagraph (B) to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONTENTS.—The report under subparagraph (A) shall include the following:

(i) The memorandum of understanding required by section 70105(j)(1) of title 46, United States Code, as amended by this section.

(ii) The number of individuals eligible to apply for a transportation security card under section 70105(b)(2)(G) of title 46, United States Code, as amended by this section, the number of such individuals who applied for such a card, and the number of such individuals who have been issued such a card, as of the date of the report.

(iii) If the Secretary failed to process and approve or deny any applications received from individuals eligible to apply for such a card under such section before the deadline specified in section 70105(j)(2) of such title, as amended by this section, a description of the reasons for the failure and of the actions being taken to assure that future applications are processed and issued or denied within such deadline.

(2) SUBSEQUENT REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit a report to such Committees containing the information described in clauses (ii) and (iii) of paragraph (1)(B).

SEC. 3510. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

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

46 USC 51318.

"§ 51318. Policy on sexual harassment and sexual assault

"(a) REQUIRED POLICY.—

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

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

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

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

"(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by the victim and the options for confidential reporting;

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

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

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

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

"(E) procedures through which—

"(i) questions regarding sexual harassment or sexual assault can be confidentially asked and confidentially answered;

"(ii) victims can report incidents of sexual assault confidentially; and

"(iii) the privacy of victims of sexual harassment and sexual assault will be protected; and

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

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

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

"(B) the public.

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

"(b) DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall ensure that the development program of the Academy includes a section that—

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

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

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

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

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

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

"(c) ANNUAL ASSESSMENT.—

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

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

"(A) to measure—

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

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

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

"(i) the policies, procedures, and training programs of the Academy on sexual harassment and sexual assault involving cadets or other Academy personnel;

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

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

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

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

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—For each Academy program year, the Superintendent shall submit to the Secretary a report that provides information about sexual harassment and sexual assault involving cadets or other Academy personnel.

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

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

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

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

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

"(3) SURVEY AND FOCUS GROUP RESULTS.—

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

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

"(4) REPORTING REQUIREMENT.—

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

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

"(ii) the Academy's response to the incident.

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

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

"51318. Policy on sexual harassment and sexual assault.".

SEC. 3511. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

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

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

46 USC 51319 note.

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

"(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

"(1) IN GENERAL.—The Secretary, acting through the Superintendent of the Academy, shall designate from among volunteers 1 or more permanent employees of the Academy to serve as advocates for victims of sexual assaults involving cadets of the Academy or other Academy personnel.

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

"(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318; and

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

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

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

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

"(C) connect victims of sexual assault to companions, as described in paragraph (4).

"(4) COMPANIONS.—

"(A) IN GENERAL.—At least 1 victim advocate designated under this subsection, or a sexual assault response coordinator designated under subsection (a), while performing the duties of a victim advocate, shall act as a companion to a victim described in paragraph (1) in navigating investigative, medical, mental, and emotional health, and recovery processes relating to sexual assault.

"(B) ALTERNATE VICTIM ADVOCATES.—If requested by the victim, an alternate victim advocate shall be designated under this subsection to act as a companion to the victim, as described in subparagraph (A).

"(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault described in paragraph (1) can receive victim support services.

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

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

46 USC prec. 51301.

"51319. Sexual assault response coordinators and sexual assault victim advocates.".

SEC. 3512. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

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

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

(1) assess progress toward addressing any outstanding recommendations;

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

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

(c) EXPERTISE.—In compiling the report required under this section, the Inspector General shall—

(1) include on the inspection teams acting under the direction of the Inspector General at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

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

SEC. 3513. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.

(a) IN GENERAL.—Not later than 21 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment, sexual assault, or other inappropriate conduct, as well as methods to improve the shipboard climate, that occurs during a cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) MEMBERSHIP.—The working group shall be composed of members designated by the Maritime Administrator as follows:

(1) A representative of the Maritime Administration, who shall serve as the chair of the working group.

(2) The Superintendent of the Academy (or the Superintendent's designee).

(3) A sexual assault response coordinator appointed under section 51319 of title 46, United States Code, as added by this Act.

(4) A subject matter expert from the Coast Guard.

(5) A subject matter expert from the Military Sealift Command.

(6) A subject matter expert from the National Oceanic and Atmospheric Administration.

(7) At least 1 representative from each State maritime academy.

(8) At least 1 representative from each private contracting party participating in the maritime security program.

(9) At least 1 representative from each nonprofit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet.

(10) At least 2 representatives from approved maritime training institutions.

(11) At least 1 representative from companies that—

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

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

(12) Such additional individuals as the Maritime Administrator may designate.

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

(d) RESPONSIBILITIES.—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment, sexual assault, or other inappropriate conduct and those who commit it, with operators of vessels of the United States;

(2) raise awareness of sexual harassment, sexual assault, or other inappropriate conduct with operators of vessels of the United States;

(3) assess options that could be implemented by the operators of vessels of the United States that would remove any barriers to the reporting of sexual harassment, sexual assault, or other inappropriate conduct that occurs during a cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy to improve the prevention of, and response to, incidents of sexual harassment, sexual assault, or other inappropriate conduct;

(5) assess a potential program or policy requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment, sexual assault, or other inappropriate conduct;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent such potential incidents; and

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

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

(6) assess all other feasible changes to Sea Year training at the Academy, and corresponding changes to curricula, to improve prevention of and response to incidents of sexual harassment, sexual assault, and other inappropriate conduct; and

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

(e) REPORT.—Not later than 9 months after the date of the enactment of this Act, the working group shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

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

(2) a description of the trade-offs, opportunities, and challenges associated with the recommendations described in paragraph (1);

(3) a description of administrative actions taken as result of the recommendations described in paragraph (1); and

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

46 USC 51318 note.

SEC. 3514. SEA YEAR COMPLIANCE.

Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator, in consultation with operators of commercial vessels of the United States, shall establish—

(1) criteria that vessel operators must meet in order to participate in the Sea Year program of the United States Merchant Marine Academy that addresses sexual harassment, sexual assault, and other inappropriate conduct; and

(2) a process for verifying compliance with the criteria.

SEC. 3515. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

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

(1) in subsection (a)—

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

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

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

(D) by adding at the end the following:

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

"(A) shall, not later than 9 months after such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates

that such individual meets the medical and physical requirements—

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

"(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to the individual's operational authority;

"(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements described in subparagraph (A) throughout the remainder of the individual's enrollment at the State maritime academy; and

"(C) if the individual has a medical or physical condition that disqualifies the individual from meeting the requirements referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements."; and

(2) by adding at the end the following:

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

SEC. 3516. APPOINTMENTS.

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

(b) CLASS PROFILES.— 46 USC 51301 note.

(1) IN GENERAL.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy's public website a profile of each class at the Academy.

(2) CONTENTS.—Each profile posted under paragraph (1) shall include, for the incoming class of the Academy and for the 4 classes that preceded that class at the Academy, the number and percentage of students by—

(A) State;

(B) country;

(C) gender;

(D) race and ethnicity; and

(E) prior military service.

SEC. 3517. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Maritime Administrator, in consultation with the Coast Guard Merchant Marine Personnel Advisory Committee and the Committee on the Marine Transportation System, shall convene a working group to examine and assess the size of the pool of United States citizen mariners necessary to support the United States flag fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, at least 1 representative from each of—

(1) the Maritime Administration, who shall serve as chairperson of the working group;

(2) the United States Merchant Marine Academy;
(3) the Coast Guard;
(4) the Military Sealift Command;
(5) the Navy;
(6) the State maritime academies;
(7) a nonprofit labor organization representing a class of licensed employees who are employed on vessels operating in the United States flag fleet;
(8) a nonprofit labor organization representing a class of unlicensed employees who are employed on vessels operating in the United States flag fleet;
(9) the pool of owners of vessels operating in the United States flag fleet, or their private contracting parties, that are primarily operating in coastwise trades; and
(10) the pool of owners of vessels operating in the United States flag fleet, or their private contracting parties, that are primarily operating in international transportation.

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

(d) RESPONSIBILITIES.—The working group shall—
(1) identify the number of United States citizen mariners—
(A) in total;
(B) that have a valid Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels that are subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;
(C) that are involved in Federal programs that support the United States merchant marine and the United States flag fleet;
(D) that are available to crew the United States flag fleet and the surge sealift fleet in times of a national emergency;
(E) that are full-time mariners;
(F) that have sailed in the prior 18 months;
(G) that are primarily operating in noncontiguous or coastwise trades; and
(H) that are merchant mariner credentialed officers in the United States Navy Reserve;
(2) assess the impact on the United States merchant marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States merchant marine;
(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and
(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, the Navy, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

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

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

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

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

(f) INCLUSION OF MERCHANT MARINE-CREDENTIALED OFFICERS IN THE NAVY RESERVE.—For the purposes of this section, the term "United States citizen mariners" includes, but is not limited to, officers in the United States Navy Reserve who are holders of merchant mariner credentials, as determined by the Secretary of the Navy.

(g) SUNSET.—The Maritime Administrator may disband the working group upon submission of the report under subsection (e).

SEC. 3518. MARITIME EXTREME WEATHER TASK FORCE.

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

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

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

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration; and

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

(c) REPORT.—

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

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

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

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

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

(D) recommendations for improving maritime response operations to extreme weather events and preventing

marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

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

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

(4) IMMINENT THREATS.—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

49 USC 109 note.

SEC. 3519. WORKFORCE PLANS AND ONBOARDING POLICIES.

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

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

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

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

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

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

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

49 USC 109 note.

SEC. 3520. DRUG AND ALCOHOL POLICY.

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

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

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

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

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

SEC. 3521. VESSEL TRANSFERS.

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

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

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

SEC. 3522. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

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

SEC. 3523. POLAR ICEBREAKER RECAPITALIZATION PLAN.

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

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

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

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

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

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

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

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

(c) DEFINITIONS.—In this section, the following definitions apply:

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

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

SEC. 3524. GAO REPORT ON ICEBREAKING CAPABILITY IN UNITED STATES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal icebreaking fleet.

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

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

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

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

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

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

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle B—Pribilof Islands Transition Completion

Pribilof Islands Transition Completion Amendments Act of 2016.
16 USC 1151 note.

SEC. 3531. SHORT TITLE.

This subtitle may be cited as the "Pribilof Islands Transition Completion Amendments Act of 2016".

SEC. 3532. CONVEYANCE OF PROPERTY.

(a) CONVEYANCE.—Subsection (a) of section 522 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114–120, as amended by this Act) is amended to read as follows:

"(a) CONVEYANCE.—In partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and not later than 30 days after the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary of Commerce shall, notwithstanding section 105(a) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562), convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to the following property, including improvements on such property:

"(1) Lots 4, 5, and 6A, Block 18, Tract A, U.S. Survey 4943, Alaska, the plat of which was Officially Filed on January 20, 2004, aggregating 13,006 square feet (0.30 acres).

"(2) T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 39, the plat of which was Officially Filed on May 14, 1986, containing 0.90 acres.".

(b) CONFORMING AMENDMENTS; EASEMENT.—Section 522 of such Act, as amended by subsection (a), is further amended—

(1) by striking subsection (b);

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

(3) by adding at the end the following:

"(c) EASEMENT.—As part of the conveyance under subsection (a), the Secretary of Commerce, in cooperation with the Alaska Native Village Corporation for St. Paul Island, shall provide an easement to the Secretary of Transportation to maintain a non-directional beacon on the property described in subsection (a)(2).".

SEC. 3533. TRANSFER, USE, AND DISPOSAL OF TRACT 43.

(a) IN GENERAL.—Section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114–120, as amended by this Act) is amended to read as follows:

"SEC. 524. TRANSFER, USE, AND DISPOSAL OF TRACT 43.

"(a) TRANSFER.—Not later than 30 days after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary of Commerce shall—

"(1) terminate the license; and

"(2) transfer tract 43 to the Secretary of the department in which the Coast Guard is operating.

"(b) DETERMINATION, TRANSFER, AND CONVEYANCE.—

"(1) IN GENERAL.—Not later than the end of the 90-day period beginning on the date of the transfer required under subsection (a)(2), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a determination of—

"(A) lands and improvements in tract 43 that are not necessary to carry out Coast Guard communications and search and rescue activities; and

"(B) the smallest practicable tract enclosing lands and improvements in tract 43 that are necessary to carry out such communications and activities.

"(2) SURVEYS, MAPS, DESCRIPTIONS, AND PLAN.—

"(A) LANDS AND IMPROVEMENTS NOT NECESSARY TO COAST GUARD ACTIVITIES.—The determination under paragraph (1)(A) shall include a metes-and-bounds survey, map, and legal description of the lands and improvements to which the determination applies. Such survey, map, and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the survey, map, and legal description.

"(B) LANDS AND IMPROVEMENTS NECESSARY TO COAST GUARD ACTIVITIES.—The determination under paragraph (1)(B) shall include with respect to the lands and improvements to which the determination applies—

"(i) a metes-and-bounds survey, map, and legal description of such lands and improvements, which shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the survey, map, and legal description;

"(ii) a description of Coast Guard actual use and occupancy of such lands and improvements intended to occur within 3 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016; and

"(iii) a plan to maintain existing facilities in useable condition, or demolish or replace those facilities, including a cost estimate for carrying out such plan.

"(3) CONVEYANCE.—In partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and not later than 60 days after the submission of the determination under paragraph (1)(A), the Secretary shall convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to the land and improvements depicted on the metes-and-bounds survey, map, and legal description of the lands and improvements to which the determination under paragraph (1)(A) applies.

"(4) FAILURE TO PROVIDE DETERMINATION.—If a determination under paragraph (1) is not provided within the period specified in that paragraph, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall, by not later than 30 days after the end of that period, convey all right, title, and interest of the United States in and to tract 43 to the Alaska Native Village Corporation for St. Paul Island.

"(5) FAILURE TO IMPLEMENT USE AND OCCUPANCY.—If the use and occupancy described in paragraph (2)(B)(ii) have not been fully implemented within 5 years after the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to such portions of the lands and improvements to which the determination under paragraph (1)(B) applies and for which such implementation has not occurred.

"(c) FURTHER DETERMINATION AND CONVEYANCE.—

"(1) IN GENERAL.—Not later than 5 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, and not less than once every 5 years thereafter, the Secretary shall—

"(A) review the determination made under subsection (b)(1)(B); and

"(B) determine if the lands and improvements to which the determination applies are in excess of the smallest practicable tract enclosing the lands and improvements needed to carry out Coast Guard missions.

"(2) REPORT OF DETERMINATION.—When a determination is made under paragraph (1), the Secretary shall report the determination to—

"(A) the Committee on Transportation and Infrastructure of the House of Representatives;

"(B) the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) the Alaska Native Village Corporation for St. Paul Island.

"(3) ELECTION TO RECEIVE.—Not later than 60 days after the date it receives a determination under paragraph (1), the Alaska Native Village Corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements or a portion of any lands and improvements determined to be in excess of those needed to carry out Coast Guard missions in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(4) CONVEYANCE.—If such Alaska Native Village Corporation provides notice under paragraph (3) that the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements or a portion of any lands and improvements, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall convey all right, title, and interest of the United States in and to the lands and improvements or portion thereof to such Alaska Native Village Corporation.

"(5) OTHER DISPOSAL.—If such Alaska Native Village Corporation does not provide notice under paragraph (3) that the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements or a portion of any lands and improvements, the Secretary may dispose of the lands and improvements in accordance with other applicable law.

"(d) CERCLA NOT AFFECTED.—No transfer or conveyance of property under this section shall be construed to affect or limit the application of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

"(e) REPORTS.—

"(1) REMEDIATION OF CONTAMINATED SOIL.—Not later than 2 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016 and not less than once every 2 years thereafter, the Secretary shall submit

to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

"(A) efforts taken to remediate contaminated soils on tract 43 and tract 39; and

"(B) a schedule for the completion of remediation of contaminated soils on tract 43 and tract 39.

"(2) NUMBER OF COAST GUARD PERSONNEL WHO CARRIED OUT COAST GUARD MISSIONS.—On the 15th day of each month, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a notice detailing the number of Coast Guard personnel who carried out Coast Guard missions on tract 43 during the previous month and what Coast Guard missions were carried out by such personnel.

"(f) REDUNDANT CAPABILITY.—

"(1) RULE OF CONSTRUCTION.—Except as provided in paragraph (2), section 681 of title 14, United States Code, shall not be construed to prohibit any conveyance of lands or improvements under this subtitle or any actions that involve the dismantling or disposal of infrastructure that supported the former LORAN system that are associated with the conveyance of lands or improvements under this subtitle.

"(2) REDUNDANT CAPABILITY.—If, within the 5-year period beginning on the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary determines that communication equipment, including towers, antennae, and transmitters, on property conveyed in accordance with this subtitle is subsequently required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted, the Secretary may—

"(A) operate, maintain, keep, locate, inspect, repair, and replace such equipment; and

"(B) in carrying out the activities described in subparagraph (A), enter, at any time, a facility without notice, to the extent that it is not possible to provide advance notice, for as long as such equipment is needed to provide such capability.

"(g) FEDERAL USE.—In addition to entry under subsection (f)(2)(B), the Secretary may enter property conveyed in accordance with this subtitle for purposes of environmental compliance and remediation after providing advance notice to the property owner to the extent that it is possible to provide such notice.

"(h) HIGH FREQUENCY COMMUNICATIONS.—

"(1) RESTRICTION.—Except as provided in paragraph (2), on property contained within the boundaries of tract 43 as in effect on the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, no person may operate or maintain—

"(A) radio frequency transmitting equipment that produces a signal that exceeds 5 microvolts per meter field intensity, other than such equipment that was in use on the site before the date of the enactment of such Act; or

"(B) electric welding equipment, electric generating equipment, a diathermy machine, electric motors of any kind having greater than 5 horsepower, or any other machinery, engine, or equipment that causes any electromagnetic interference.

"(2) EXCEPTION.—A person may engage in operations or maintenance otherwise prohibited by paragraph (1) with the concurrence of the Secretary.

"(i) DEFINITIONS.—For purposes of this section:

"(1) LICENSE.—The term 'license' means the agreement dated January 9, 2006, entitled 'License Agreement Between The Department of Homeland Security, United States Coast Guard, and The Department of Commerce, National Oceanic and Atmospheric Administration'.

"(2) TRACT 39.—The term 'tract 39' means T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 39, the plat of which was Officially Filed on May 14, 1986, containing 0.90 acres.

"(3) TRACT 43.—The term 'tract 43' means T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 43, the plat of which was Officially Filed on May 14, 1986, containing 84.88 acres, and any improvements on such tract.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.".

(b) CHARGEABILITY FOR LANDS CONVEYED.—The Secretary of the Interior shall charge against the remaining entitlement of the Alaska Native Village Corporation for St. Paul Island under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) any conveyance of land to such corporation under this subtitle, including the amendments made by this subtitle.

(c) CLERICAL AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 2016 (Public Law 114–120, as amended by this Act) is amended by striking the item relating to section 524 and inserting the following:

"Sec. 524. Transfer, use, and disposal of tract 43.".

(d) CONFORMING AMENDMENTS.—Section 105 of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended—

(1) in subsection (e)(1), by striking "or section 522 of the Pribilof Island Transition Completion Act of 2015" and inserting "or section 522 of the Pribilof Island Transition Completion Act of 2016, or transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of such Act,"; and

(2) in subsection (f)(1), by striking "and not transferred" and inserting "and not transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of the Pribilof Island Transition Completion Act of 2016 or".

(e) SAVINGS CLAUSE.—The Memorandum of Understanding among the Tanadgusix Corporation, St. Paul Island, Alaska, the Tanaq Corporation, St. George Island, Alaska, and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, dated December 22, 1976, regarding Pribilof Islands Land Selections and the establishment and operation of a Joint Management Board, shall remain in effect with respect to land selections and conveyances

until all obligations for conveyances under that agreement have been met, and the obligation to maintain a Joint Management Board remains in effect.

Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

33 USC 894 note.

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

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

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

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

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

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

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

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

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

(3) establishment of a mechanism by which—

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

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

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

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

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

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

(2) the public.

(e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.—The Secretary shall designate out of existing staff at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment at each marine and aviation center of the Administration.

(f) QUARTERLY REPORTS.—

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

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

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

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

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

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

SEC. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. 33 USC 894 note.

(a) COMPREHENSIVE POLICY ON PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

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

(1) Prevention measures.

(2) Education and training on prevention and response.

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

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

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

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

(5) Establishing a mechanism by which—

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

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

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

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

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

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

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

(c) VICTIM ADVOCACY.—

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

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

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

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

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

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

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

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

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

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

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

(5) HOTLINE.—

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

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

(C) PARTNERSHIP.—The Secretary shall, where possible, use established hotlines for purposes of this paragraph.

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

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

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

(2) the public.

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

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

33 USC 894b note.

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

SEC. 3544. CHANGE OF STATION.

33 USC 894c note.

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

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

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

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

(2) PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

(c) REGULATIONS.—

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

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

33 USC 894 note.

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

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

33 USC 894 note.

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

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

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

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

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

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

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

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

SEC. 3547. SEXUAL ASSAULT DEFINED.

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

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this

division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT	57,529	57,529
003	MQ–1 UAV	55,388	55,388
	ROTARY		
006	AH–64 APACHE BLOCK IIIA REMAN	803,084	803,084
007	ADVANCE PROCUREMENT (CY)	185,160	185,160
008	UH–60 BLACKHAWK M MODEL (MYP)	755,146	755,146
009	ADVANCE PROCUREMENT (CY)	174,107	174,107
010	UH–60 BLACK HAWK A AND L MODELS	46,173	46,173
011	CH–47 HELICOPTER	556,257	556,257
012	ADVANCE PROCUREMENT (CY)	8,707	8,707
	MODIFICATION OF AIRCRAFT		
013	MQ–1 PAYLOAD (MIP)	43,735	43,735
015	MULTI SENSOR ABN RECON (MIP)	94,527	94,527
016	AH–64 MODS	137,883	137,883
017	CH–47 CARGO HELICOPTER MODS (MYP)	102,943	102,943
018	GRCS SEMA MODS (MIP)	4,055	4,055
019	ARL SEMA MODS (MIP)	6,793	6,793
020	EMARSS SEMA MODS (MIP)	13,197	13,197
021	UTILITY/CARGO AIRPLANE MODS	17,526	17,526
022	UTILITY HELICOPTER MODS	10,807	10,807
023	NETWORK AND MISSION PLAN	74,752	74,752
024	COMMS, NAV SURVEILLANCE	69,960	69,960
025	GATM ROLLUP	45,302	45,302
026	RQ–7 UAV MODS	71,169	71,169
027	UAS MODS	21,804	21,804
	GROUND SUPPORT AVIONICS		
028	AIRCRAFT SURVIVABILITY EQUIPMENT	67,377	67,377
029	SURVIVABILITY CM	9,565	9,565
030	CMWS	41,626	41,626
	OTHER SUPPORT		
032	AVIONICS SUPPORT EQUIPMENT	7,007	7,007
033	COMMON GROUND EQUIPMENT	48,234	48,234
034	AIRCREW INTEGRATED SYSTEMS	30,297	30,297
035	AIR TRAFFIC CONTROL	50,405	50,405
036	INDUSTRIAL FACILITIES	1,217	1,217
037	LAUNCHER, 2.75 ROCKET	3,055	3,055
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,614,787**	**3,614,787**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	126,470	126,470

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
002	MSE MISSILE	423,201	423,201
003	ADVANCE PROCUREMENT (CY)	19,319	19,319
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	42,013	42,013
005	JOINT AIR-TO-GROUND MSLS (JAGM)	64,751	64,751
006	ADVANCE PROCUREMENT (CY)	37,100	37,100
	ANTI-TANK/ASSAULT MISSILE SYS		
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	73,508	72,904
	Engineering services cost growth		[–604]
008	TOW 2 SYSTEM SUMMARY	64,922	64,922
009	ADVANCE PROCUREMENT (CY)	19,949	10,716
	Advance procurement cost growth		[–9,233]
010	GUIDED MLRS ROCKET (GMLRS)	172,088	172,088
011	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,004	18,004
	MODIFICATIONS		
013	PATRIOT MODS	197,107	197,107
014	ATACMS MODS	150,043	150,043
015	GMLRS MOD	395	395
017	AVENGER MODS	33,606	33,606
018	ITAS/TOW MODS	383	383
019	MLRS MODS	34,704	34,704
020	HIMARS MODIFICATIONS	1,847	1,847
	SPARES AND REPAIR PARTS		
021	SPARES AND REPAIR PARTS	34,487	34,487
	SUPPORT EQUIPMENT & FACILITIES		
022	AIR DEFENSE TARGETS	4,915	4,915
024	PRODUCTION BASE SUPPORT	1,154	1,154
	TOTAL MISSILE PROCUREMENT, ARMY	**1,519,966**	**1,510,129**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	71,680	71,680
	MODIFICATION OF TRACKED COMBAT VEHICLES		
002	STRYKER (MOD)	74,348	74,348
003	STRYKER UPGRADE	444,561	433,561
	Early to need		[–11,000]
005	BRADLEY PROGRAM (MOD)	276,433	273,333
	Excess program management growth		[–3,100]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
009	ASSAULT BRIDGE (MOD)	3,465	3,465
010	ASSAULT BREACHER VEHICLE	2,928	2,928
011	M88 FOV MODS	8,685	8,685
012	JOINT ASSAULT BRIDGE	64,752	64,752
013	M1 ABRAMS TANK (MOD)	480,166	480,166
014	ABRAMS UPGRADE PROGRAM		100,000
	Realign APS Unit Set Requirements from OCO		[100,000]
	WEAPONS & OTHER COMBAT VEHICLES		
016	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
017	MORTAR SYSTEMS	8,332	8,332
018	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
020	CARBINE	40,493	40,493
021	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
	MOD OF WEAPONS AND OTHER COMBAT VEH		
022	MK–19 GRENADE MACHINE GUN MODS	4,959	4,959
023	M777 MODS	11,913	11,913
024	M4 CARBINE MODS	29,752	29,752
025	M2 50 CAL MACHINE GUN MODS	48,582	48,582
026	M249 SAW MACHINE GUN MODS	1,179	1,179
027	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
028	SNIPER RIFLES MODIFICATIONS	971	971
029	M119 MODIFICATIONS	6,045	6,045
030	MORTAR MODIFICATION	12,118	12,118
031	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,157	3,157
	SUPPORT EQUIPMENT & FACILITIES		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
032	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,331	2,331
035	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	3,155	3,155
	TOTAL PROCUREMENT OF W&TCV, ARMY	**2,265,177**	**2,351,077**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	40,296	40,296
002	CTG, 7.62MM, ALL TYPES	39,237	39,237
003	CTG, HANDGUN, ALL TYPES	5,193	5,193
004	CTG, .50 CAL, ALL TYPES	46,693	46,693
005	CTG, 20MM, ALL TYPES	7,000	7,000
006	CTG, 25MM, ALL TYPES	7,753	6,453
	Program reduction		[–1,300]
007	CTG, 30MM, ALL TYPES	47,000	47,000
008	CTG, 40MM, ALL TYPES	118,178	111,824
	Early to need		[–6,354]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	69,784	69,784
010	81MM MORTAR, ALL TYPES	36,125	36,125
011	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[–2,800]
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	61,300
	75mm blanks early to need		[–3,500]
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
015	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
020	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	OTHER AMMUNITION		
021	CAD/PAD, ALL TYPES	4,914	4,914
022	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
023	GRENADES, ALL TYPES	22,760	22,760
024	SIGNALS, ALL TYPES	10,666	10,666
025	SIMULATORS, ALL TYPES	7,412	7,412
	MISCELLANEOUS		
026	AMMO COMPONENTS, ALL TYPES	12,726	12,726
027	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[–200]
028	ITEMS LESS THAN $5 MILLION (AMMO)	10,006	9,506
	Early to need		[–500]
029	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[–3,700]
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
032	INDUSTRIAL FACILITIES	222,269	242,269
	Program increase		[20,000]
033	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,383	157,383
034	ARMS INITIATIVE	3,646	3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,513,157**	**1,514,803**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
002	SEMITRAILERS, FLATBED:	3,716	3,716
003	HI MOB MULTI-PURP WHLD VEH (HMMWV)		50,000
	HMMWV M997A3 ambulance recapitalization for Active Component.		[50,000]
004	GROUND MOBILITY VEHICLES (GMV)	4,907	4,907
006	JOINT LIGHT TACTICAL VEHICLE	587,514	587,514
007	TRUCK, DUMP, 20T (CCE)	3,927	3,927
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	53,293	53,293
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	39,564

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
011	PLS ESP	11,856	11,856
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	49,751
014	MODIFICATION OF IN SVC EQUIP	64,000	54,000
	Program reduction		[–10,000]
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	10,611	10,611
	NON-TACTICAL VEHICLES		
016	HEAVY ARMORED SEDAN	394	394
018	NONTACTICAL VEHICLES, OTHER	1,755	1,755
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	427,598	427,598
020	SIGNAL MODERNIZATION PROGRAM	58,250	58,250
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	5,749	5,749
022	JCSE EQUIPMENT (USREDCOM)	5,068	5,068
	COMM—SATELLITE COMMUNICATIONS		
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	143,805	143,805
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	36,580	36,580
025	SHF TERM	1,985	1,985
027	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530
	COMM—COMBAT COMMUNICATIONS		
033	HANDHELD MANPACK SMALL FORM FIT (HMS)	273,645	273,645
034	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,017	25,017
035	RADIO TERMINAL SET, MIDS LVT(2)	12,326	12,326
037	TRACTOR DESK	2,034	2,034
038	TRACTOR RIDE	2,334	2,334
039	SPIDER APLA REMOTE CONTROL UNIT	1,985	1,985
040	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,796	10,796
042	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	3,607	3,607
043	UNIFIED COMMAND SUITE	14,295	14,295
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	19,893	19,893
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE	1,388	1,388
048	ARMY CA/MISO GPF EQUIPMENT	5,494	5,494
	INFORMATION SECURITY		
049	FAMILY OF BIOMETRICS	2,978	2,978
051	COMMUNICATIONS SECURITY (COMSEC)	131,356	131,356
052	DEFENSIVE CYBER OPERATIONS	15,132	15,132
	COMM—LONG HAUL COMMUNICATIONS		
053	BASE SUPPORT COMMUNICATIONS	27,452	27,452
	COMM—BASE COMMUNICATIONS		
054	INFORMATION SYSTEMS	122,055	122,055
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,286	4,286
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	131,794	131,794
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
059	JTT/CIBS-M	5,337	5,337
062	DCGS-A (MIP)	242,514	217,814
	Program reduction		[–24,700]
063	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
064	TROJAN (MIP)	17,455	17,455
065	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658
067	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970
068	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
070	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	68,453
	Unit cost growth		[–5,585]
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
072	AIR VIGILANCE (AV)	733	733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
076	CI MODERNIZATION	176	176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
077	SENTINEL MODS	40,171	40,171
078	NIGHT VISION DEVICES	163,029	163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	48,427
081	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536
082	ARTILLERY ACCURACY EQUIP	4,187	4,187
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501
086	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726
087	MOD OF IN-SVC EQUIP (LLDR)	28,058	28,058
088	COMPUTER BALLISTICS: LHMBC XM32	5,924	5,924
089	MORTAR FIRE CONTROL SYSTEM	22,331	22,331
090	COUNTERFIRE RADARS	314,509	281,509
	Unit cost savings		[–33,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
091	FIRE SUPPORT C2 FAMILY	8,660	8,660
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	54,376
093	IAMD BATTLE COMMAND SYSTEM	204,969	204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
096	MANEUVER CONTROL SYSTEM (MCS)	151,318	151,318
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	4,214	4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	107,960
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	986
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	1,995	1,995
	ELECT EQUIP—SUPPORT		
109	PRODUCTION BASE SUPPORT (C-E)	403	403
	CLASSIFIED PROGRAMS		
110A	CLASSIFIED PROGRAMS	4,436	4,436
	CHEMICAL DEFENSIVE EQUIPMENT		
111	PROTECTIVE SYSTEMS	2,966	2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,795	9,795
114	CBRN DEFENSE	17,922	17,922
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	13,553
116	TACTICAL BRIDGE, FLOAT-RIBBON	25,244	25,244
117	BRIDGE SUPPLEMENTAL SET	983	983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238
127	< $5M, COUNTERMINE EQUIPMENT	836	836
128	FAMILY OF BOATS AND MOTORS	3,171	3,171
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	18,707
130	SOLDIER ENHANCEMENT	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419
133	MOBILE SOLDIER POWER	30,014	30,014
135	FIELD FEEDING EQUIPMENT	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,384
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	35,656

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	Program decrease		[–7,000]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	59,761
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	32,194
	Program reduction		[–3,500]
143	ITEMS LESS THAN $5.0M (MAINT EQ)	2,716	2,716
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	1,742
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	1,743
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	22,212
	Program reduction		[–4,500]
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,649	6,649
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	21,860
157	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,967	1,967
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	2,307
	TRAINING EQUIPMENT		
161	COMBAT TRAINING CENTERS SUPPORT	75,359	75,359
162	TRAINING DEVICES, NONSYSTEM	253,050	253,050
163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
166	CALIBRATION SETS EQUIPMENT	4,963	4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	6,342
	OTHER SUPPORT EQUIPMENT		
169	M25 STABILIZED BINOCULAR	3,149	3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	67,367	67,367
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	**5,873,949**	**5,835,664**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
003	JOINT STRIKE FIGHTER CV	890,650	890,650
004	ADVANCE PROCUREMENT (CY)	80,908	80,908
005	JSF STOVL	2,037,768	2,037,768
006	ADVANCE PROCUREMENT (CY)	233,648	233,648
007	CH–53K (HEAVY LIFT)	348,615	348,615
008	ADVANCE PROCUREMENT (CY)	88,365	88,365
009	V–22 (MEDIUM LIFT)	1,264,134	1,249,134
	Support cost growth		[–15,000]
010	ADVANCE PROCUREMENT (CY)	19,674	19,674
011	H–1 UPGRADES (UH–1Y/AH–1Z)	759,778	756,586
	Airframe unit cost growth		[–3,192]
012	ADVANCE PROCUREMENT (CY)	57,232	57,232
014	MH–60R (MYP)	61,177	53,177
	Line shutdown costs—early to need		[–8,000]
016	P–8A POSEIDON	1,940,238	1,863,238
	Airfrane unit cost growth		[–77,000]
017	ADVANCE PROCUREMENT (CY)	123,140	123,140

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Line	Item	FY 2017 Request	Conference Authorized
018	E–2D ADV HAWKEYE	916,483	916,483
019	ADVANCE PROCUREMENT (CY)	125,042	125,042
	TRAINER AIRCRAFT		
020	JPATS	5,849	5,849
	OTHER AIRCRAFT		
021	KC–130J	128,870	128,870
022	ADVANCE PROCUREMENT (CY)	24,848	24,848
023	MQ–4 TRITON	409,005	396,125
	Unit cost savings		[–12,880]
024	ADVANCE PROCUREMENT (CY)	55,652	55,652
025	MQ–8 UAV	72,435	72,435
	MODIFICATION OF AIRCRAFT		
029	AEA SYSTEMS	51,900	51,900
030	AV–8 SERIES	60,818	60,818
031	ADVERSARY	5,191	5,191
032	F–18 SERIES	1,023,492	986,192
	Unobligated balances		[–37,300]
034	H–53 SERIES	46,095	46,095
035	SH–60 SERIES	108,328	108,328
036	H–1 SERIES	46,333	46,333
037	EP–3 SERIES	14,681	14,681
038	P–3 SERIES	2,781	2,781
039	E–2 SERIES	32,949	32,949
040	TRAINER A/C SERIES	13,199	13,199
041	C–2A	19,066	19,066
042	C–130 SERIES	61,788	59,788
	Training equipment unjustified growth (OSIP 022–07)		[–2,000]
043	FEWSG	618	618
044	CARGO/TRANSPORT A/C SERIES	9,822	9,822
045	E–6 SERIES	222,077	222,077
046	EXECUTIVE HELICOPTERS SERIES	66,835	66,835
047	SPECIAL PROJECT AIRCRAFT	16,497	16,497
048	T–45 SERIES	114,887	114,887
049	POWER PLANT CHANGES	16,893	14,893
	Excess support growth		[–2,000]
050	JPATS SERIES	17,401	17,401
051	COMMON ECM EQUIPMENT	143,773	143,773
052	COMMON AVIONICS CHANGES	164,839	164,839
053	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403
054	ID SYSTEMS	45,768	45,768
055	P–8 SERIES	18,836	18,836
056	MAGTF EW FOR AVIATION	5,676	5,676
057	MQ–8 SERIES	19,003	19,003
058	RQ–7 SERIES	3,534	3,534
059	V–22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545
060	F–35 STOVL SERIES	34,928	34,928
061	F–35 CV SERIES	26,004	26,004
062	QRC	5,476	5,476
	AIRCRAFT SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	1,407,626	1,407,626
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
064	COMMON GROUND EQUIPMENT	390,103	390,103
065	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194
066	WAR CONSUMABLES	40,613	40,613
067	OTHER PRODUCTION CHARGES	860	860
068	SPECIAL SUPPORT EQUIPMENT	36,282	36,282
069	FIRST DESTINATION TRANSPORTATION	1,523	1,523
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**14,109,148**	**13,951,776**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,103,086	1,103,086
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	6,776	6,776
	STRATEGIC MISSILES		
003	TOMAHAWK	186,905	179,905
	Tomahawk unit cost growth		[–7,000]

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Line	Item	FY 2017 Request	Conference Authorized
	TACTICAL MISSILES		
004	AMRAAM	204,697	197,447
	Unit cost growth		[–7,250]
005	SIDEWINDER	70,912	70,912
006	JSOW	2,232	2,232
007	STANDARD MISSILE	501,212	497,968
	Diminishing manufacturing sources excess growth		[–3,244]
008	RAM	71,557	71,557
009	JOINT AIR GROUND MISSILE (JAGM)	26,200	21,922
	Unit cost savings		[–4,278]
012	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,316	3,316
013	AERIAL TARGETS	137,484	137,484
014	OTHER MISSILE SUPPORT	3,248	3,248
015	LRASM	29,643	29,643
	MODIFICATION OF MISSILES		
016	ESSM	52,935	52,935
018	HARM MODS	178,213	178,213
019	STANDARD MISSILES MODS	8,164	8,164
	SUPPORT EQUIPMENT & FACILITIES		
020	WEAPONS INDUSTRIAL FACILITIES	1,964	1,964
021	FLEET SATELLITE COMM FOLLOW-ON	36,723	36,723
	ORDNANCE SUPPORT EQUIPMENT		
022	ORDNANCE SUPPORT EQUIPMENT	59,096	59,096
	TORPEDOES AND RELATED EQUIP		
023	SSTD	5,910	5,910
024	MK–48 TORPEDO	44,537	44,537
025	ASW TARGETS	9,302	9,302
	MOD OF TORPEDOES AND RELATED EQUIP		
026	MK–54 TORPEDO MODS	98,092	98,092
027	MK–48 TORPEDO ADCAP MODS	46,139	46,139
028	QUICKSTRIKE MINE	1,236	1,236
	SUPPORT EQUIPMENT		
029	TORPEDO SUPPORT EQUIPMENT	60,061	60,061
030	ASW RANGE SUPPORT	3,706	3,706
	DESTINATION TRANSPORTATION		
031	FIRST DESTINATION TRANSPORTATION	3,804	3,804
	GUNS AND GUN MOUNTS		
032	SMALL ARMS AND WEAPONS	18,002	18,002
	MODIFICATION OF GUNS AND GUN MOUNTS		
033	CIWS MODS	50,900	50,900
034	COAST GUARD WEAPONS	25,295	25,295
035	GUN MOUNT MODS	77,003	77,003
036	LCS MODULE WEAPONS	2,776	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
040	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,209,262**	**3,187,490**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	91,659	91,659
002	AIRBORNE ROCKETS, ALL TYPES	65,759	65,759
003	MACHINE GUN AMMUNITION	8,152	8,152
004	PRACTICE BOMBS	41,873	41,873
005	CARTRIDGES & CART ACTUATED DEVICES	54,002	54,002
006	AIR EXPENDABLE COUNTERMEASURES	57,034	57,034
007	JATOS	2,735	2,735
009	5 INCH/54 GUN AMMUNITION	19,220	19,220
010	INTERMEDIATE CALIBER GUN AMMUNITION	30,196	30,196
011	OTHER SHIP GUN AMMUNITION	39,009	39,009
012	SMALL ARMS & LANDING PARTY AMMO	46,727	46,727
013	PYROTECHNIC AND DEMOLITION	9,806	9,806
014	AMMUNITION LESS THAN $5 MILLION	2,900	2,900
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	27,958	27,958
017	40 MM, ALL TYPES	14,758	14,758
018	60MM, ALL TYPES	992	992

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Line	Item	FY 2017 Request	Conference Authorized
020	120MM, ALL TYPES	16,757	12,157
	120mm early to need		[–4,600]
021	GRENADES, ALL TYPES	972	972
022	ROCKETS, ALL TYPES	14,186	14,186
023	ARTILLERY, ALL TYPES	68,656	68,656
024	DEMOLITION MUNITIONS, ALL TYPES	1,700	1,700
025	FUZE, ALL TYPES	26,088	26,088
027	AMMO MODERNIZATION	14,660	14,660
028	ITEMS LESS THAN $5 MILLION	8,569	6,069
	Early to need		[–2,500]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**664,368**	**657,268**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT.	773,138	773,138
	OTHER WARSHIPS		
002	CARRIER REPLACEMENT PROGRAM	1,291,783	1,291,783
003	ADVANCE PROCUREMENT (CY)	1,370,784	1,370,784
004	VIRGINIA CLASS SUBMARINE	3,187,985	3,187,985
005	ADVANCE PROCUREMENT (CY)	1,767,234	1,852,234
	Long-lead Time Materiel Orders for Virginia Class		[85,000]
006	CVN REFUELING OVERHAULS	1,743,220	1,743,220
007	ADVANCE PROCUREMENT (CY)	248,599	248,599
008	DDG 1000	271,756	271,756
009	DDG–51	3,211,292	3,261,092
	Fund additional FY16 destroyer		[49,800]
011	LITTORAL COMBAT SHIP	1,125,625	1,097,625
	Unjustified growth		[–28,000]
	AMPHIBIOUS SHIPS		
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R)		440,000
	Procurement of LPD–29 or LX (R)		[440,000]
016	LHA REPLACEMENT	1,623,024	1,623,024
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
020	ADVANCE PROCUREMENT (CY)	73,079	73,079
022	MOORED TRAINING SHIP	624,527	624,527
025	OUTFITTING	666,158	645,054
	Outfitting and post delivery funds early to need		[–21,104]
026	SHIP TO SHORE CONNECTOR	128,067	128,067
027	SERVICE CRAFT	65,192	65,192
028	LCAC SLEP	1,774	1,774
029	YP CRAFT MAINTENANCE/ROH/SLEP	21,363	21,363
030	COMPLETION OF PY SHIPBUILDING PROGRAMS	160,274	160,274
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**18,354,874**	**18,880,570**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
003	SURFACE POWER EQUIPMENT	15,514	15,514
004	HYBRID ELECTRIC DRIVE (HED)	40,132	39,282
	Installation early to need		[–850]
	GENERATORS		
005	SURFACE COMBATANT HM&E	29,974	29,974
	NAVIGATION EQUIPMENT		
006	OTHER NAVIGATION EQUIPMENT	63,942	63,942
	OTHER SHIPBOARD EQUIPMENT		
008	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	136,421	136,421
009	DDG MOD	367,766	367,766
010	FIREFIGHTING EQUIPMENT	14,743	14,743
011	COMMAND AND CONTROL SWITCHBOARD	2,140	2,140
012	LHA/LHD MIDLIFE	24,939	24,939
014	POLLUTION CONTROL EQUIPMENT	20,191	19,342
	HF062 lightering systems unit cost growth		[–849]
015	SUBMARINE SUPPORT EQUIPMENT	8,995	8,995
016	VIRGINIA CLASS SUPPORT EQUIPMENT	66,838	66,838
017	LCS CLASS SUPPORT EQUIPMENT	54,823	54,823
018	SUBMARINE BATTERIES	23,359	23,359
019	LPD CLASS SUPPORT EQUIPMENT	40,321	40,321

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Line	Item	FY 2017 Request	Conference Authorized
020	DDG 1000 CLASS SUPPORT EQUIPMENT	33,404	33,404
021	STRATEGIC PLATFORM SUPPORT EQUIP	15,836	15,836
022	DSSP EQUIPMENT	806	806
024	LCAC	3,090	3,090
025	UNDERWATER EOD PROGRAMS	24,350	24,350
026	ITEMS LESS THAN $5 MILLION	88,719	86,899
	LSD boat davit kit cost growth		[–993]
	Propellers and shafts unit cost growth		[–827]
027	CHEMICAL WARFARE DETECTORS	2,873	2,873
028	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043
	REACTOR PLANT EQUIPMENT		
030	REACTOR COMPONENTS	342,158	342,158
	OCEAN ENGINEERING		
031	DIVING AND SALVAGE EQUIPMENT	8,973	8,973
	SMALL BOATS		
032	STANDARD BOATS	43,684	43,684
	PRODUCTION FACILITIES EQUIPMENT		
034	OPERATING FORCES IPE	75,421	75,421
	OTHER SHIP SUPPORT		
035	NUCLEAR ALTERATIONS	172,718	172,718
036	LCS COMMON MISSION MODULES EQUIPMENT	27,840	17,840
	RMMV program restructure		[–10,000]
037	LCS MCM MISSION MODULES	57,146	57,146
038	LCS ASW MISSION MODULES	31,952	21,952
	Early to need		[–10,000]
039	LCS SUW MISSION MODULES	22,466	21,064
	MK–46 gun weapon system contract delays		[–1,402]
	LOGISTIC SUPPORT		
041	LSD MIDLIFE	10,813	10,813
	SHIP SONARS		
042	SPQ–9B RADAR	14,363	14,363
043	AN/SQQ–89 SURF ASW COMBAT SYSTEM	90,029	90,029
045	SSN ACOUSTIC EQUIPMENT	248,765	248,765
046	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,163	7,163
	ASW ELECTRONIC EQUIPMENT		
048	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,291	21,291
049	SSTD	6,893	6,893
050	FIXED SURVEILLANCE SYSTEM	145,701	145,701
051	SURTASS	36,136	36,136
	ELECTRONIC WARFARE EQUIPMENT		
053	AN/SLQ–32	274,892	266,641
	Block 3 excess support		[–4,270]
	Block 3T excess support		[–1,000]
	Block 3T installation prior year carryover		[–2,981]
	RECONNAISSANCE EQUIPMENT		
054	SHIPBOARD IW EXPLOIT	170,733	170,733
055	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958
	OTHER SHIP ELECTRONIC EQUIPMENT		
057	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034
059	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336
060	ATDLS	30,105	30,105
061	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556
062	MINESWEEPING SYSTEM REPLACEMENT	56,675	32,198
	Ahead of need		[–24,477]
063	SHALLOW WATER MCM	8,875	8,875
064	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752
065	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577
066	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972
	AVIATION ELECTRONIC EQUIPMENT		
069	ASHORE ATC EQUIPMENT	75,068	75,068
070	AFLOAT ATC EQUIPMENT	33,484	33,484
076	ID SYSTEMS	22,177	22,177
077	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273
	OTHER SHORE ELECTRONIC EQUIPMENT		
080	TACTICAL/MOBILE C4I SYSTEMS	27,927	27,927
081	DCGS-N	12,676	12,676
082	CANES	212,030	212,030

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Line	Item	FY 2017 Request	Conference Authorized
083	RADIAC	8,092	8,092
084	CANES-INTELL	36,013	36,013
085	GPETE	6,428	6,428
087	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
088	EMI CONTROL INSTRUMENTATION	3,971	3,971
089	ITEMS LESS THAN $5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
090	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
091	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
092	COMMUNICATIONS ITEMS UNDER $5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
093	SUBMARINE BROADCAST SUPPORT	34,151	34,151
094	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
095	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
096	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
097	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
099	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	159,541
	Excess unit cost growth		[–3,047]
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	310,946
	Program execution		[–9,500]
112	TOMAHAWK SUPPORT EQUIPMENT	71,046	71,046
	FBM SUPPORT EQUIPMENT		
113	STRATEGIC MISSILE SYSTEMS EQUIP	215,138	215,138
	ASW SUPPORT EQUIPMENT		
114	SSN COMBAT CONTROL SYSTEMS	130,715	130,715
115	ASW SUPPORT EQUIPMENT	26,431	26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821
117	ITEMS LESS THAN $5 MILLION	6,243	6,243
	OTHER EXPENDABLE ORDNANCE		
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020
120	SURFACE TRAINING EQUIPMENT	97,514	94,979
	Unjustified growth		[–2,535]
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER $5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471

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Line	Item	FY 2017 Request	Conference Authorized
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	29,980
	CNIC building control systems unjustified request		[–7,200]
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	C4ISR EQUIPMENT	9,073	9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544
	OTHER		
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216
	CLASSIFIED PROGRAMS		
150A	CLASSIFIED PROGRAMS	9,915	9,915
	SPARES AND REPAIR PARTS		
151	SPARES AND REPAIR PARTS	199,660	199,660
	TOTAL OTHER PROCUREMENT, NAVY	**6,338,861**	**6,258,930**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	73,785	71,785
	Production engineering support excess growth		[–2,000]
002	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360
004	155MM LIGHTWEIGHT TOWED HOWITZER	3,318	3,318
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	33,725	33,725
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	8,181	8,181
	OTHER SUPPORT		
007	MODIFICATION KITS	15,250	15,250
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	9,170	9,170
010	JAVELIN	1,009	1,009
011	FOLLOW ON TO SMAW	24,666	24,666
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	17,080	17,080
	COMMAND AND CONTROL SYSTEMS		
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	47,312	47,312
	REPAIR AND TEST EQUIPMENT		
016	REPAIR AND TEST EQUIPMENT	16,469	16,469
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	ITEMS UNDER $5 MILLION (COMM & ELEC)	7,433	7,433
020	AIR OPERATIONS C2 SYSTEMS	15,917	15,917
	RADAR + EQUIPMENT (NON-TEL)		
021	RADAR SYSTEMS	17,772	17,772
022	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	123,758	123,758
023	RQ–21 UAS	80,217	80,217
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	GCSS-MC	1,089	1,089
025	FIRE SUPPORT SYSTEM	13,258	13,258
026	INTELLIGENCE SUPPORT EQUIPMENT	56,379	56,379
029	RQ–11 UAV	1,976	1,976
031	DCGS-MC	1,149	1,149
032	UAS PAYLOADS	2,971	2,971
	OTHER SUPPORT (NON-TEL)		
034	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	76,302	76,302
035	COMMON COMPUTER RESOURCES	41,802	39,477
	Prior year carryover		[–2,325]
036	COMMAND POST SYSTEMS	90,924	90,924
037	RADIO SYSTEMS	43,714	43,714
038	COMM SWITCHING & CONTROL SYSTEMS	66,383	66,383
039	COMM & ELEC INFRASTRUCTURE SUPPORT	30,229	30,229
	CLASSIFIED PROGRAMS		
039A	CLASSIFIED PROGRAMS	2,738	2,738
	ADMINISTRATIVE VEHICLES		
041	COMMERCIAL CARGO VEHICLES	88,312	88,312

SEC. 4101. PROCUREMENT
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Line	Item	FY 2017 Request	Conference Authorized
	TACTICAL VEHICLES		
043	MOTOR TRANSPORT MODIFICATIONS	13,292	13,292
045	JOINT LIGHT TACTICAL VEHICLE	113,230	113,230
046	FAMILY OF TACTICAL TRAILERS	2,691	2,691
	ENGINEER AND OTHER EQUIPMENT		
048	ENVIRONMENTAL CONTROL EQUIP ASSORT	18	18
050	TACTICAL FUEL SYSTEMS	78	78
051	POWER EQUIPMENT ASSORTED	17,973	17,973
052	AMPHIBIOUS SUPPORT EQUIPMENT	7,371	7,371
053	EOD SYSTEMS	14,021	14,021
	MATERIALS HANDLING EQUIPMENT		
054	PHYSICAL SECURITY EQUIPMENT	31,523	31,523
	GENERAL PROPERTY		
058	TRAINING DEVICES	33,658	33,658
060	FAMILY OF CONSTRUCTION EQUIPMENT	21,315	21,315
061	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	9,654	9,654
	OTHER SUPPORT		
062	ITEMS LESS THAN $5 MILLION	6,026	6,026
	SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS	22,848	22,848
	TOTAL PROCUREMENT, MARINE CORPS	**1,362,769**	**1,358,444**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	4,401,894	4,188,894
	Program efficiencies		[–213,000]
002	ADVANCE PROCUREMENT (CY)	404,500	404,500
	TACTICAL AIRLIFT		
003	KC–46A TANKER	2,884,591	2,884,591
	OTHER AIRLIFT		
004	C–130J	145,655	145,655
006	HC–130J	317,576	317,576
007	ADVANCE PROCUREMENT (CY)	20,000	20,000
008	MC–130J	548,358	548,358
009	ADVANCE PROCUREMENT (CY)	50,000	50,000
	HELICOPTERS		
010	UH–1N REPLACEMENT	18,337	18,337
	MISSION SUPPORT AIRCRAFT		
012	CIVIL AIR PATROL A/C	2,637	2,637
	OTHER AIRCRAFT		
013	TARGET DRONES	114,656	114,656
014	RQ–4	12,966	12,966
015	MQ–9	122,522	122,522
	STRATEGIC AIRCRAFT		
016	B–2A	46,729	46,729
017	B–1B	116,319	116,319
018	B–52	109,020	109,020
	TACTICAL AIRCRAFT		
020	A–10	1,289	1,289
021	F–15	105,685	105,685
022	F–16	97,331	114,331
	Active missile warning system		[12,000]
	Anti-jam global positioning system (GPS) upgrade		[5,000]
023	F–22A	163,008	163,008
024	F–35 MODIFICATIONS	175,811	175,811
025	INCREMENT 3.2B	76,410	76,410
026	ADVANCE PROCUREMENT (CY)	2,000	2,000
	AIRLIFT AIRCRAFT		
027	C–5	24,192	24,192
029	C–17A	21,555	21,555
030	C–21	5,439	5,439
031	C–32A	35,235	35,235
032	C–37A	5,004	5,004
	TRAINER AIRCRAFT		
033	GLIDER MODS	394	394
034	T–6	12,765	12,765
035	T–1	25,073	17,073

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Line	Item	FY 2017 Request	Conference Authorized
	Production schedule slip		[–8,000]
036	T–38	45,090	45,090
	OTHER AIRCRAFT		
037	U–2 MODS	36,074	36,074
038	KC–10A (ATCA)	4,570	4,570
039	C–12	1,995	1,995
040	VC–25A MOD	102,670	102,670
041	C–40	13,984	13,984
042	C–130	9,168	81,668
	8–Bladed Propellers		[16,000]
	Electronic Propeller Control Systems		[13,500]
	In-flight Propeller Balancing System Certification		[1,500]
	T56 3.5 Engine Upgrade Kits		[41,500]
043	C–130J MODS	89,424	89,424
044	C–135	64,161	64,161
045	COMPASS CALL MODS	130,257	59,857
	Compass Call Program Restructure		[–70,400]
046	RC–135	211,438	211,438
047	E–3	82,786	82,786
048	E–4	53,348	53,348
049	E–8	6,244	6,244
050	AIRBORNE WARNING AND CONTROL SYSTEM	223,427	223,427
051	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	4,673
052	H–1	9,007	9,007
054	H–60	91,357	91,357
055	RQ–4 MODS	32,045	32,045
056	HC/MC–130 MODIFICATIONS	30,767	30,767
057	OTHER AIRCRAFT	33,886	33,886
059	MQ–9 MODS	141,929	141,929
060	CV–22 MODS	63,395	63,395
	AIRCRAFT SPARES AND REPAIR PARTS		
061	INITIAL SPARES/REPAIR PARTS	686,491	673,291
	Compass Call Program Restructure		[–13,200]
	COMMON SUPPORT EQUIPMENT		
062	AIRCRAFT REPLACEMENT SUPPORT EQUIP	121,935	121,935
	POST PRODUCTION SUPPORT		
063	B–2A	154	154
064	B–2A	43,330	43,330
065	B–52	28,125	28,125
066	C–17A	23,559	23,559
069	F–15	2,980	2,980
070	F–16	15,155	39,955
	Additional mission trainers		[24,800]
071	F–22A	48,505	48,505
074	RQ–4 POST PRODUCTION CHARGES	99	99
	INDUSTRIAL PREPAREDNESS		
075	INDUSTRIAL RESPONSIVENESS	14,126	14,126
	WAR CONSUMABLES		
076	WAR CONSUMABLES	120,036	120,036
	OTHER PRODUCTION CHARGES		
077	OTHER PRODUCTION CHARGES	1,252,824	1,252,824
	CLASSIFIED PROGRAMS		
077A	CLASSIFIED PROGRAMS	16,952	119,952
	Compass Call Program Restructure		[103,000]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**13,922,917**	**13,835,617**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	70,247	70,247
	TACTICAL		
002	JOINT AIR-SURFACE STANDOFF MISSILE	431,645	431,645
003	LRASM0	59,511	59,511
004	SIDEWINDER (AIM–9X)	127,438	127,438
005	AMRAAM	350,144	339,392
	Pricing adjustment		[–10,752]
006	PREDATOR HELLFIRE MISSILE	33,955	33,955
007	SMALL DIAMETER BOMB	92,361	92,361

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	INDUSTRIAL FACILITIES		
008	INDUSTR'L PREPAREDNS/POL PREVENTION	977	977
	CLASS IV		
009	ICBM FUZE MOD	17,095	17,095
010	MM III MODIFICATIONS	68,692	68,692
011	AGM–65D MAVERICK	282	282
013	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
014	SMALL DIAMETER BOMB	15,349	15,349
	MISSILE SPARES AND REPAIR PARTS		
015	INITIAL SPARES/REPAIR PARTS	81,607	81,607
	SPECIAL PROGRAMS		
030	SPECIAL UPDATE PROGRAMS	46,125	46,125
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,009,431	1,009,431
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,426,621**	**2,415,869**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
001	ADVANCED EHF	645,569	645,569
002	AF SATELLITE COMM SYSTEM	42,375	42,375
003	COUNTERSPACE SYSTEMS	26,984	26,984
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	88,963	88,963
005	WIDEBAND GAPFILLER SATELLITES(SPACE)	86,272	86,272
006	GPS III SPACE SEGMENT	34,059	34,059
007	GLOBAL POSTIONING (SPACE)	2,169	2,169
008	SPACEBORNE EQUIP (COMSEC)	46,708	46,708
009	GLOBAL POSITIONING (SPACE)	13,171	10,271
	Excess to Need		[–2,900]
010	MILSATCOM	41,799	41,799
011	EVOLVED EXPENDABLE LAUNCH CAPABILITY	768,586	742,586
	Early to need		[–26,000]
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	536,853
	Early to need		[–201,000]
013	SBIR HIGH (SPACE)	362,504	362,504
014	NUDET DETECTION SYSTEM	4,395	4,395
015	SPACE MODS	8,642	8,642
016	SPACELIFT RANGE SYSTEM SPACE	123,088	123,088
	SSPARES		
017	INITIAL SPARES/REPAIR PARTS	22,606	22,606
	TOTAL SPACE PROCUREMENT, AIR FORCE	**3,055,743**	**2,825,843**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	18,734	18,734
	CARTRIDGES		
002	CARTRIDGES	220,237	220,237
	BOMBS		
003	PRACTICE BOMBS	97,106	97,106
004	GENERAL PURPOSE BOMBS	581,561	581,561
005	MASSIVE ORDNANCE PENETRATOR (MOP)	3,600	3,600
006	JOINT DIRECT ATTACK MUNITION	303,988	297,988
	Pricing adjustment for increased quantity		[–6,000]
	OTHER ITEMS		
007	CAD/PAD	38,890	38,890
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,714	5,714
009	SPARES AND REPAIR PARTS	740	740
010	MODIFICATIONS	573	573
011	ITEMS LESS THAN $5 MILLION	5,156	5,156
	FLARES		
012	FLARES	134,709	134,709
	FUZES		
013	FUZES	229,252	229,252
	SMALL ARMS		
014	SMALL ARMS	37,459	37,459
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**1,677,719**	**1,671,719**

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	14,437	14,437
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	24,812	24,812
003	CAP VEHICLES	984	984
004	ITEMS LESS THAN $5 MILLION	11,191	11,191
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	5,361	5,361
006	ITEMS LESS THAN $5 MILLION	4,623	4,623
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451	12,451
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION	18,114	18,114
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310	2,310
010	ITEMS LESS THAN $5 MILLION	46,868	46,868
	COMM SECURITY EQUIPMENT(COMSEC)		
012	COMSEC EQUIPMENT	72,359	72,359
	INTELLIGENCE PROGRAMS		
014	INTELLIGENCE TRAINING EQUIPMENT	6,982	6,982
015	INTELLIGENCE COMM EQUIPMENT	30,504	30,504
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	55,803	55,803
017	NATIONAL AIRSPACE SYSTEM	2,673	2,673
018	BATTLE CONTROL SYSTEM—FIXED	5,677	5,677
019	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163	1,163
020	WEATHER OBSERVATION FORECAST	21,667	21,667
021	STRATEGIC COMMAND AND CONTROL	39,803	39,803
022	CHEYENNE MOUNTAIN COMPLEX	24,618	24,618
023	MISSION PLANNING SYSTEMS	15,868	15,868
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331	9,331
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	41,779	41,779
027	AF GLOBAL COMMAND & CONTROL SYS	15,729	15,729
028	MOBILITY COMMAND AND CONTROL	9,814	9,814
029	AIR FORCE PHYSICAL SECURITY SYSTEM	99,460	99,460
030	COMBAT TRAINING RANGES	34,850	34,850
031	MINIMUM ESSENTIAL EMERGENCY COMM N	198,925	198,925
032	WIDE AREA SURVEILLANCE (WAS)	6,943	6,943
033	C3 COUNTERMEASURES	19,580	19,580
034	GCSS-AF FOS	1,743	1,743
036	THEATER BATTLE MGT C2 SYSTEM	9,659	9,659
037	AIR & SPACE OPERATIONS CTR-WPN SYS	15,474	15,474
038	AIR OPERATIONS CENTER (AOC) 10.2	30,623	15,323
	Fielding		[–15,300]
	AIR FORCE COMMUNICATIONS		
039	INFORMATION TRANSPORT SYSTEMS	40,043	40,043
040	AFNET	146,897	146,897
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,182	5,182
042	USCENTCOM	13,418	13,418
	ORGANIZATION AND BASE		
052	TACTICAL C-E EQUIPMENT	109,836	109,836
053	RADIO EQUIPMENT	16,266	16,266
054	CCTV/AUDIOVISUAL EQUIPMENT	7,449	7,449
055	BASE COMM INFRASTRUCTURE	109,215	109,215
	MODIFICATIONS		
056	COMM ELECT MODS	65,700	65,700
	PERSONAL SAFETY & RESCUE EQUIP		
058	ITEMS LESS THAN $5 MILLION	54,416	54,416
	DEPOT PLANT+MTRLS HANDLING EQ		
059	MECHANIZED MATERIAL HANDLING EQUIP	7,344	7,344
	BASE SUPPORT EQUIPMENT		
060	BASE PROCURED EQUIPMENT	6,852	6,852
063	MOBILITY EQUIPMENT	8,146	8,146
064	ITEMS LESS THAN $5 MILLION	28,427	28,427
	SPECIAL SUPPORT PROJECTS		

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Line	Item	FY 2017 Request	Conference Authorized
066	DARP RC135	25,287	25,287
067	DCGS-AF	169,201	169,201
069	SPECIAL UPDATE PROGRAM	576,710	576,710
	CLASSIFIED PROGRAMS		
070A	CLASSIFIED PROGRAMS	15,119,705	15,119,705
	SPARES AND REPAIR PARTS		
072	SPARES AND REPAIR PARTS	15,784	15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,438,056**	**17,422,756**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, WHS		
037	MAJOR EQUIPMENT, OSD	29,211	29,211
	MAJOR EQUIPMENT, NSA		
036	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,399	4,399
	MAJOR EQUIPMENT, WHS		
040	MAJOR EQUIPMENT, WHS	24,979	24,979
	MAJOR EQUIPMENT, DISA		
006	INFORMATION SYSTEMS SECURITY	21,347	21,347
007	TELEPORT PROGRAM	50,597	50,597
008	ITEMS LESS THAN $5 MILLION	10,420	10,420
009	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,634	1,634
010	DEFENSE INFORMATION SYSTEM NETWORK	87,235	87,235
011	CYBER SECURITY INITIATIVE	4,528	4,528
012	WHITE HOUSE COMMUNICATION AGENCY	36,846	36,846
013	SENIOR LEADERSHIP ENTERPRISE	599,391	599,391
015	JOINT REGIONAL SECURITY STACKS (JRSS)	150,221	150,221
	MAJOR EQUIPMENT, DLA		
017	MAJOR EQUIPMENT	2,055	2,055
	MAJOR EQUIPMENT, DSS		
020	MAJOR EQUIPMENT	1,057	1,057
	MAJOR EQUIPMENT, DCAA		
001	ITEMS LESS THAN $5 MILLION	2,964	2,964
	MAJOR EQUIPMENT, TJS		
038	MAJOR EQUIPMENT, TJS	7,988	7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
023	THAAD	369,608	369,608
024	AEGIS BMD	463,801	528,801
	Increasing BMD capability for Aegis Ships		[65,000]
025	BMDS AN/TPY–2 RADARS	5,503	5,503
026	ARROW UPPER TIER		120,000
	Increase for Arrow 3 Coproduction subject to Title XVI		[120,000]
027	DAVID'S SLING		150,000
	Increase for DSWS Coproduction subject to Title XVI		[150,000]
028	AEGIS ASHORE PHASE III	57,493	57,493
029	IRON DOME	42,000	62,000
	Increase for Coproduction of Iron Dome Tamir Interceptors subject to Title XVI.		[20,000]
030	AEGIS BMD HARDWARE AND SOFTWARE	50,098	50,098
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	14,232	14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
021	VEHICLES	200	200
022	OTHER MAJOR EQUIPMENT	6,437	6,437
	MAJOR EQUIPMENT, DODEA		
019	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	288	288
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	92	92
	MAJOR EQUIPMENT, DMACT		
018	MAJOR EQUIPMENT	8,060	8,060
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	568,864	568,864
	AVIATION PROGRAMS		
042	ROTARY WING UPGRADES AND SUSTAINMENT	150,396	150,396
043	UNMANNED ISR	21,190	21,190
045	NON-STANDARD AVIATION	4,905	4,905
046	U–28	3,970	3,970

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
047	MH–47 CHINOOK	25,022	25,022
049	CV–22 MODIFICATION	19,008	19,008
051	MQ–9 UNMANNED AERIAL VEHICLE	10,598	10,598
053	PRECISION STRIKE PACKAGE	213,122	200,072
	SOCOM requested transfer		[–13,050]
054	AC/MC–130J	73,548	86,598
	SOCOM requested transfer		[13,050]
055	C–130 MODIFICATIONS	32,970	32,970
	SHIPBUILDING		
056	UNDERWATER SYSTEMS	37,098	37,098
	AMMUNITION PROGRAMS		
057	ORDNANCE ITEMS <$5M	105,267	105,267
	OTHER PROCUREMENT PROGRAMS		
058	INTELLIGENCE SYSTEMS	79,963	79,963
059	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432
060	OTHER ITEMS <$5M	66,436	66,436
061	COMBATANT CRAFT SYSTEMS	55,820	55,820
062	SPECIAL PROGRAMS	107,432	107,432
063	TACTICAL VEHICLES	67,849	67,849
064	WARRIOR SYSTEMS <$5M	245,781	245,781
065	COMBAT MISSION REQUIREMENTS	19,566	19,566
066	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437
067	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
069	OPERATIONAL ENHANCEMENTS	219,945	219,945
	CBDP		
070	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203
071	CB PROTECTION & HAZARD MITIGATION	161,113	161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,524,918**	**4,879,918**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,300	0
	Program decrease		[–99,300]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**99,300**	**0**
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	MISCELLANEOUS EQUIPMENT		250,000
	Program increase		[250,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.		**250,000**
	TOTAL PROCUREMENT	**101,971,592**	**102,422,660**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	MODIFICATION OF AIRCRAFT		
015	MULTI SENSOR ABN RECON (MIP)	21,400	21,400
020	EMARSS SEMA MODS (MIP)	42,700	42,700
026	RQ–7 UAV MODS	1,775	1,775
027	UAS MODS	4,420	4,420
	GROUND SUPPORT AVIONICS		
030	CMWS	56,115	56,115
031	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**235,131**	**235,131**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
004	HELLFIRE SYS SUMMARY	305,830	305,830
	ANTI-TANK/ASSAULT MISSILE SYS		
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	15,567	15,567
008	TOW 2 SYSTEM SUMMARY	80,652	80,652
010	GUIDED MLRS ROCKET (GMLRS)	75,991	75,991
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	51,277	51,277
	TOTAL MISSILE PROCUREMENT, ARMY	**529,317**	**529,317**
	PROCUREMENT OF W&TCV, ARMY		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
007	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	125,184
009	ASSAULT BRIDGE (MOD)	5,950	5,950
014	ABRAMS UPGRADE PROGRAM		72,000
	Army requested realignment (ERI)		[172,000]
	Realign APS Unit Set Requirements to Base		[–100,000]
	WEAPONS & OTHER COMBAT VEHICLES		
017	MORTAR SYSTEMS	22,410	22,410
	SUPPORT EQUIPMENT & FACILITIES		
036	BRADLEY PROGRAM		72,800
	Army requested realignment (ERI)		[72,800]
	TOTAL PROCUREMENT OF W&TCV, ARMY	**153,544**	**298,344**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
002	CTG, 7.62MM, ALL TYPES	9,642	9,642
004	CTG, .50 CAL, ALL TYPES	6,607	6,607
005	CTG, 20MM, ALL TYPES	1,077	1,077
006	CTG, 25MM, ALL TYPES	28,534	28,534
007	CTG, 30MM, ALL TYPES	20,000	20,000
008	CTG, 40MM, ALL TYPES	7,423	7,423
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	10,000	10,000
010	81MM MORTAR, ALL TYPES	2,677	2,677
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	8,999
	ARTILLERY AMMUNITION		
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	30,348
015	PROJ 155MM EXTENDED RANGE M982	140	140
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	29,655
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	16,866	16,866
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	10,353
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	63,210
020	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
022	DEMOLITION MUNITIONS, ALL TYPES	6,373	6,373
023	GRENADES, ALL TYPES	4,143	4,143
024	SIGNALS, ALL TYPES	1,852	1,852
	MISCELLANEOUS		
027	NON-LETHAL AMMUNITION, ALL TYPES	773	773
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**301,523**	**301,523**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	4,180	4,180
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	147,476	147,476
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	6,122
011	PLS ESP	106,358	106,358
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	203,766
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	101,154
014	MODIFICATION OF IN SVC EQUIP	155,456	155,456
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	9,572
	COMM—SATELLITE COMMUNICATIONS		
025	SHF TERM	24,000	24,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
051	COMMUNICATIONS SECURITY (COMSEC)	1,928	1,928
052	DEFENSIVE CYBER OPERATIONS	26,500	26,500
	COMM—BASE COMMUNICATIONS		
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	20,510	20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
062	DCGS-A (MIP)	33,032	33,032
064	TROJAN (MIP)	3,305	3,305
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
070	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	25,892
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	11,610	11,610
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	23,890	23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	76,270	76,270
089	MORTAR FIRE CONTROL SYSTEM	2,572	2,572
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	69,958
	ELECT EQUIP—AUTOMATION		
102	AUTOMATED DATA PROCESSING EQUIP	9,900	9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	96	96
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	1,841
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	26,000
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	268	268
128	FAMILY OF BOATS AND MOTORS	280	280
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	894	894
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	2,665
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	9,789
138	ITEMS LESS THAN $5M (ENG SPT)	300	300
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	78,240
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	5,763
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	1,609
143	ITEMS LESS THAN $5.0M (MAINT EQ)	145	145
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	3,047
148	TRACTOR, FULL TRACKED	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	2,900
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	96	96
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	21,861	21,861
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	846
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	1,140
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	**1,309,610**	**1,309,610**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	332,000	332,000
	STAFF AND INFRASTRUCTURE		
002	MISSION ENABLERS	62,800	62,800

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	**394,800**	**394,800**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A–18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
026	STUASL0 UAV	70,000	70,000
	MODIFICATION OF AIRCRAFT		
037	EP–3 SERIES	7,505	7,505
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
051	COMMON ECM EQUIPMENT	70,780	70,780
059	V–22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740
	AIRCRAFT SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	1,500	1,500
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
065	AIRCRAFT INDUSTRIAL FACILITIES	524	524
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**358,830**	**358,830**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
010	HELLFIRE	8,600	8,600
	TOTAL WEAPONS PROCUREMENT, NAVY	**8,600**	**8,600**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	40,366	40,366
002	AIRBORNE ROCKETS, ALL TYPES	8,860	8,860
006	AIR EXPENDABLE COUNTERMEASURES	7,060	7,060
013	PYROTECHNIC AND DEMOLITION	1,122	1,122
014	AMMUNITION LESS THAN $5 MILLION	3,495	3,495
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	1,205	1,205
017	40 MM, ALL TYPES	539	539
018	60MM, ALL TYPES	909	909
020	120MM, ALL TYPES	530	530
022	ROCKETS, ALL TYPES	469	469
023	ARTILLERY, ALL TYPES	1,196	1,196
024	DEMOLITION MUNITIONS, ALL TYPES	261	261
025	FUZE, ALL TYPES	217	217
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**66,229**	**66,229**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
081	DCGS-N	12,000	12,000
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	40,000	40,000
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
124	FIRE FIGHTING EQUIPMENT	630	630
	SUPPLY SUPPORT EQUIPMENT		
133	FIRST DESTINATION TRANSPORTATION	25	25
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	10,562	10,562
139	MEDICAL SUPPORT EQUIPMENT	5,000	5,000
	CLASSIFIED PROGRAMS		
150A	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	**69,877**	**69,877**
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	572	572
	GUIDED MISSILES		
010	JAVELIN	1,606	1,606
	OTHER SUPPORT (TEL)		
018	MODIFICATION KITS	2,600	2,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	ITEMS UNDER $5 MILLION (COMM & ELEC)	2,200	2,200

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	INTELL/COMM EQUIPMENT (NON-TEL)		
026	INTELLIGENCE SUPPORT EQUIPMENT	20,981	20,981
029	RQ–11 UAV	3,817	3,817
	OTHER SUPPORT (NON-TEL)		
035	COMMON COMPUTER RESOURCES	2,600	2,600
037	RADIO SYSTEMS	9,563	9,563
	ENGINEER AND OTHER EQUIPMENT		
053	EOD SYSTEMS	75,000	75,000
	TOTAL PROCUREMENT, MARINE CORPS	**118,939**	**118,939**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
004	C–130J	73,000	73,000
	OTHER AIRCRAFT		
015	MQ–9	273,600	186,600
	Air Force requested transfer to line 61 for spares		[–87,000]
	STRATEGIC AIRCRAFT		
019	LARGE AIRCRAFT INFRARED COUNTERMEASURES	135,801	135,801
	TACTICAL AIRCRAFT		
020	A–10	23,850	23,850
	OTHER AIRCRAFT		
047	E–3	6,600	6,600
056	HC/MC–130 MODIFICATIONS	13,550	13,550
057	OTHER AIRCRAFT	7,500	7,500
059	MQ–9 MODS	112,068	112,068
	AIRCRAFT SPARES AND REPAIR PARTS		
061	INITIAL SPARES/REPAIR PARTS	25,600	87,000
	Air Force requested transfer from line 15 for spares		[87,000]
	Compass Call Program Restructure		[–25,600]
	OTHER PRODUCTION CHARGES		
077	OTHER PRODUCTION CHARGES	8,400	8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**679,969**	**654,369**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
006	PREDATOR HELLFIRE MISSILE	145,125	145,125
	CLASS IV		
011	AGM–65D MAVERICK	9,720	9,720
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**154,845**	**154,845**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	9,830	9,830
	BOMBS		
004	GENERAL PURPOSE BOMBS	7,921	7,921
006	JOINT DIRECT ATTACK MUNITION	140,126	130,876
	Pricing adjustment		[–9,250]
	FLARES		
012	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**164,408**	**155,158**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,003	2,003
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	9,066	9,066
004	ITEMS LESS THAN $5 MILLION	12,264	12,264
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN $5 MILLION	16,789	16,789
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	48,590	48,590
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION	2,366	2,366
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	6,468	6,468
010	ITEMS LESS THAN $5 MILLION	9,271	9,271

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	42,650	42,650
	SPCL COMM-ELECTRONICS PROJECTS		
029	AIR FORCE PHYSICAL SECURITY SYSTEM	7,500	7,500
033	C3 COUNTERMEASURES	620	620
	ORGANIZATION AND BASE		
052	TACTICAL C-E EQUIPMENT	8,100	8,100
	MODIFICATIONS		
056	COMM ELECT MODS	3,800	3,800
	BASE SUPPORT EQUIPMENT		
061	ENGINEERING AND EOD EQUIPMENT	53,900	53,900
	SPECIAL SUPPORT PROJECTS		
067	DCGS-AF	800	800
	CLASSIFIED PROGRAMS		
070A	CLASSIFIED PROGRAMS	3,609,978	3,609,978
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,834,165**	**3,834,165**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
007	TELEPORT PROGRAM	1,900	1,900
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	32,482	32,482
	AVIATION PROGRAMS		
041	MC–12	5,000	5,000
043	UNMANNED ISR	11,880	11,880
046	U–28	38,283	38,283
	AMMUNITION PROGRAMS		
057	ORDNANCE ITEMS <$5M	52,504	52,504
	OTHER PROCUREMENT PROGRAMS		
058	INTELLIGENCE SYSTEMS	22,000	22,000
060	OTHER ITEMS <$5M	11,580	11,580
062	SPECIAL PROGRAMS	13,549	13,549
063	TACTICAL VEHICLES	3,200	3,200
069	OPERATIONAL ENHANCEMENTS	42,056	22,806
	Classified adjustment		[–19,250]
	TOTAL PROCUREMENT, DEFENSE-WIDE	**234,434**	**215,184**
	TOTAL PROCUREMENT	**8,614,221**	**8,704,921**

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
006	AH–64 APACHE BLOCK IIIA REMAN	78,040	78,040
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**78,040**	**78,040**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	150,000	150,000
	ANTI-TANK/ASSAULT MISSILE SYS		
007	JAVELIN (AAWS-M) SYSTEM SUMMARY		104,200
	Army unfunded requirement		[104,200]
010	GUIDED MLRS ROCKET (GMLRS)		76,000
	Army unfunded requirement		[76,000]
	MODIFICATIONS		
014	ATACMS MODS		15,900
	Army unfunded requirement		[15,900]
	TOTAL MISSILE PROCUREMENT, ARMY	**150,000**	**346,100**

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES		4,000
	Army unfunded requirement		[4,000]
002	CTG, 7.62MM, ALL TYPES		14,000
	Army unfunded requirement		[14,000]
003	CTG, HANDGUN, ALL TYPES		9,000
	Army unfunded requirement		[9,000]
004	CTG, .50 CAL, ALL TYPES		20,000
	Army unfunded requirement		[20,000]
005	CTG, 20MM, ALL TYPES		14,000
	Army unfunded requirement		[14,000]
007	CTG, 30MM, ALL TYPES		8,200
	Army unfunded requirement		[8,200]
	MORTAR AMMUNITION		
011	120MM MORTAR, ALL TYPES		30,000
	Army unfunded requirement		[30,000]
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES		35,000
	Army unfunded requirement		[35,000]
	ARTILLERY AMMUNITION		
015	PROJ 155MM EXTENDED RANGE M982		23,500
	Army unfunded requirement		[23,500]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL		10,000
	Army unfunded requirement		[10,000]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		30,000
	Army unfunded requirement		[30,000]
020	ROCKET, HYDRA 70, ALL TYPES		42,500
	Army unfunded requirement		[27,500]
	Army unfunded requirement- guided hydra rockets		[15,000]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		**240,200**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	152,000	152,000
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	9,900	9,900
	TOTAL OTHER PROCUREMENT, ARMY	**161,900**	**161,900**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	113,272	113,272
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND.	**113,272**	**113,272**
	AIRCRAFT PROCUREMENT, NAVY		
	MODIFICATION OF AIRCRAFT		
035	SH–60 SERIES	3,000	3,000
036	H–1 SERIES	3,740	3,740
051	COMMON ECM EQUIPMENT	27,460	27,460
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**34,200**	**34,200**
	WEAPONS PROCUREMENT, NAVY		
	STRATEGIC MISSILES		
003	TOMAHAWK		84,200
	Scope Increase		[84,200]
	TACTICAL MISSILES		
005	SIDEWINDER		33,000
	Navy unfunded requirement		[33,000]
	TOTAL WEAPONS PROCUREMENT, NAVY		**117,200**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS		58,000
	Navy unfunded requirement—JDAM components		[58,000]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	MARINE CORPS AMMUNITION		
023	ARTILLERY, ALL TYPES		19,200
	Marine Corps unfunded requirement- GMLRS AW munitions		[19,200]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC		**77,200**
	OTHER PROCUREMENT, NAVY		
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	59,329	59,329
	TOTAL OTHER PROCUREMENT, NAVY	**59,329**	**59,329**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRCRAFT		
015	MQ–9	179,430	179,430
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**179,430**	**179,430**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
007	SMALL DIAMETER BOMB	167,800	167,800
	CLASS IV		
011	AGM–65D MAVERICK	16,900	16,900
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**184,700**	**184,700**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	60,000	60,000
	BOMBS		
006	JOINT DIRECT ATTACK MUNITION	263,000	263,000
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**323,000**	**323,000**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
007	TELEPORT PROGRAM	2,000	2,000
016	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,000**	**4,000**
	TOTAL PROCUREMENT	**1,287,871**	**1,918,571**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	12,381	12,381
002	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280
		SUBTOTAL BASIC RESEARCH	**428,943**	**428,943**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	38,109
		Program increase		[2,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
007	0602122A	TRACTOR HIP	6,995	6,995
008	0602211A	AVIATION TECHNOLOGY	65,914	65,914
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466
010	0602303A	MISSILE TECHNOLOGY	44,313	44,313
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	67,959	67,959
014	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	3,923	3,923
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322
019	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079
020	0602712A	COUNTERMINE SYSTEMS	26,497	26,497
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	37,803	37,803
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	26,045
027	0602786A	WARFIGHTER TECHNOLOGY	37,403	42,403
		Program Increase		[5,000]
028	0602787A	MEDICAL TECHNOLOGY	77,111	77,111
		SUBTOTAL APPLIED RESEARCH	**907,574**	**920,074**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365
031	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	68,714	68,714
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	122,132	152,132
		Emerging requirement		[30,000]
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	14,417	14,417
037	0603009A	TRACTOR HIKE	8,074	21,374
		Classified adjustment		[13,300]
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	18,969	18,969
039	0603020A	TRACTOR ROSE	11,910	11,910
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	27,686	27,686
041	0603130A	TRACTOR NAIL	2,340	2,340
042	0603131A	TRACTOR EGGS	2,470	2,470
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	27,893
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190
045	0603322A	TRACTOR CAGE	11,107	11,107
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	177,190	179,190
		Program increase		[2,000]
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	17,451	17,451
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	11,137	11,137
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	20,684	20,684
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	44,239	44,239
053	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775

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		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**930,065**	**975,365**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	9,433	9,433
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	28,244	28,244
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096
059	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506
060	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	15,730	15,730
061	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	10,321	10,321
062	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	7,785	7,785
063	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300
064	0603801A	AVIATION—ADV DEV	10,014	10,014
065	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	20,834	20,834
066	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	33,503
067	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	40,520
		Accelerate small arms improvement		[9,400]
068	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608
069	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	35,132	35,132
070	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	61,038
		Excess growth		[–9,009]
071	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	83,279	83,279
073	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	40,510	30,510
		Inadequate justification		[–10,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**550,635**	**541,026**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
074	0604201A	AIRCRAFT AVIONICS	83,248	83,248
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642
077	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	12,172	12,172
078	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958
079	0604328A	TRACTOR CAGE	12,525	12,525
080	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943
082	0604611A	JAVELIN	20,011	20,011
083	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429
084	0604633A	AIR TRAFFIC CONTROL	3,421	3,421
085	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282
086	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494
087	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV.	9,678	9,678
088	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519
089	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	53,332	61,332
		Program increase- all digital radar technology for CRAM.		[8,000]
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	17,887	17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	10,487	10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	15,068	15,068

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096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	89,716	89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	75,098	86,198
		Program Increase- next generation signature management.		[11,100]
099	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	205,590	205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	155,584	144,584
		Unjustified growth		[–11,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD).	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	20,663
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	41,133
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**2,265,094**	**2,273,194**
		RDT&E MANAGEMENT SUPPORT		
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748

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145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	52,404	52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	33,323
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,545	40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	2,130	2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,136,134**	**1,136,134**
		OPERATIONAL SYSTEMS DEVELOPMENT		
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663
162	0603813A	TRACTOR PULL	3,960	3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	14,517	14,517
165	0607133A	TRACTOR SMOKE	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	2,482
		Program reduction		[–43,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	316,857
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	27,223
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	4,718	4,718

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202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	32,284	32,284
205	0305219A	MQ–1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ–11 UAV	1,613	1,613
207	0305233A	RQ–7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	62,287	62,287
210A	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**1,296,954**	**1,253,954**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**7,515,399**	**7,528,690**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	121,714
		Program increase		[20,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	18,508	18,508
003	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748
		SUBTOTAL BASIC RESEARCH	**542,970**	**562,970**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	118,941	118,941
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	42,618	72,618
		Service Life Extension Program—AGOR		[30,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,327	6,327
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	126,313
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	165,103	165,103
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	33,916	33,916
015	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS.	29,575	29,575
		SUBTOTAL APPLIED RESEARCH	**861,151**	**891,151**
		ADVANCED TECHNOLOGY DEVELOPMENT		
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	96,406
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	26,421	26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	140,416	140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,117	13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	249,092	247,092
		Capable manpower, and power and energy		[–2,000]
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	4,789	4,789
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	60,550	60,550

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026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**736,988**	**734,988**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536
028	0603216N	AVIATION SURVIVABILITY	5,239	5,239
030	0603251N	AIRCRAFT SYSTEMS	1,519	1,519
031	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	57,034	15,496
		Rapid prototype development excess growth		[–30,267]
		Unmanned rapid prototype development excess growth.		[–11,271]
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	165,775	143,548
		Excess prior year funds		[–1,500]
		LDUUV product development excess growth		[–13,800]
		USV with AQS–20 product development excess growth.		[–5,750]
		USV with AQS–20 support excess growth		[–1,177]
035	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
036	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
037	0603525N	PILOT FISH	132,068	132,068
038	0603527N	RETRACT LARCH	14,546	14,546
039	0603536N	RETRACT JUNIPER	115,435	115,435
040	0603542N	RADIOLOGICAL CONTROL	702	702
041	0603553N	SURFACE ASW	1,081	1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	15,805	15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
048	0603576N	CHALK EAGLE	367,016	367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
050	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
051	0603595N	OHIO REPLACEMENT	700,811	700,811
052	0603596N	LCS MISSION MODULES	160,058	129,187
		Program Restructure		[–30,871]
053	0603597N	AUTOMATED TEST AND ANALYSIS		8,000
		Program increase		[8,000]
054	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
055	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	138,762
		Product development prior year carryover		[–19,920]
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	1,303	1,303
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	46,911	46,911
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	4,556	4,556
061	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343
062	0603724N	NAVY ENERGY PROGRAM	52,479	52,479
063	0603725N	FACILITIES IMPROVEMENT	5,458	5,458
064	0603734N	CHALK CORAL	245,860	245,860
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089
066	0603746N	RETRACT MAPLE	323,526	323,526
067	0603748N	LINK PLUMERIA	318,497	318,497
068	0603751N	RETRACT ELM	52,834	52,834
069	0603764N	LINK EVERGREEN	48,116	48,116
070	0603787N	SPECIAL PROCESSES	13,619	13,619
071	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867
072	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015

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073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	104,144	102,722
		UCLASS test support unjustified request		[–1,422]
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	32,700	32,700
076	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	70,528	70,528
077	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	34,920	34,920
080	0604292N	MH-XX	1,620	1,620
081	0604454N	LX (R)	6,354	6,354
082	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	44,189
		Ahead of need		[–34,400]
084	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	9,910	9,910
085	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
086	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	252,409	250,371
		Increment II early to need		[–2,038]
087	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
088	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110
089	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,662,867**	**4,518,451**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
090	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
091	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
092	0604214N	AV–8B AIRCRAFT—ENG DEV	33,664	33,664
093	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	5,275	5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
096	0604221N	P–3 MODERNIZATION PROGRAM	1,909	1,909
097	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
098	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
099	0604234N	ADVANCED HAWKEYE	363,792	363,792
100	0604245N	H–1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V–22A	174,423	157,698
		Hardware development airframe excess growth		[–8,474]
		Refueling system development excess growth		[–8,251]
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA–18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	42,065
		Program growth		[–10,000]
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	282,764	282,764
111	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN–688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404

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121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	85,002
		CVN Design		[20,000]
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	105,475
		Program Execution		[–9,000]
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	111,211
		Decoy development effort unjustified growth		[–3,000]
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS.	74,227	71,977
		Follow-on development excess funds		[–2,250]
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY.	63,387	61,137
		Follow-on development excess funds		[–2,250]
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH–53K RDTE	404,810	373,297
		Program delay		[–31,513]
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)	1,095	1,095
152	0605414N	MQ-XX	89,000	77,000
		Excess Obligation		[–12,000]
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	152,220
		Program execution		[–30,000]
156	0204202N	DDG–1000	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	4,942	4,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**6,025,655**	**5,928,917**
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	2,998	2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903

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172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	87,077	87,077
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	62,811	62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	18,160	18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	9,658	9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123
		SUBTOTAL MANAGEMENT SUPPORT	**853,736**	**853,736**
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A–18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	57,058
		TASW prototypes excess growth		[–1,484]
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT.	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK–48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC).	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	33,509

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		Prior year carryover		[–3,000]
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	44,571	44,571
233	0305220N	MQ–4C TRITON	111,729	111,729
234	0305231N	MQ–8 UAV	26,518	26,518
235	0305232M	RQ–11 UAV	418	418
236	0305233N	RQ–7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,071	5,071
238	0305239M	RQ–21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	11,181	11,181
241	0305421N	RQ–4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	49,322
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
245A	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**3,592,934**	**3,588,450**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**17,276,301**	**17,078,663**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168
		SUBTOTAL BASIC RESEARCH	**500,024**	**500,024**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	126,152	131,152
		Precision measuring tools		[5,000]
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	127,831
		Reusable Hypersonic vehicle structures development		[5,000]
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	111,647
007	0602203F	AEROSPACE PROPULSION	185,671	190,671
		Program increase		[5,000]
008	0602204F	AEROSPACE SENSORS	155,174	155,174
009	0602601F	SPACE TECHNOLOGY	117,915	117,915
010	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649
011	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	161,650	161,650
013	0602890F	HIGH ENERGY LASER RESEARCH	42,300	42,300
		SUBTOTAL APPLIED RESEARCH	**1,260,152**	**1,275,152**
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	45,137
		Metals Affordability Initiative		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636
016	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	94,594	99,594
		Silicon Carbide for aerospace power application		[5,000]
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	58,250
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	26,492	26,492
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344

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026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	58,110	58,110
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**725,805**	**740,805**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598
028	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534
029	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418
030	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333
032	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	108,663	108,663
035	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,358,309
036	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818
037	0604317F	TECHNOLOGY TRANSFER	3,368	3,368
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	74,308	74,308
039	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	113,953
		Transfer Cloud Characterization and Theater Weather Imagery to NRO.		[–5,000]
040	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901
041	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890
042	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	18,421
		Program increase		[10,500]
043	0604858F	TECH TRANSITION PROGRAM	347,304	347,304
044	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919
046	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	20,595
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	49,491	49,491
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	278,147	278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	158,002	158,002
051	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**2,847,833**	**2,853,333**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
054	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	9,176
		Improved GPS		[–3,300]
055	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380
056	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458
057	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	47,038
		Improved GPS		[–7,800]
058	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394
059	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945
060	0604426F	SPACE FENCE	168,364	168,364
061	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187
062	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	181,966	181,966
063	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312
064	0604604F	SUBMUNITIONS	2,503	2,503
065	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
067	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
068	0604735F	COMBAT TRAINING RANGES	77,409	77,409
069	0604800F	F–35—EMD	450,467	450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	296,572	160,000
		Launch System Development		[160,000]
		Next Generation Launch System Investment		[–296,572]
070A	0604XXXF	ROCKET PROPULSION SYSTEM		220,000

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		Rocket Propulsion System Replacement of RD–180 ..		[220,000]
071	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604
072	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751
073	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131
074	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	70,290	70,290
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937
076	0605221F	KC–46	261,724	121,724
		Scope Reduction		[–140,000]
077	0605223F	ADVANCED PILOT TRAINING	12,377	7,377
		Early to need		[–5,000]
078	0605229F	CSAR HH–60 RECAPITALIZATION	319,331	304,331
		Forward financing		[–15,000]
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	229,131
		Delayed analysis of alternatives		[–30,000]
081	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	51,632
		COMSATCOM pilot program		[10,000]
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
084	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,915
		Scope Reduction		[–26,700]
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909
086	0207171F	F–15 EPAWSS	256,669	256,669
087	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253
089	0307581F	JSTARS RECAP	128,019	128,019
090	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220
091	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**4,075,804**	**3,941,432**
		MANAGEMENT SUPPORT		
092	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630
093	0604759F	MAJOR T&E INVESTMENT	66,385	66,385
094	0605101F	RAND PROJECT AIR FORCE	34,641	34,641
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529
097	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198
099	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	**1,245,577**	**1,245,577**
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION.	42,960	42,960
118	0605278F	HC/MC–130 RECAP RDT&E	13,987	13,987
119	0101113F	B–52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453

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121	0101126F	B–1B SQUADRONS	5,830	5,830
122	0101127F	B–2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS.	6,042	6,042
128	0102110F	UH–1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES.	8,674	8,674
131	0205219F	MQ–9 UAV	151,373	161,373
		Auto take-off and landing capability		[10,000]
133	0207131F	A–10 SQUADRONS	14,853	14,853
134	0207133F	F–16 SQUADRONS	132,795	132,795
135	0207134F	F–15E SQUADRONS	356,717	356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773
137	0207138F	F–22A SQUADRONS	387,564	379,464
		Improved GPS		[–8,100]
138	0207142F	F–35 SQUADRONS	153,045	147,545
		Follow-on development—excess funds		[–5,500]
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	28,413
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	50,823
		Compass Call Program Restructure		[37,100]
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	109,859	109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	30,002	30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	25,343
		Weapon system modification		[–12,278]
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	15,911
		Geospatial software development		[5,000]
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPES	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES).	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624

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189	0305111F	WEATHER SERVICE	19,974	22,974
		Commercial Weather Pilot Program		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U–2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	18,841
		Wide area motion imagery		[15,000]
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	18,902	18,902
208	0305220F	RQ–4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	22,610
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C–130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C–5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C–17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C–130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV–22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	10,581	10,581
242A	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**17,457,056**	**17,501,278**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**28,112,251**	**28,057,601**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
002	0601101E	DEFENSE RESEARCH SCIENCES	362,297	362,297
003	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654

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004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	57,791	57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	79,345
		K–12 STEM program increase		[10,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	23,572	33,572
		Program increase		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	**629,895**	**649,895**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
009	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	0
		Program decrease		[–30,000]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	42,206	42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	353,635	353,635
014	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715
016	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183
017	0602702E	TACTICAL TECHNOLOGY	313,843	313,843
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	214,456
		Program reduction		[–6,000]
019	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	154,857	154,857
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,420	8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	**1,786,523**	**1,750,523**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	73,002
026	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	29,343
		Anti-tunnel defense systems		[10,000]
027	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	17,880	17,880
030	0603178C	WEAPONS TECHNOLOGY	71,843	71,843
031	0603179C	ADVANCED C4ISR	3,626	3,626
032	0603180C	ADVANCED RESEARCH	23,433	23,433
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	17,256	17,256
035	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	11,795
		Program reduction		[–71,950]
036	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	182,327
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	165,240
		Program reduction		[–10,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	57,020	57,020
041	0603375D8Z	TECHNOLOGY INNOVATION	39,923	19,923
		Program decrease		[–20,000]
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	127,941	127,941
043	0603527D8Z	RETRACT LARCH	181,977	181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	148,184	132,184
		Program decrease		[–16,000]
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331

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047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	158,398	158,398
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.	49,895	49,895
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	11,011	11,011
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	65,078	65,078
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	97,826	97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	5,348
		Prior year carryover		[–2,500]
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	155,081	155,081
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894
058	0603767E	SENSOR TECHNOLOGY	241,288	241,288
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	72,943
		QRSP		[–2,000]
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	37,329	41,329
		Competitive technology investment		[4,000]
066	0303310D8Z	CWMD SYSTEMS	44,836	21,236
		Constellation program reduction		[–23,600]
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**3,190,666**	**3,058,616**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
069	0603600D8Z	WALKOFF	89,643	89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.	2,136	2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	206,834	206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	862,080	862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	138,187	138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
077	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
078	0603891C	SPECIAL PROGRAMS—MDA	321,607	304,707
		Program reduction		[–16,900]
079	0603892C	AEGIS BMD	959,066	939,066
		SM–3 IIA development excess growth		[–20,000]
080	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129
081	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	20,690	20,690
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	439,617	443,517
		Post Intercept Assessment Acceleration		[3,900]
083	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	47,776	47,776
084	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	54,750	54,750
085	0603906C	REGARDING TRENCH	8,785	8,785

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086	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787
087	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	268,735
		Increase for Cooperative Development Programs subject to Title XVI.		[164,900]
088	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441
089	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576
090	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007
091	0603923D8Z	COALITION WARFARE	10,126	10,126
092	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM.	3,893	8,893
		Corrosion prevention		[5,000]
093	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	90,266
094	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	829,870
		SCO		[–15,000]
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
099	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	274,148
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250
109	0604880C	LAND-BASED SM–3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	71,513
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	**6,919,519**	**7,041,419**
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON		5,000
		Transfer Cloud Characterization and Theater Weather Imagery from USAF.		[5,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**0**	**5,000**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	181,303	181,303
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	266,231	266,231
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM.	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	**628,218**	**628,218**
		MANAGEMENT SUPPORT		
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT ..	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	28,706
138	0605001E	MISSION SUPPORT	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	87,080	67,080
		Prior year carryover and minimize growth		[–20,000]
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	7,246	7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	43,834	43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	22,240	22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	23,541
		Program increase		[4,000]
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,400	4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	2,072	2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	857	857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	916	916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	13,523
		Program decrease		[–5,000]
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	31,160
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180A	9999999999	CLASSIFIED PROGRAMS	56,799	56,799
		SUBTOTAL MANAGEMENT SUPPORT	**897,599**	**876,599**
		OPERATIONAL SYSTEM DEVELOPMENT		
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	287	287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	16,195	16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	4,194	4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038
190	0208045K	C4I INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING.	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	13,994
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,206	12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	161,068
		SHARKSEER Program Increase		[2,000]
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	75,000	75,000
210	0303610K	TELEPORT PROGRAM	657	657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	4,204
		Program decrease		[–2,000]
221	0305199D8Z	NET CENTRICITY	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	5,415	5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,030	3,030
229	0305327V	INSIDER THREAT	5,034	5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,037	2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826
241	1105219BB	MQ–9 UAV	17,804	17,804
244	1160403BB	AVIATION SYSTEMS	159,143	159,143
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949
249	1160434BB	UNMANNED ISR	22,117	22,117
250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834
253A	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**4,256,406**	**4,256,406**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**18,308,826**	**18,266,676**
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	**178,994**	**178,994**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	**178,994**	**178,994**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	**Program Element**	**Item**	**FY 2017 Request**	**Conference Authorized**
		TOTAL RDT&E	**71,391,771**	**71,110,624**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	**Program Element**	**Item**	**FY 2017 Request**	**Conference Authorized**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**9,375**	**9,375**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	78,700	78,700
114	0605032A	TRACTOR TIRE	10,000	10,000
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	50,500	50,500
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**223,210**	**223,210**
		OPERATIONAL SYSTEMS DEVELOPMENT		
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**7,104**	**7,104**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**239,689**	**239,689**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
038	0603527N	RETRACT LARCH	3,907	3,907
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**3,907**	**3,907**
		OPERATIONAL SYSTEMS DEVELOPMENT		
245A	9999999999	CLASSIFIED PROGRAMS	36,426	36,426
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**36,426**	**36,426**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**40,333**	**40,333**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
058	0604421F	COUNTERSPACE SYSTEMS	425	425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**425**	**425**
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	4,715	4,715
242A	9999999999	CLASSIFIED PROGRAMS	27,765	27,765
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**32,480**	**32,480**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**32,905**	**32,905**
		OPERATIONAL SYSTEM DEVELOPMENT		
253A	9999999999	CLASSIFIED PROGRAMS	165,419	165,419

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**165,419**	**165,419**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**165,419**	**165,419**
		TOTAL RDT&E	**478,346**	**478,346**

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		SYSTEM DEVELOPMENT & DEMONSTRATION		
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**33**	**33**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**33**	**33**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	37,990	37,990
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**37,990**	**37,990**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**37,990**	**37,990**
		TOTAL RDT&E	**38,023**	**38,023**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	791,450	841,450
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	68,373	68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823
040	THEATER LEVEL ASSETS	660,258	660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	863,928
060	AVIATION ASSETS	1,360,597	1,461,097
	Eleventh CAB		[32,500]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	Flying hour program unfunded requirement		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,086,443
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,032,852
	Depot maintenance unfunded requirement		[19,400]
100	BASE OPERATIONS SUPPORT	7,816,343	7,838,443
	Eleventh CAB Support		[22,100]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,319,946
	Restore Sustainment shortfalls		[85,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	441,143
	SUBTOTAL OPERATING FORCES	**19,822,607**	**20,100,007**
	MOBILIZATION		
180	STRATEGIC MOBILITY	336,329	336,329
190	ARMY PREPOSITIONED STOCKS	390,848	415,848
	Program increase		[25,000]
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	**734,578**	**759,578**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	131,942	131,942
220	RECRUIT TRAINING	47,846	47,846
230	ONE STATION UNIT TRAINING	45,419	45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747
250	SPECIALIZED SKILL TRAINING	921,025	927,525
	Defense Foreign Language Program		[6,500]
260	FLIGHT TRAINING	902,845	945,779
	Graduate pilot training unfunded requirement		[5,405]
	School Air OPTEMPO unfunded requirement		[31,125]
	Train full ARPINT load of 990		[6,404]
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	248,183
	Military Training and PME		[31,600]
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	525,599
	Unjustified program growth		[–25,000]
300	EXAMINING	187,263	187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167
	SUBTOTAL TRAINING AND RECRUITING	**4,637,361**	**4,693,395**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	230,739	295,739
	Restore cricital shortfalls		[65,000]
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	778,757
380	AMMUNITION MANAGEMENT	370,010	370,010
390	ADMINISTRATION	451,556	451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,096,074
440	ARMY CLAIMS ACTIVITIES	207,800	207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666
530	CLASSIFIED PROGRAMS	1,151,023	1,151,023
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,614,494**	**8,679,494**
	UNDISTRIBUTED		
540	UNDISTRIBUTED		–400,200
	Excessive standard price for fuel		[–56,100]
	Foreign Currency adjustments		[–194,100]
	Working Capital Fund Carryover Above Allowable Ceiling		[–150,000]
	SUBTOTAL UNDISTRIBUTED		**–400,200**
	TOTAL OPERATION & MAINTENANCE, ARMY	**33,809,040**	**33,832,274**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	511,772
	Home station training unfunded requirement		[20,000]
030	THEATER LEVEL ASSETS	116,163	116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524
050	AVIATION ASSETS	91,162	91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,659
	Defense Language Program		[200]
070	LAND FORCES SYSTEMS READINESS	101,926	101,926
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	223,055
	Restore Sustainment shortfalls		[8,100]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620
	SUBTOTAL OPERATING FORCES	**2,606,078**	**2,634,378**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,027	11,027
130	ADMINISTRATION	16,749	16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825
150	MANPOWER MANAGEMENT	6,177	6,177
160	RECRUITING AND ADVERTISING	54,475	54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**106,253**	**106,253**
	UNDISTRIBUTED		
180	UNDISTRIBUTED		–6,800
	Excessive standard price for fuel		[–6,800]
	SUBTOTAL UNDISTRIBUTED		**–6,800**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,712,331**	**2,733,831**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	708,251	758,251
	Home station training unfunded requirement		[50,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
020	MODULAR SUPPORT BRIGADES	197,251	197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271
040	THEATER LEVEL ASSETS	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	37,138
060	AVIATION ASSETS	887,625	884,825
	Unjustified program growth		[–2,800]
070	FORCE READINESS OPERATIONS SUPPORT	696,267	690,152
	Defense Language Program		[200]
	Unjustified program growth		[–6,315]
080	LAND FORCES SYSTEMS READINESS	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	219,948
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	691,115
	Restore Sustainment shortfalls		[14,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	**6,418,203**	**6,473,688**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396
140	ADMINISTRATION	68,528	69,678
	State Partnership Program		[1,150]
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524
160	MANPOWER MANAGEMENT	7,712	7,712
170	OTHER PERSONNEL SUPPORT	245,046	245,046
180	REAL ESTATE MANAGEMENT	2,961	2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**407,167**	**408,317**
	UNDISTRIBUTED		
190	UNDISTRIBUTED		–29,000
	Excessive standard price for fuel		[–29,000]
	SUBTOTAL UNDISTRIBUTED		**–29,000**
	TOTAL OPERATION & MAINTENANCE, ARNG	**6,825,370**	**6,853,005**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	453,233
	Marine Corps unfunded requirement—accelerate readiness - H–1		[5,300]
	Marine Corps unfunded requirement—accelerate readiness - MV–22B		[1,200]
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,071,681
	AC Depot maintenance unfunded requirement		[34,000]
	Navy unfunded requirement—Improve Afloat Readiness		[30,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	598,220
	E–6B and F–35 sustainment unfunded requirement		[16,000]
	Marine Corps unfunded requirement—accelerate readiness - KC–130J		[6,800]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	Marine Corps unfunded requirement—accelerate readiness - MV–22B		[10,700]
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,861,283
	Cruiser Modernization		[90,200]
	Navy unfunded requirement—Improve Afloat Readiness		[158,000]
	Navy unfunded requirement—Restore 3 CG Deployments		[41,000]
	Navy unfunded requirement—Reverse PONCE (LPD–15) Inactivation		[59,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	763,465
	Navy unfunded requirement—Restore Fleet Training		[19,700]
110	SHIP DEPOT MAINTENANCE	5,168,273	5,486,873
	Cruiser Modernization		[71,100]
	Navy unfunded requirement—Ship Depot Wholeness		[238,000]
	Program increase		[9,500]
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,654,578
	Navy unfunded requirement—Increase Alfoat Readiness		[79,000]
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,233,805
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	553,269
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	790,685
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,697,842
	Restore Sustainment shortfalls		[55,100]
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	**31,173,511**	**32,098,111**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517
320	READY RESERVE FORCE	274,524	274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720
360	INDUSTRIAL READINESS	2,109	2,109
370	COAST GUARD SUPPORT	21,114	21,114
	SUBTOTAL MOBILIZATION	**1,581,865**	**1,581,865**
	TRAINING AND RECRUITING		
380	OFFICER ACQUISITION	143,815	143,815
390	RECRUIT TRAINING	8,519	8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	172,852
440	TRAINING SUPPORT	222,728	222,728
450	RECRUITING AND ADVERTISING	225,647	225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730
480	JUNIOR ROTC	50,400	50,400
	SUBTOTAL TRAINING AND RECRUITING	**1,876,229**	**1,876,229**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	285,927
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
730	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,851,976**	**4,851,976**
	UNDISTRIBUTED		
740	UNDISTRIBUTED		–416,900
	Excessive standard price for fuel		[–390,500]
	Foreign Currency adjustments		[–26,400]
	SUBTOTAL UNDISTRIBUTED		**–416,900**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,483,581**	**39,991,281**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	760,313
	Enterprise network defense unfunded requirement		[5,700]
	Exercise program unfunded requirement		[58,000]
	Marine Corps unfunded requirement- enhanced combat helmets		[22,000]
020	FIELD LOGISTICS	947,424	983,674
	Critical/ no fail EOD unfunded requirement		[600]
	Marine Corps unfunded requirement- rifle combat optic modernization		[13,200]
	Marine Corps unfunded requirement-SPMAGTF—C4 UUNS		[8,250]
	Nano/VTOL unfunded requirement		[14,200]
030	DEPOT MAINTENANCE	206,783	214,583
	Depot maintenance unfunded requirement		[7,800]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	694,673
	Facility demolition unfunded requirement		[39,200]
	Restore Sustainment shortfalls		[22,800]
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	**4,683,395**	**4,875,145**
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	15,946	15,946
080	OFFICER ACQUISITION	935	935
090	SPECIALIZED SKILL TRAINING	99,305	99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,495
110	TRAINING SUPPORT	369,979	369,979
120	RECRUITING AND ADVERTISING	165,566	165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133
140	JUNIOR ROTC	23,622	23,622
	SUBTOTAL TRAINING AND RECRUITING	**755,981**	**755,981**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	34,534	34,534
160	ADMINISTRATION	355,932	355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896
200	CLASSIFIED PROGRAMS	47,520	47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**514,882**	**514,882**
	UNDISTRIBUTED		
210	UNDISTRIBUTED		–6,400
	Excessive standard price for fuel		[–4,900]
	Foreign Currency adjustments		[–1,500]
	SUBTOTAL UNDISTRIBUTED		**–6,400**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,954,258**	**6,139,608**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	90,209
	Navy unfunded requirement—Improve Afloat Readiness		[4,000]
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	860
	Navy unfunded requirement—Restore Fleet Training		[300]
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	28,671
	Restore Sustainment shortfalls		[1,100]
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	**906,440**	**911,840**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,251	13,251

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,216**	**21,216**
	UNDISTRIBUTED		
200	UNDISTRIBUTED		–26,600
	Excessive standard price for fuel		[–26,600]
	SUBTOTAL UNDISTRIBUTED		**–26,600**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**927,656**	**906,456**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,154	94,154
020	DEPOT MAINTENANCE	18,594	18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	26,170
	Restore Sustainment shortfalls		[700]
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	**249,768**	**250,468**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	902	902
060	ADMINISTRATION	11,130	11,130
070	RECRUITING AND ADVERTISING	8,833	8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,865**	**20,865**
	UNDISTRIBUTED		
090	UNDISTRIBUTED		–800
	Excessive standard price for fuel		[–800]
	SUBTOTAL UNDISTRIBUTED		**–800**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**270,633**	**270,533**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,684,845
	HH–60 unfunded requirement		[2,800]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757
040	DEPOT MAINTENANCE	7,042,988	7,156,064
	Compass Call Program Restructure		[–56,500]
	Weapon system sustainment unfunded requirement		[169,576]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,710,019
	Restore Sustainment shortfalls		[53,000]
060	BASE SUPPORT	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	927,831
	Air Force unfunded requirement—Ground Based Radars		[40,000]
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
135	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	**22,760,163**	**22,969,039**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,619,863
	Weapon system sustainment unfunded requirement		[66,424]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	266,628
	Restore Sustainment shortfalls		[8,300]
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	**4,376,481**	**4,451,205**
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	243,854
	Restore Sustainment shortfalls		[7,600]
230	BASE SUPPORT	819,915	819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446
250	FLIGHT TRAINING	725,134	725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213
270	TRAINING SUPPORT	86,681	86,681
280	DEPOT MAINTENANCE	305,004	305,004
290	RECRUITING AND ADVERTISING	104,754	104,754
300	EXAMINING	3,944	3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583
330	JUNIOR ROTC	58,877	58,877
	SUBTOTAL TRAINING AND RECRUITING	**3,573,006**	**3,580,606**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	331,313
	Restore Sustainment shortfalls		[10,300]
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	28,535
	Civil Air Patrol O&M Support		[2,800]
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**6,808,406**	**6,821,506**
	UNDISTRIBUTED		
470	UNDISTRIBUTED		–484,700
	Excessive standard price for fuel		[–368,000]
	Foreign Currency adjustments		[–116,700]
	SUBTOTAL UNDISTRIBUTED		**–484,700**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**37,518,056**	**37,337,656**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	230,016
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,470	116,170
	Restore Sustainment shortfalls		[2,700]
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	**2,977,943**	**2,980,643**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	54,939	54,939
070	RECRUITING AND ADVERTISING	14,754	14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210
100	AUDIOVISUAL	376	376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**89,986**	**89,986**
	UNDISTRIBUTED		
110	UNDISTRIBUTED		–59,700
	Excessive standard price for fuel		[–59,700]
	SUBTOTAL UNDISTRIBUTED		**–59,700**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,067,929**	**3,010,929**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,282,238	3,278,238
	Unjustifed growth		[–4,000]
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement		[3,200]
	Weapon system sustainment unfunded requirement		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,840	254,940
	Restore Sustainment shortfalls		[9,100]
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	**6,651,017**	**6,699,317**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
060	ADMINISTRATION	23,715	23,715
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**52,561**	**52,561**
	UNDISTRIBUTED		
080	UNDISTRIBUTED		–117,700
	Excessive standard price for fuel		[–117,700]
	SUBTOTAL UNDISTRIBUTED		**–117,700**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, ANG	**6,703,578**	**6,634,178**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	524,439
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,889,359
	Unjustified growth in total civilian compensation		[–8,800]
	SUBTOTAL OPERATING FORCES	**5,928,711**	**5,919,911**
	TRAINING AND RECRUITING		
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658
050	JOINT CHIEFS OF STAFF	85,701	85,701
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	**589,708**	**589,708**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	CIVIL MILITARY PROGRAMS	160,480	195,819
	National Guard Youth Challenge Program		[10,339]
	STARBASE		[25,000]
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984
160	DEFENSE LOGISTICS AGENCY	357,964	352,164
	Price Comparability Office unjustified growth		[–5,800]
170	DEFENSE MEDIA ACTIVITY	223,422	223,422
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	621,754
	Transfer from Drug Interdiction and Counter-Drug Activities		[125,000]
200	DEFENSE SECURITY SERVICE	538,711	538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143
	Impact Aid		[25,000]
	Impact Aid severe disabilities		[5,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	136,199
	Guam public health lab		[–19,200]
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,487,293
	BRAC 2017 Round Planning and Analyses		[–3,530]
	CWMD Sustainment: Constellation program reduction		[–3,800]
	DOD rewards early to need		[–1,000]
	Intelligence Management—program reduction		[–1,000]
	Reeadiness environmental protection initiative		[14,980]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	89,429
320	WASHINGTON HEADQUARTERS SERVICES	629,874	629,874

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
330	CLASSIFIED PROGRAMS	14,069,333	14,069,333
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**26,053,171**	**26,224,160**
	UNDISTRIBUTED		
340	UNDISTRIBUTED		–47,100
	Excessive standard price for fuel		[–17,800]
	Foreign Currency adjustments		[–34,300]
	Temporary Duty Assignment Per Diem Rate Waiver		[5,000]
	SUBTOTAL UNDISTRIBUTED		**–47,100**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**32,571,590**	**32,686,679**
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125
030	COOPERATIVE THREAT REDUCTION	325,604	325,604
050	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167
060	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762
070	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**1,474,466**	**1,474,466**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**1,474,466**	**1,474,466**
	TOTAL OPERATION & MAINTENANCE	**171,318,488**	**171,870,896**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	427,063	416,263
	Army requested realignment (ERI)		[–10,800]
040	THEATER LEVEL ASSETS	1,834,423	1,834,423
050	LAND FORCES OPERATIONS SUPPORT	558,086	426,086
	Army requested realignment (ERI)		[–132,000]
060	AVIATION ASSETS	58,620	58,620
070	FORCE READINESS OPERATIONS SUPPORT	1,552,468	1,550,468
	Army requested realignment (ERI)		[–2,000]
080	LAND FORCES SYSTEMS READINESS	476,853	476,853
100	BASE OPERATIONS SUPPORT	45,749	45,749
140	ADDITIONAL ACTIVITIES	8,234,566	8,234,566
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,100,722	1,100,722

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	**14,373,118**	**14,228,318**
	MOBILIZATION		
190	ARMY PREPOSITIONED STOCKS	350,200	130,000
	Army requested realignment (ERI)		[–220,200]
	SUBTOTAL MOBILIZATION	**350,200**	**130,000**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	720,399	840,399
	Army requested realignment (ERI)		[120,000]
380	AMMUNITION MANAGEMENT	13,974	13,974
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	185,904	185,904
530	CLASSIFIED PROGRAMS	909,278	909,278
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,935,063**	**2,055,063**
	TOTAL OPERATION & MAINTENANCE, ARMY	**16,658,381**	**16,413,381**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	6,252	6,252
040	LAND FORCES OPERATIONS SUPPORT	2,075	2,075
060	FORCE READINESS OPERATIONS SUPPORT	1,140	1,140
090	BASE OPERATIONS SUPPORT	14,653	14,653
	SUBTOTAL OPERATING FORCES	**24,120**	**24,120**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**24,120**	**24,120**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	10,564	10,564
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	5,751	5,751
040	THEATER LEVEL ASSETS	200	200
060	AVIATION ASSETS	27,183	27,183
070	FORCE READINESS OPERATIONS SUPPORT	2,741	2,741
100	BASE OPERATIONS SUPPORT	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920
	SUBTOTAL OPERATING FORCES	**66,907**	**66,907**
	TOTAL OPERATION & MAINTENANCE, ARNG	**66,907**	**66,907**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	821,716	821,716
040	TRAINING AND OPERATIONS	289,139	289,139
	SUBTOTAL MINISTRY OF DEFENSE	**3,332,458**	**3,332,458**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	860,441	860,441
060	INFRASTRUCTURE	20,837	20,837

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
070	EQUIPMENT AND TRANSPORTATION	8,153	8,153
080	TRAINING AND OPERATIONS	41,326	41,326
	SUBTOTAL MINISTRY OF INTERIOR	**930,757**	**930,757**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**4,263,215**	**4,263,215**
	IRAQ TRAIN AND EQUIP FUND		
	IRAQ TRAIN AND EQUIP FUND		
010	IRAQ TRAIN AND EQUIP FUND	919,500	0
	Transfer to Counter-ISIL Fund		[–919,500]
	SUBTOTAL IRAQ TRAIN AND EQUIP FUND	**919,500**	**0**
	TOTAL IRAQ TRAIN AND EQUIP FUND	**919,500**	**0**
	SYRIA TRAIN AND EQUIP FUND		
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	250,000	0
	Transfer to Counter-ISIL Fund		[–250,000]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	TOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	COUNTER-ISIL FUND		
	COUNTER-ISIL FUND		
010	COUNTER-ISIL FUND		1,169,500
	Transfer from Iraq Train and Equip		[919,500]
	Transfer from Syria Train and Equip		[250,000]
	SUBTOTAL COUNTER-ISIL FUND		**1,169,500**
	TOTAL COUNTER-ISIL FUND		**1,169,500**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	427,452	427,452
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,128,431	2,128,431
130	COMBAT COMMUNICATIONS	21,257	21,257
160	WARFARE TACTICS	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934
180	COMBAT SUPPORT FORCES	575,305	575,305
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	309,045	309,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,819	7,819
300	BASE OPERATING SUPPORT	61,493	61,493
	SUBTOTAL OPERATING FORCES	**5,062,098**	**5,062,098**
	MOBILIZATION		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	6,713	6,713
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	**170,935**	**170,935**
	TRAINING AND RECRUITING		
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	**43,365**	**43,365**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	3,764	3,764
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578
570	SERVICEWIDE TRANSPORTATION	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501
730	CLASSIFIED PROGRAMS	16,280	16,280
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**165,008**	**165,008**
	TOTAL OPERATION & MAINTENANCE, NAVY	**5,441,406**	**5,441,406**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	571,935	571,935
020	FIELD LOGISTICS	266,094	266,094
030	DEPOT MAINTENANCE	147,000	147,000
060	BASE OPERATING SUPPORT	18,576	18,576
	SUBTOTAL OPERATING FORCES	**1,003,605**	**1,003,605**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	31,750	31,750
	SUBTOTAL TRAINING AND RECRUITING	**31,750**	**31,750**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	73,800	73,800
200	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**77,450**	**77,450**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,112,805**	**1,112,805**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243
	SUBTOTAL OPERATING FORCES	**26,265**	**26,265**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**26,265**	**26,265**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	804	804
	SUBTOTAL OPERATING FORCES	**3,304**	**3,304**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,304**	**3,304**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,852,159	1,890,159
	Enhancing readiness levels of DCA aircraft		[10,000]
	ERI nuclear readiness		[28,000]
020	COMBAT ENHANCEMENT FORCES	1,127,319	1,127,319
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278
040	DEPOT MAINTENANCE	1,061,506	1,087,106
	Compass Call Program Restructure		[25,600]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700
060	BASE SUPPORT	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	213,696	218,696
	Promoting additional DCA burden sharing		[5,000]
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081
135	CLASSIFIED PROGRAMS	79,893	79,893
	SUBTOTAL OPERATING FORCES	**5,621,442**	**5,690,042**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	2,606,729	2,606,729
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	**3,609,680**	**3,609,680**
	TRAINING AND RECRUITING		
230	BASE SUPPORT	52,740	52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500
	SUBTOTAL TRAINING AND RECRUITING	**57,240**	**57,240**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	116,825
	Program reduction		[–25,058]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,823	15,823
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**468,964**	**443,906**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,757,326**	**9,800,868**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500
	SUBTOTAL OPERATING FORCES	**57,586**	**57,586**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**57,586**	**57,586**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,400	3,400
050	BASE SUPPORT	16,600	16,600
	SUBTOTAL OPERATING FORCES	**20,000**	**20,000**
	TOTAL OPERATION & MAINTENANCE, ANG	**20,000**	**20,000**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF		10,000
	Enhancing exercise of DCA aircraft		[10,000]
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,853,363	2,853,363
	SUBTOTAL OPERATING FORCES	**2,853,363**	**2,863,363**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	34,299	34,299
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	2,162,000
	Transfer from Counterterrorism Partnership Fund		[750,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137
330	CLASSIFIED PROGRAMS	1,803,880	1,803,880
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**3,503,725**	**4,253,725**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**6,357,088**	**7,117,088**
	TOTAL OPERATION & MAINTENANCE	**44,957,903**	**45,516,445**

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	317,093	317,093
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	8,361	8,361
050	LAND FORCES OPERATIONS SUPPORT	279,072	279,072
060	AVIATION ASSETS	106,424	106,424
070	FORCE READINESS OPERATIONS SUPPORT	253,533	253,533
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		113,800
	Increase Restoration & Modernization funding		[113,800]

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
140	ADDITIONAL ACTIVITIES	11,200	11,200
	SUBTOTAL OPERATING FORCES	**1,370,201**	**1,484,001**
	TRAINING AND RECRUITING		
250	SPECIALIZED SKILL TRAINING	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	9,021
280	TRAINING SUPPORT	2,434	2,434
290	RECRUITING AND ADVERTISING		284,800
	Recruiting and Advertising Add		[284,800]
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	**16,274**	**301,074**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	200,000	200,000
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**200,000**	**200,000**
	UNDISTRIBUTED		
540	UNDISTRIBUTED		563,400
	Additional funding to support increase in Army end strength		[563,400]
	SUBTOTAL UNDISTRIBUTED		**563,400**
	TOTAL OPERATION & MAINTENANCE, ARMY	**1,586,475**	**2,548,475**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	8,570	8,570
030	THEATER LEVEL ASSETS	375	375
040	LAND FORCES OPERATIONS SUPPORT	13	13
050	AVIATION ASSETS	608	608
060	FORCE READINESS OPERATIONS SUPPORT	4,285	4,285
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		13,100
	Increase Restoration & Modernization funding		[13,100]
	SUBTOTAL OPERATING FORCES	**14,559**	**27,659**
	UNDISTRIBUTED		
180	UNDISTRIBUTED		82,700
	Additional funding to support increase in Army Reserve end strength		[82,700]
	SUBTOTAL UNDISTRIBUTED		**82,700**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**14,559**	**110,359**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	5,585	5,585
030	ECHELONS ABOVE BRIGADE	28,956	28,956
040	THEATER LEVEL ASSETS	10,272	10,272
060	AVIATION ASSETS	5,621	5,621
070	FORCE READINESS OPERATIONS SUPPORT	9,694	9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		1,500
	Increase Restoration & Modernization funding		[1,500]
	SUBTOTAL OPERATING FORCES	**60,128**	**61,628**

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	UNDISTRIBUTED		
190	UNDISTRIBUTED		127,300
	Additional funding to support increase in Army National Guard end strength		[127,300]
	SUBTOTAL UNDISTRIBUTED		**127,300**
	TOTAL OPERATION & MAINTENANCE, ARNG	**60,128**	**188,928**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	500,000	500,000
110	SHIP DEPOT MAINTENANCE	775,000	775,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	19,270	45,370
	Increase Restoration & Modernization funding		[26,100]
300	BASE OPERATING SUPPORT	158,032	158,032
	SUBTOTAL OPERATING FORCES	**1,452,302**	**1,478,402**
	MOBILIZATION		
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	3,597	3,597
	SUBTOTAL MOBILIZATION	**3,597**	**3,597**
	ADMIN & SRVWD ACTIVITIES		
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**25,617**	**25,617**
	TOTAL OPERATION & MAINTENANCE, NAVY	**1,481,516**	**1,507,616**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	300,000	300,000
050	SUSTAINMENT, RESTORATION & MODERNIZATION		7,200
	Increase Restoration & Modernization funding		[7,200]
	SUBTOTAL OPERATING FORCES	**300,000**	**307,200**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**300,000**	**307,200**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
130	SUSTAINMENT, RESTORATION AND MODERNIZATION		500
	Increase Restoration & Modernization funding		[500]
	SUBTOTAL OPERATING FORCES		**500**
	TOTAL OPERATION & MAINTENANCE, NAVY RES		**500**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
030	SUSTAINMENT, RESTORATION AND MODERNIZATION		1,000
	Increase Restoration & Modernization funding		[1,000]
	SUBTOTAL OPERATING FORCES		**1,000**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE		**1,000**

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
040	DEPOT MAINTENANCE	124,000	124,000
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		32,900
	Increase Restoration & Modernization funding		[32,900]
	SUBTOTAL OPERATING FORCES	**124,000**	**156,900**
	MOBILIZATION		
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		5,100
	Increase Restoration & Modernization funding		[5,100]
	SUBTOTAL MOBILIZATION		**5,100**
	TRAINING AND RECRUITING		
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		4,700
	Increase Restoration & Modernization funding		[4,700]
	SUBTOTAL TRAINING AND RECRUITING		**4,700**
	ADMIN & SRVWD ACTIVITIES		
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		6,400
	Increase Restoration & Modernization funding		[6,400]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		**6,400**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**124,000**	**173,100**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		1,600
	Increase Restoration & Modernization funding		[1,600]
	SUBTOTAL OPERATING FORCES		**1,600**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE		**1,600**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		4,300
	Increase Restoration & Modernization funding		[4,300]
	SUBTOTAL OPERATING FORCES		**4,300**
	TOTAL OPERATION & MAINTENANCE, ANG		**4,300**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	14,344	14,344
	SUBTOTAL OPERATING FORCES	**14,344**	**14,344**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
130	DEFENSE INFORMATION SYSTEMS AGENCY	14,700	14,700
330	CLASSIFIED PROGRAMS	9,000	9,000

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**23,700**	**23,700**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**38,044**	**38,044**
	TOTAL OPERATION & MAINTENANCE	**3,604,722**	**4,881,122**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	**128,902,332**	**128,202,564**
Military Personnel Pay Raise		[330,000]
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus		[49,000]
Foreign currency adjustments		[–200,400]
Historical unobligated balances		[–880,050]
National Guard State Partnership Program, Army, Special Training		[841]
National Guard State Partnership Program, Air Force, Special Training		[841]
Medicare-Eligible Retiree Health Fund Contributions	**6,366,908**	**6,366,908**
Total, Military Personnel	**135,269,240**	**134,569,472**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	**3,644,161**	**3,644,161**
Total, Military Personnel Appropriations	**3,644,161**	**3,644,161**

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	**62,965**	**1,350,465**
Fund Active Army End Strength to 476k		[719,000]
Fund Army National Guard End Strength to 343k		[129,600]
Fund Army Reserves End Strength to 199k		[53,300]
Fund Active Navy End Strength to 323.9k		[29,600]

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Item	FY 2017 Request	Conference Authorized
Fund Active Air Force End Strength to 321k		[116,000]
Fund Active Marine Corps End Strength to 185k		[240,000]
Total, Military Personnel	**62,965**	**1,350,465**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
SUPPLY MANAGEMENT—ARMY	56,469	56,469
TOTAL WORKING CAPITAL FUND, ARMY	**56,469**	**56,469**
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS	63,967	63,967
TOTAL WORKING CAPITAL FUND, AIR FORCE	**63,967**	**63,967**
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF	37,132	37,132
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**37,132**	**37,132**
WORKING CAPITAL FUND, DECA		
COMMISSARY	1,214,045	1,214,045
TOTAL WORKING CAPITAL FUND, DECA	**1,214,045**	**1,214,045**
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	147,282	147,282
RDT&E	388,609	388,609
PROCUREMENT	15,132	15,132
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**551,023**	**551,023**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	730,087	605,087
Transfer to Defense Security Cooperation Agency		[–125,000]
DRUG DEMAND REDUCTION PROGRAM	114,713	114,713
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**844,800**	**719,800**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	318,882	318,882
RDT&E	3,153	3,153
TOTAL OFFICE OF THE INSPECTOR GENERAL	**322,035**	**322,035**
DEFENSE HEALTH PROGRAM		
OPERATION & MAINTENANCE		
IN-HOUSE CARE	9,240,160	9,240,160
PRIVATE SECTOR CARE	15,738,759	15,738,759
CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
INFORMATION MANAGEMENT	1,743,749	1,743,749

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
MANAGEMENT ACTIVITIES	311,380	311,380
EDUCATION AND TRAINING	743,231	743,231
BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
SUBTOTAL OPERATION & MAINTENANCE	**32,231,390**	**32,231,390**
RDT&E		
RESEARCH	9,097	9,097
EXPLORATRY DEVELOPMENT	58,517	58,517
ADVANCED DEVELOPMENT	221,226	221,226
DEMONSTRATION/VALIDATION	96,602	96,602
ENGINEERING DEVELOPMENT	364,057	364,057
MANAGEMENT AND SUPPORT	58,410	58,410
CAPABILITIES ENHANCEMENT	14,998	14,998
SUBTOTAL RDT&E	**822,907**	**822,907**
PROCUREMENT		
INITIAL OUTFITTING	20,611	20,611
REPLACEMENT & MODERNIZATION	360,727	360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468
SUBTOTAL PROCUREMENT	**413,219**	**413,219**
UNDISTRIBUTED		
Historical unobligated balances		[–399,100]
Reduction for unjustified travel expenses		[–6,500]
Reimbursement rates for Comprehensive Autism Care Demonstration program		[32,000]
SUBTOTAL UNDISTRIBUTED		**–373,600**
TOTAL DEFENSE HEALTH PROGRAM	**33,467,516**	**33,093,916**
TOTAL OTHER AUTHORIZATIONS	**36,556,987**	**36,058,387**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	46,833	46,833
TOTAL WORKING CAPITAL FUND, ARMY	**46,833**	**46,833**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	93,800	93,800
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**93,800**	**93,800**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	191,533	191,533
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**191,533**	**191,533**
OFFICE OF THE INSPECTOR GENERAL		

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
OPERATION AND MAINTENANCE	22,062	22,062
TOTAL OFFICE OF THE INSPECTOR GENERAL	**22,062**	**22,062**
DEFENSE HEALTH PROGRAM		
OPERATION AND MAINTENANCE		
IN-HOUSE CARE	95,366	95,366
PRIVATE SECTOR CARE	235,620	235,620
CONSOLIDATED HEALTH SUPPORT	3,325	3,325
SUBTOTAL OPERATION AND MAINTENANCE	**334,311**	**334,311**
TOTAL DEFENSE HEALTH PROGRAM	**334,311**	**334,311**
UKRAINE SECURITY ASSISTANCE		
UKRAINE SECURITY ASSISTANCE		350,000
Program increase		[350,000]
TOTAL UKRAINE SECURITY ASSISTANCE		**350,000**
COUNTERTERRORISM PARTNERSHIPS FUND		
COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
Program decrease		[–250,000]
Transfer to Counter-ISIL Fund		[–750,000]
TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	0
TOTAL OTHER AUTHORIZATIONS	**1,688,539**	**1,038,539**

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	23,800	23,800
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**23,800**	**23,800**
TOTAL OTHER AUTHORIZATIONS	**23,800**	**23,800**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
	Alaska			
Army	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	California			
Army	Concord	Access Control Point	12,600	12,600
	Colorado			
Army	Fort Carson	Automated Infantry Platoon Battle Course.	8,100	8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
	Cuba			
Army	Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex.	33,000	33,000
	Georgia			
Army	Fort Gordon	Access Control Point	0	0
Army	Fort Gordon	Company Operations Facility	0	10,600
Army	Fort Gordon	Cyber Protection Team Ops Facility	90,000	90,000
Army	Fort Stewart	Automated Qualification/Training Range	14,800	14,800
	Germany			
Army	East Camp Grafenwoehr	Training Support Center	22,000	22,000
Army	Garmisch	Dining Facility	9,600	9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
	Hawaii			
Army	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000
	Missouri			
Army	Fort Leonard Wood	Fire Station	0	6,900
	Texas			
Army	Fort Hood	Automated Infantry Platoon Battle Course.	7,600	7,600
	Utah			
Army	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000
Army	Fort Belvoir	Vehicle Maintenance Shop	0	23,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17	25,000	35,000
Army	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159
Military Construction, Army Total			**503,459**	**553,959**
	Arizona			
Navy	Yuma	VMX–22 Maintenance Hangar	48,355	48,355
	California			
Navy	Coronado	Coastal Campus Entry Control Point	13,044	13,044
Navy	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104
Navy	Coronado	Grace Hopper Data Center Power Upgrades.	10,353	10,353
Navy	Lemoore	F–35C Engine Repair Facility	26,723	26,723
Navy	Miramar	Aircraft Maintenance Hangar, Incr 1	0	79,399
Navy	Miramar	Communications Complex & Infrastructure Upgrade.	0	34,700
Navy	Miramar	F–35 Aircraft Parking Apron	0	40,000
Navy	San Diego	Energy Security Hospital Microgrid	6,183	0
Navy	Seal Beach	Missile Magazines	21,007	21,007
	Florida			
Navy	Eglin AFB	WMD Field Training Facilities	20,489	20,489
Navy	Mayport NS	Advanced Wastewater Treatment Plant	0	0
Navy	Pensacola	A-School Dormitory	0	0
	Guam			
Navy	Joint Region Marianas	Hardening of Guam POL Infrastructure	26,975	26,975
Navy	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210
	Hawaii			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Navy	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys.	43,384	43,384
Navy	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility.	72,565	72,565
	Japan			
Navy	Kadena AB	Aircraft Maintenance Complex	26,489	26,489
Navy	Sasebo	Shore Power (Juliet Pier)	16,420	16,420
	Maine			
Navy	Kittery	Unaccompanied Housing	17,773	17,773
Navy	Kittery	Utility Improvements for Nuclear Platforms.	30,119	30,119
	Maryland			
Navy	Patuxent River	UCLASS RDT&E Hangar	40,576	40,576
	Nevada			
Navy	Fallon	Air Wing Simulator Facility	13,523	13,523
	North Carolina			
Navy	Camp Lejeune	Range Facilities Safety Improvements	18,482	18,482
Navy	Cherry Point	Central Heating Plant Conversion	12,515	12,515
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar	83,490	83,490
Navy	Parris Island	Recruit Reconditioning Center & Barracks.	29,882	29,882
	Spain			
Navy	Rota	Communication Station	23,607	23,607
	Virginia			
Navy	Norfolk	Chambers Field Magazine Recap Ph I	0	27,000
	Washington			
Navy	Bangor	SEAWOLF Class Service Pier	0	73,000
Navy	Bangor	Service Pier Electrical Upgrades	18,939	18,939
Navy	Bangor	Submarine Refit Maint Support Facility	21,476	21,476
Navy	Bremerton	Nuclear Repair Facility	6,704	6,704
Navy	Whidbey Island	EA–18G Maintenance Hangar	45,501	45,501
Navy	Whidbey Island	Triton Mission Control Facility	30,475	30,475
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	88,230	88,230
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790
Navy	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380
Military Construction, Navy Total			**1,027,763**	**1,275,679**
	Alabama			
AF	Maxwell AFB	Jag School Expansion	0	15,500
	Alaska			
AF	Clear AFS	Fire Station	20,000	20,000
AF	Eielson AFB	F–35A ADAL Field Training Detachment Fac.	22,100	22,100
AF	Eielson AFB	F–35A Aircraft Weather Shelter (Sqd 2)	82,300	82,300
AF	Eielson AFB	F–35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500
AF	Eielson AFB	F–35A Earth Covered Magazines	11,300	11,300
AF	Eielson AFB	F–35A Hangar/Propulsion MX/Dispatch	44,900	44,900
AF	Eielson AFB	F–35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700
AF	Eielson AFB	F–35A Missile Maintenance Facility	12,800	12,800
AF	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	29,000	29,000
	Arizona			
AF	Luke AFB	F–35A Squad Ops/Aircraft Maint Unit #5.	20,000	20,000
	Australia			
AF	Darwin	APR—Aircraft MX Support Facility	1,800	1,800
AF	Darwin	APR—Expand Parking Apron	28,600	28,600
	California			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF	Edwards AFB	Flightline Fire Station	24,000	24,000
	Colorado			
AF	Buckley AFB	Small Arms Range Complex	13,500	13,500
	Delaware			
AF	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
AF	Eglin AFB	Advanced Munitions Technology Complex.	75,000	75,000
AF	Eglin AFB	Dormitories (288 rooms)	0	35,000
AF	Eglin AFB	Flightline Fire Station	13,600	13,600
AF	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500
	Georgia			
AF	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo MX Unit.	30,900	30,900
	Germany			
AF	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit.	13,437	13,437
AF	Spangdahlem AB	EIC—Site Development and Infrastructure.	43,465	43,465
	Guam			
AF	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2	35,300	35,300
AF	Joint Region Marianas	APR—SATCOM C4I Facility	14,200	14,200
AF	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158
	Illinois			
AF	Scott AFB	Consolidated Corrosion Facility add/alter	0	41,000
	Japan			
AF	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
AF	Yokota AB	C–130J Corrosion Control Hangar	23,777	23,777
AF	Yokota AB	Construct Combat Arms Training & Maint Fac.	8,243	8,243
	Kansas			
AF	McConnell AFB	Air Traffic Control Tower	11,200	11,200
AF	McConnell AFB	KC–46A ADAL Taxiway Delta	5,600	5,600
AF	McConnell AFB	KC–46A Alter Flight Simulator Bldgs	3,000	3,000
	Louisiana			
AF	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
AF	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
AF	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000
AF	Joint Base Andrews	Consolidated Communications Center	0	50,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site	3,500	3,500
	Massachusetts			
AF	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965
AF	Hanscom AFB	System Management Engineering Facility.	20,000	20,000
	Montana			
AF	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
AF	Nellis AFB	F–35A POL Fill Stand Addition	10,600	10,600
	New Mexico			
AF	Cannon AFB	North Fitness Center	21,000	21,000
AF	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
AF	Kirtland AFB	Combat Rescue Helicopter Simulator	7,300	7,300
	Ohio			
AF	Wright-Patterson AFB	Relocated Entry Control Facility 26A	12,600	12,600
	Oklahoma			
AF	Altus AFB	KC–46A FTU/FTC Simulator Facility Ph 2.	11,600	11,600

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF	Tinker AFB	E–3G Mission and Flight Simulator Training Facility.	0	26,000
AF	Tinker AFB	KC–46A Depot System Integration Laboratory.	17,000	17,000
	South Carolina			
AF	Joint Base Charleston	Fire & Rescue Station	0	17,000
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	Turkey			
AF	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	United Arab Emirates			
AF	Al Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	United Kingdom			
AF	RAF Croughton	JIAC Consolidation—Ph 3	53,082	53,082
AF	RAF Croughton	Main Gate Complex	16,500	16,500
	Utah			
AF	Hill AFB	649 MUNS Munitions Storage Magazines.	6,600	6,600
AF	Hill AFB	649 MUNS Precision Guided Missile MX Facility.	8,700	8,700
AF	Hill AFB	649 MUNS STAMP/Maint & Inspection Facility.	12,000	12,000
AF	Hill AFB	Composite Aircraft Antenna Calibration Fac.	7,100	7,100
AF	Hill AFB	F–35A Munitions Maintenance Complex	10,100	10,100
	Virginia			
AF	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000
AF	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200
	Washington			
AF	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM).	27,000	27,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	Planning & Design	143,582	143,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	40,000
	Wyoming			
AF	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
Military Construction, Air Force Total			**1,481,058**	**1,686,523**
	Alaska			
Def-Wide	Clear AFS	Long Range Discrim Radar Sys Complex Ph 1.	155,000	155,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility.	9,560	9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900
	Arizona			
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
	California			
Def-Wide	Coronado	SOF Human Performance Training Center.	15,578	15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac.	20,949	20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility.	44,305	44,305
Def-Wide	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
	Delaware			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Def-Wide	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115
	Diego Garcia			
Def-Wide	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000
	Florida			
Def-Wide	Patrick AFB	Replace Fuel Tanks	10,100	10,100
	Georgia			
Def-Wide	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar.	4,820	4,820
Def-Wide	Fort Gordon	Medical Clinic Replacement	25,000	25,000
	Germany			
Def-Wide	Kaiserlautern AB	Sembach Elementary/Middle School Replacement.	45,221	45,221
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063
	Japan			
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities.	6,664	6,664
Def-Wide	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
Def-Wide	Kadena AB	Medical Materiel Warehouse	20,881	20,881
Def-Wide	Kadena AB	SOF Maintenance Hangar	42,823	42,823
Def-Wide	Kadena AB	SOF Simulator Facility (MC–130)	12,602	12,602
Def-Wide	Yokota AB	Airfield Apron	41,294	41,294
Def-Wide	Yokota AB	Hangar/AMU	39,466	39,466
Def-Wide	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
Def-Wide	Yokota AB	Simulator Facility	6,261	6,261
	Kwajalein			
Def-Wide	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
	Maine			
Def-Wide	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 1	50,000	50,000
Def-Wide	Fort Meade	Access Control Facility	21,000	21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	195,000
	Missouri			
Def-Wide	St. Louis	Land Acquisition—Next NGA West Campus.	801	801
	North Carolina			
Def-Wide	Camp Lejeune	Dental Clinic Replacement	31,000	31,000
Def-Wide	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905
Def-Wide	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420
Def-Wide	Fort Bragg	SOF Special Tactics Facility (Ph 3)	30,670	30,670
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility.	23,598	23,598
	South Carolina			
Def-Wide	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000
	Texas			
Def-Wide	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700
Def-Wide	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910
	United Kingdom			
Def-Wide	RAF Croughton	Croughton Elem/Middle/High School Replacement.	71,424	71,424
Def-Wide	RAF Lakenheath	Construct Hydrant Fuel System	13,500	13,500
	Virginia			
Def-Wide	Pentagon	Pentagon Metro Entrance Facility	12,111	12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure—RRMC.	8,105	8,105
	Wake Island			
Def-Wide	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Battalion Complex	0	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program Design.	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program.	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631
Def-Wide	Unspecified Worldwide Locations	Planning and Design, Defense Wide	13,450	23,450
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	23,585	23,585
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NGA	71,647	36,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	24,000	24,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	3,427	3,427
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913
Def-Wide	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction.	2,414	2,414
Def-Wide	Various Worldwide Locations	Planning & Design, DLA	27,660	27,660
Def-Wide	Various Worldwide Locations	Planning and Design, SOCOM	27,653	27,653
Def-Wide	Worldwide Unspecified Locations Unspecified Worldwide Locations	Planning & Design, MDA	0	15,000
Military Construction, Defense-Wide Total			**2,056,091**	**2,025,444**
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	177,932	177,932
NATO Security Investment Program Total			**177,932**	**177,932**
Army NG	Colorado Fort Carson	National Guard Readiness Center	0	16,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
	Hawaii			
Army NG	Hilo	Combined Support Maintenance Shop	31,000	31,000
	Iowa			
Army NG	Davenport	National Guard Readiness Center	23,000	23,000
	Kansas			
Army NG	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
	New Hampshire			
Army NG	Hooksett	National Guard Vehicle Maintenance Shop.	11,000	11,000
Army NG	Rochester	National Guard Vehicle Maintenance Shop.	8,900	8,900
	Oklahoma			
Army NG	Ardmore	National Guard Readiness Center	22,000	22,000
	Pennsylvania			
Army NG	Fort Indiantown Gap	Access Control Buildings	0	20,000
Army NG	York	National Guard Readiness Center	9,300	9,300
	Rhode Island			
Army NG	East Greenwich	National Guard/Reserve Center Building (JFHQ).	20,000	20,000
	Utah			
Army NG	Camp Williams	National Guard Readiness Center	37,000	37,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
	Wyoming			
Army NG	Camp Guernsey	General Instruction Building	0	31,000
Army NG	Laramie	National Guard Readiness Center	21,000	21,000
Military Construction, Army National Guard Total			**232,930**	**300,430**
	Arizona			
Army Res	Phoenix	Army Reserve Center	0	30,000
	California			
Army Res	Barstow	Equipment Concentration Site	0	0
Army Res	Camp Parks	Transient Training Barracks	19,000	19,000
Army Res	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
	Virginia			
Army Res	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
	Washington			
Army Res	Joint Base Lewis-McChord	Army Reserve Center	0	0
	Wisconsin			
Army Res	Fort McCoy	AT/MOB Dining Facility	11,400	11,400
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	7,500	7,500
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830
Military Construction, Army Reserve Total			**68,230**	**98,230**
	Louisiana			
N/MC Res	New Orleans	Joint Reserve Intelligence Center	11,207	11,207
	New York			
N/MC Res	Brooklyn	Electric Feeder Ductbank	1,964	1,964
N/MC Res	Syracuse	Marine Corps Reserve Center	13,229	13,229
	Texas			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
N/MC Res	Galveston	Reserve Center Annex	8,414	8,414
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783
Military Construction, Naval Reserve Total			**38,597**	**38,597**
	Connecticut			
Air NG	Bradley IAP	Construct Small Air Terminal	6,300	6,300
	Florida			
Air NG	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	F–22 Composite Repair Facility	11,000	11,000
	Iowa			
Air NG	Sioux Gateway Airport	Construct Consolidated Support Functions.	12,600	12,600
	Maryland			
Air NG	Joint Base Andrews	Munitions Load Crew Trng/Corrosion Cntrl Facility.	0	5,000
	Minnesota			
Air NG	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
	New Hampshire			
Air NG	Pease International Trade Port	KC–46A Install Fuselage Trainer Bldg 251.	1,500	1,500
	North Carolina			
Air NG	Charlotte/Douglas IAP	C–17 Corrosion Control/Fuel Cell Hangar.	29,600	29,600
Air NG	Charlotte/Douglas IAP	C–17 Type III Hydrant Refueling System.	21,000	21,000
	Ohio			
Air NG	Toledo Express Airport	Indoor Small Arms Range	0	6,000
	South Carolina			
Air NG	McEntire ANGS	Replace Operations and Training Facility.	8,400	8,400
	Texas			
Air NG	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500
	Vermont			
Air NG	Burlington IAP	F–35 Beddown 4-Bay Flight Simulator	4,500	4,500
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	17,495
Air NG	Various Worldwide Locations	Planning and Design	10,462	10,462
Military Construction, Air National Guard Total			**143,957**	**154,957**
	Guam			
AF Res	Andersen AFB	Reserve Medical Training Facility	0	0
	Massachusetts			
AF Res	Westover ARB	Indoor Small Arms Range	0	0
	North Carolina			
AF Res	Seymour Johnson AFB	KC–46A ADAL Bldg for AGE/Fuselage Training.	5,700	5,700
AF Res	Seymour Johnson AFB	KC–46A ADAL Squadron Operations Facilities.	2,250	2,250
AF Res	Seymour Johnson AFB	KC–46A Two Bay Corrosion/Fuel Cell Hangar.	90,000	90,000
	Pennsylvania			
AF Res	Pittsburgh IAP	C–17 ADAL Fuel Hydrant System	22,800	22,800
AF Res	Pittsburgh IAP	C–17 Const/OverlayTaxiway and Apron	8,200	8,200

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF Res	Pittsburgh IAP	C–17 Construct Two Bay Corrosion/Fuel Hangar.	54,000	54,000
	Utah			
AF Res	Hill AFB	ADAL Life Support Facility	0	0
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	4,500	4,500
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500
Military Construction, Air Force Reserve Total			**188,950**	**188,950**
	Korea			
FH Con Army	Camp Humphreys	Family Housing New Construction, Incr 1.	143,563	100,000
FH Con Army	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
Family Housing Construction, Army Total			**200,735**	**157,172**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	19,146	19,146
FH Ops Army	Unspecified Worldwide Locations	Leasing	131,761	131,761
FH Ops Army	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FH Ops Army	Unspecified Worldwide Locations	Management	40,344	40,344
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	400	400
FH Ops Army	Unspecified Worldwide Locations	Services	7,993	7,993
FH Ops Army	Unspecified Worldwide Locations	Utilities	55,428	55,428
Family Housing Operation And Maintenance, Army Total			**325,995**	**325,995**
	Mariana Islands			
FH Con Navy	Guam	Replace Andersen Housing Ph I	78,815	78,815
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	4,149	4,149

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Family Housing Construction, Navy And Marine Corps Total			**94,011**	**94,011**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
FH Ops Navy	Unspecified Worldwide Locations	Leasing	54,689	54,689
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FH Ops Navy	Unspecified Worldwide Locations	Management	51,291	51,291
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	364	364
FH Ops Navy	Unspecified Worldwide Locations	Services	12,855	12,855
FH Ops Navy	Unspecified Worldwide Locations	Utilities	56,685	56,685
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			**300,915**	**300,915**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368
Family Housing Construction, Air Force Total			**61,352**	**61,352**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	31,690	31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FH Ops AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
FH Ops AF	Unspecified Worldwide Locations	Management	42,919	42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FH Ops AF	Unspecified Worldwide Locations	Services	13,026	13,026

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
FH Ops AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
Family Housing Operation And Maintenance, Air Force Total			**274,429**	**274,429**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings	500	500
FH Ops DW	Unspecified Worldwide Locations	Furnishings	399	399
FH Ops DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FH Ops DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FH Ops DW	Unspecified Worldwide Locations	Maintenance	349	349
FH Ops DW	Unspecified Worldwide Locations	Maintenance	800	800
FH Ops DW	Unspecified Worldwide Locations	Management	388	388
FH Ops DW	Unspecified Worldwide Locations	Services	32	32
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FH Ops DW	Unspecified Worldwide Locations	Utilities	174	174
FH Ops DW	Unspecified Worldwide Locations	Utilities	367	367
Family Housing Operation And Maintenance, Defense-Wide Total			**59,157**	**59,157**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Program Expenses	3,258	3,258
DoD Family Housing Improvement Fund Total			**3,258**	**3,258**
	Worldwide Unspecified			
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	24,499
Base Realignment and Closure—Army Total			**14,499**	**24,499**
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	135,606
BRAC	Unspecified Worldwide Locations	DON–100: Planning, Design and Management.	4,604	4,604
BRAC	Unspecified Worldwide Locations	DON–101: Various Locations	10,461	10,461
BRAC	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	557	557
BRAC	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	100	100
BRAC	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA.	4,648	4,648
BRAC	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP.	3,397	3,397
	Base Realignment and Closure—Navy Total		**134,373**	**159,373**
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
	Base Realignment and Closure—Air Force Total		**56,365**	**56,365**
PYS	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design, Defense Wide	0	–30,000
PYS	Worldwide	Air Force	0	–51,460
PYS	Worldwide	Army	0	–29,602
PYS	Worldwide	Defense-Wide	0	–141,600
PYS	Worldwide	Navy	0	0
PYS	Worldwide Unspecified Locations Worldwide	HAP	0	–25,000
PYS	Worldwide	NSIP	0	–30,000
	Prior Year Savings Total		**0**	**–307,662**
	Total, Military Construction		**7,444,056**	**7,709,565**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Army	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
	Military Construction, Army Total		**18,900**	**18,900**
	Iceland			

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Navy	Keflavik	ERI: P–8A Aircraft Rinse Rack	5,000	5,000
Navy	Keflavik	ERI: P–8A Hangar Upgrade	14,600	14,600
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
Military Construction, Navy Total			**21,400**	**21,400**
	Bulgaria			
AF	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac.	3,800	3,800
AF	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000
AF	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600
	Djibouti			
AF	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
AF	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway.	6,900	6,900
	Estonia			
AF	Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500
	Germany			
AF	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House.	1,000	1,000
AF	Spangdahlem AB	ERI: F/A–22 Low Observable/Comp Repair Fac.	12,000	12,000
AF	Spangdahlem AB	ERI: F/A–22 Upgrade Infrastructure/Comm/Util.	1,600	1,600
AF	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700
AF	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400
	Lithuania			
AF	Siauliai	ERI: Munitions Storage	3,000	3,000
	Poland			
AF	Lask AB	ERI: Construct Squadron Operations Facility.	4,100	4,100
AF	Powidz AB	ERI: Construct Squadron Operations Facility.	4,100	4,100
	Romania			
AF	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
AF	Campia Turzii	ERI: Construct Squadron Operations Facility.	3,400	3,400
AF	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
AF	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	8,551
AF	Unspecified Worldwide Locations	OCO: Planning and Design	940	940
Military Construction, Air Force Total			**88,740**	**88,291**
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000
Military Construction, Defense-Wide Total			**5,000**	**5,000**
Total, Military Construction			**134,040**	**133,591**

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2017 Request	Conference Authorized
Navy	Djibouti Camp Lemonier	OCO: Medical/Dental Facility	37,409	37,409
Navy	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	1,000	1,000
Military Construction, Navy Total			**38,409**	**38,409**
Total, Military Construction			**38,409**	**38,409**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies Appropriation Summary:		
Energy Programs		
Nuclear Energy	151,876	136,616
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	9,243,147	9,429,029
Defense nuclear nonproliferation	1,807,916	1,886,916
Naval reactors	1,420,120	1,417,620
Federal salaries and expenses	412,817	395,517
Total, National nuclear security administration	**12,884,000**	**13,129,082**
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,273,558
Other defense activities	791,552	789,552
Total, Environmental & other defense activities	**6,173,602**	**6,063,110**
Total, Atomic Energy Defense Activities	**19,057,602**	**19,192,192**
Total, Discretionary Funding	**19,209,478**	**19,328,808**
Nuclear Energy		
Idaho sitewide safeguards and security	129,303	129,303
Idaho operations and maintenance	7,313	7,313
Consent Based Siting	15,260	0
Denial of funds for defense-only repository		[–15,260]
Total, Nuclear Energy	**151,876**	**136,616**
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	616,079	616,079
W76 Life extension program	222,880	222,880
W88 Alt 370	281,129	281,129
W80–4 Life extension program	220,253	220,253

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Total, Life extension programs	**1,340,341**	**1,340,341**
Stockpile systems		
B61 Stockpile systems	57,313	57,313
W76 Stockpile systems	38,604	38,604
W78 Stockpile systems	56,413	56,413
W80 Stockpile systems	64,631	64,631
B83 Stockpile systems	41,659	41,659
W87 Stockpile systems	81,982	81,982
W88 Stockpile systems	103,074	103,074
Total, Stockpile systems	**443,676**	**443,676**
Weapons dismantlement and disposition		
Operations and maintenance	68,984	56,000
Denial of dismantlement acceleration		[–12,984]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	156,481
Management, technology, and production	251,978	251,978
Total, Stockpile services	**899,689**	**899,689**
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	184,970
Tritium sustainment	109,787	109,787
Domestic uranium enrichment	50,000	50,000
Strategic materials sustainment	212,092	212,092
Total, Nuclear material commodities	**577,837**	**577,837**
Total, Directed stockpile work	**3,330,527**	**3,317,543**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	99,000
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	**441,984**	**441,984**
Engineering		
Enhanced surety	37,196	37,196
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	43,105
Enhanced surveillance	42,228	42,228
Total, Engineering	**139,487**	**139,487**
Inertial confinement fusion ignition and high yield		
Ignition	75,432	75,432
Support of other stockpile programs	23,363	23,363
Diagnostics, cryogenics and experimental support	68,696	68,696
Pulsed power inertial confinement fusion	5,616	5,616
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	340,360	340,360
Total, Inertial confinement fusion and high yield	**522,959**	**522,959**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Advanced simulation and computing	663,184	656,184
Program decrease		[–7,000]
Stockpile Responsiveness Program	0	40,000
Program increase		[40,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	46,583
Processing technology development	28,522	28,522
Total, Advanced manufacturing	**87,105**	**87,105**
Total, RDT&E	**1,854,719**	**1,887,719**
Infrastructure and operations (formerly RTBF)		
Operating		
Operations of facilities		
Kansas City Plant	101,000	101,000
Lawrence Livermore National Laboratory	70,500	70,500
Los Alamos National Laboratory	196,500	196,500
Nevada Test Site	92,500	92,500
Pantex	55,000	55,000
Sandia National Laboratory	118,000	118,000
Savannah River Site	83,500	83,500
Y–12 National security complex	107,000	107,000
Total, Operations of facilities	**824,000**	**824,000**
Safety and environmental operations	110,000	110,000
Maintenance and repair of facilities	294,000	324,000
Address high-priority preventative maintenance		[30,000]
Recapitalization:		
Infrastructure and safety	554,643	630,509
Address high-priority deferred maintenance		[75,866]
Capability based investment	112,639	112,639
Total, Recapitalization	**667,282**	**743,148**
Construction:		
17–D–640 U1a Complex Enhancements Project, NNSS	11,500	11,500
17–D–630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16–D–515 Albuquerque complex upgrades project	15,047	15,047
15–D–613 Emergency Operations Center, Y–12	2,000	2,000
15–D–302 TA–55 Reinvestment project, Phase 3, LANL	21,455	21,455
07–D–220–04 Transuranic liquid waste facility, LANL	17,053	17,053
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN	575,000	575,000
04–D–125 Chemistry and metallurgy research replacement project, LANL	159,615	159,615
Total, Construction	**826,670**	**826,670**
Total, Infrastructure and operations	**2,721,952**	**2,827,818**
Secure transportation asset		
Operations and equipment	179,132	179,132
Program direction	103,600	103,600
Total, Secure transportation asset	**282,732**	**282,732**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Defense nuclear security		
Operations and maintenance	657,133	693,133
Support to physical security infrastructure recapitalization and CSTART		[36,000]
Construction:		
14–D–710 Device assembly facility argus installation project, NV	13,000	13,000
17–D–710 West end protected area reduction project, Y–12	0	24,000
Total, Defense nuclear security	**670,133**	**730,133**
Information technology and cybersecurity	176,592	176,592
Legacy contractor pensions	248,492	248,492
Rescission of prior year balances	–42,000	–42,000
Total, Weapons Activities	**9,243,147**	**9,429,029**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	337,108
Material management and minimization	341,094	321,094
Program decrease		[–20,000]
Nonproliferation and arms control	124,703	124,703
Defense Nuclear Nonproliferation R&D	393,922	417,922
Acceleration of low-yield detection experiments		[4,000]
Nuclear detection technology and new challenges such as 3D printing		[20,000]
Low Enriched Uranium R&D for Naval Reactors	0	5,000
Low Enriched Uranium R&D for Naval Reactors		[5,000]
Nonproliferation Construction:		
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
Increase to support construction		[70,000]
Total, Nonproliferation construction	**270,000**	**340,000**
Total, Defense Nuclear Nonproliferation Programs	**1,466,827**	**1,545,827**
Legacy contractor pensions	83,208	83,208
Nuclear counterterrorism and incident response program	271,881	271,881
Rescission of prior year balances	–14,000	–14,000
Total, Defense Nuclear Nonproliferation	**1,807,916**	**1,886,916**
Naval Reactors		
Naval reactors operations and infrastructure	449,682	447,182
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17–D–911, BL Fire System Upgrade	1,400	1,400
15–D–904 NRF Overpack Storage Expansion 3	700	700
15–D–902 KS Engineroom team trainer facility	33,300	33,300
14–D–901 Spent fuel handling recapitalization project, NRF	100,000	100,000
10–D–903, Security upgrades, KAPL	12,900	12,900
Total, Construction	**148,300**	**148,300**
Total, Naval Reactors	**1,420,120**	**1,417,620**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Federal Salaries And Expenses		
Program direction	412,817	395,517
Program decrease		[–17,300]
Total, Office Of The Administrator	**412,817**	**395,517**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	9,389	9,389
Hanford site:		
River corridor and other cleanup operations	69,755	114,755
Acceleration of priority programs		[45,000]
Central plateau remediation	620,869	644,369
Acceleration of priority programs		[23,500]
Richland community and regulatory support	14,701	14,701
Construction:		
15–D–401 Containerized sludge removal annex, RL	11,486	11,486
Total, Hanford site	**716,811**	**785,311**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**362,088**	**362,088**
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	195,606
Program Increase		[10,000]
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	**189,000**	**199,000**
NNSA sites		
Lawrence Livermore National Laboratory	1,396	1,396
Separations Process Research Unit	3,685	3,685
Nevada	62,176	62,176
Sandia National Laboratories	4,130	4,130
Total, NNSA sites and Nevada off-sites	**71,387**	**71,387**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	93,851	93,851
Construction:		
14–D–403 Outfall 200 Mercury Treatment Facility	5,100	5,100
Total, OR Nuclear facility D & D	**98,951**	**98,951**
U233 Disposition Program	37,311	37,311
OR cleanup and disposition	54,557	54,557
OR reservation community and regulatory support	4,400	4,400
Oak Ridge technology development	3,000	3,000
Total, Oak Ridge Reservation	**198,219**	**198,219**
Office of River Protection:		
Waste treatment and immobilization plant		
WTP operations	3,000	3,000
15–D–409 Low activity waste pretreatment system, ORP	73,000	73,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
01–D–416 A–D/ORP–0060 / Major construction	690,000	690,000
Total, Waste treatment and immobilization plant	**766,000**	**766,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	721,456	721,456
Total, Tank farm activities	**721,456**	**721,456**
Total, Office of River protection	**1,487,456**	**1,487,456**
Savannah River sites:		
Nuclear Material Management	311,062	311,062
Environmental Cleanup	152,504	152,504
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	645,332	645,332
Construction:		
15–D–402—Saltstone Disposal Unit #6, SRS	7,577	7,577
17–D–401—Saltstone Disposal Unit #7	9,729	9,729
05–D–405 Salt waste processing facility, Savannah River Site	160,000	160,000
Total, Construction	**177,306**	**177,306**
Total, Radioactive liquid tank waste	**822,638**	**822,638**
Total, Savannah River site	**1,297,453**	**1,297,453**
Waste Isolation Pilot Plant		
Operations and maintenance	257,188	267,188
Program increase		[10,000]
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15–D–412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	**5,065**	**5,065**
Total, Waste Isolation Pilot Plant	**262,253**	**272,253**
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	30,000
Infrastructure recapitalization	41,892	0
Defense Uranium enrichment D&D	155,100	0
Ahead of need		[–155,100]
Subtotal, Defense environmental cleanup	**5,382,050**	**5,273,558**
Total, Defense Environmental Cleanup	**5,382,050**	**5,273,558**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	128,693
Program direction	66,519	66,519
Total, Environment, health, safety and security	**197,212**	**195,212**
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	**76,473**	**76,473**
Specialized security activities	237,912	237,912

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Office of Legacy Management		
Legacy management	140,306	140,306
Program direction	14,014	14,014
Total, Office of Legacy Management	**154,320**	**154,320**
Defense-related activities		
Defense related administrative support		
Chief financial officer	23,642	23,642
Chief information officer	93,074	93,074
Project management oversight and assessments	3,000	3,000
Total, Defense related administrative support	**119,716**	**116,716**
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	**791,552**	**789,552**
Total, Other Defense Activities	**791,552**	**789,552**

Military Justice Act of 2016.

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

10 USC 101 note.

SEC. 5001. SHORT TITLE.

This division may be cited as the "Military Justice Act of 2016".

TITLE LI—GENERAL PROVISIONS

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

"(10) The term 'military judge' means a judge advocate designated under section 826(c) of this title (article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a).".

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking "the Army or the Navy" and inserting "the Army, the Navy, or the Air Force"; and

(2) in subparagraph (B), by striking "the Air Force or".

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

"(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

"(i) members of a reserve component; and

"(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

"(B) The periods referred to in subparagraph (A) are the following:

"(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

"(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

"(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.".

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

"(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

"(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

"(B) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court.".

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking "military judge" and all that follows through the end of the sentence and inserting "military appellate judge, military judge, or military magistrate to perform the duties of the position involved.".

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking "the military judge" and all that follows through the end of the sentence and inserting the following: "the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.".

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).".

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

"(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

"(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate.".

TITLE LII—APPREHENSION AND RESTRAINT

SEC. 5121. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 810. Art. 10. Restraint of persons charged

"(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

"(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

"(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

"(A) to inform the person of the specific offense of which the person is accused; and

"(B) to try the person or to dismiss the charges and release the person.

"(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32).".

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

"No member of the armed forces may be placed in confinement in immediate association with—

"(1) enemy prisoners; or

"(2) other individuals—

"(A) who are detained under the law of war and are foreign nationals; and

"(B) who are not members of the armed forces.".

TITLE LIII—NON-JUDICIAL PUNISHMENT

Sec. 5141. Modification of confinement as non-judicial punishment.

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking "on bread and water or diminished rations"; and

(B) in the undesignated matter after paragraph (2), by striking "on bread and water or diminished rations" in the sentence beginning "No two or more"; and

(2) in subsection (d), by striking "on bread and water or diminished rations" in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

Sec. 5161. Courts-martial classified.
Sec. 5162. Jurisdiction of general courts-martial.
Sec. 5163. Jurisdiction of special courts-martial.
Sec. 5164. Summary court-martial as non-criminal forum.

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 816. Art 16. Courts-martial classified

"(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:

"(1) General courts-martial, as described in subsection (b).

"(2) Special courts-martial, as described in subsection (c).

"(3) Summary courts-martial, as described in subsection (d).

"(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

"(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined

under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

"(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

"(1) A special court-martial consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(2) A special court-martial consisting of a military judge alone—

"(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

"(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

"(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.".

SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by striking "section 816(1)(B) of this title (article 16(1)(B))" and inserting "section 816(b)(3) of this title (article 16(b)(3))"; and

(2) by striking subsection (c) and inserting the following new subsection (c):

"(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

"(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

"(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

"(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).".

SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking "Subject to" in the first sentence and inserting the following:

"(a) IN GENERAL.—Subject to";

(2) by striking "A bad-conduct discharge" and all that follows through the end; and

(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

"(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

"(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.".

SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a) IN GENERAL.—" before "Subject to"; and

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

"(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.".

TITLE LV—COMPOSITION OF COURTS-MARTIAL

SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking "in chief".

SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

"(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—

"(A) the membership of the court-martial be comprised entirely of officers; or

"(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

"(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial

if the membership of the court-martial is inconsistent with the request.

"(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, is not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.".

(b) WHO MAY SENTENCE.—Such section (article) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d)(1) Except as provided in paragraph (2) for capital offenses, the accused in a court-martial with a military judge and members may, after the findings are announced and before any matter is presented in the sentencing phase, request, orally on the record or in writing, sentencing by members.

"(2) In a capital case, the accused shall be sentenced by the members for all offenses for which the court-martial may sentence the accused to death in accordance with section 853(c) of this title (article 53(c)).

"(3) In a capital case, if the accused is convicted of a non-capital offense, the accused shall be sentenced for such non-capital offense in accordance with section 853(b) of this title (article 53(b)), regardless of whether the accused is convicted of an offense for which the court-martial may sentence the accused to death.".

(c) DETAIL OF MEMBERS.—Subsection (e) of such section (article), as redesignated by subsection (b)(1) of this section, is amended by adding at the end the following new paragraph:

"(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).".

SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

"§ 825a. Art. 25a. Number of court-martial members in capital cases

"(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

"(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

"(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

"(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.".

SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) DETAIL TO SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by inserting after "each general" the following: "and special"; and

(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking "qualified for duty" and inserting "qualified, by reason of education, training, experience, and judicial temperament, for duty".

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

"(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

"(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge's performance of duty as a military judge.

"(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

"(A) may perform such duties only when the officer is assigned and directly responsible to the Judge Advocate General of the armed force of which the military judge is a member; and

"(B) may perform duties of a judicial or nonjudicial nature other than those relating to the officer's primary duty as a military judge of a general court-martial when such duties are assigned to the officer by or with the approval of that Judge Advocate General.

"(4) In accordance with regulations prescribed by the President, assignments of military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.".

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such section (article) is further amended by adding at the end the following new subsection:

"(f) A military judge may be detailed under subsection (a) to a court-martial or a proceeding under section 830a of this title (article 30a) that is convened in a different armed force, when so permitted by the Judge Advocate General of the armed force of which the military judge is a member.".

(e) CHIEF TRIAL JUDGES.—Such section (article), as amended by subsection (d), is further amended by adding at the end the following new subsection:

"(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.".

SEC. 5185. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

10 USC 826a note.

"§ 826a. Art. 26a. Military magistrates

"(a) QUALIFICATIONS.—A military magistrate shall be a commissioned officer of the armed forces who—

"(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

"(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.

"(b) DUTIES.—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.".

SEC. 5186. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "No person" and all that follows through "trial counsel," the first place it appears and inserting "No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,";

(2) in the first sentence of subsection (b), by striking "Trial counsel or defense counsel" and inserting "Trial counsel, defense counsel, or assistant defense counsel"; and

(3) by striking subsection (c) and inserting the following new subsections:

"(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).

"(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

"(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.".

SEC. 5187. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 829. Art 29. Assembly and impaneling of members; detail of new members and military judges

"(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—

"(1) as a result of a challenge;

"(2) under subsection (b)(1)(B); or

"(3) by order of the military judge or the convening authority for disability or other good cause.

"(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

"(A) after determination of challenges, impanel the court-martial; and

"(B) excuse the members who, having been assembled, are not impaneled.

"(2) In a general court-martial, the military judge shall impanel—

"(A) 12 members in a capital case; and

"(B) eight members in a noncapital case.

"(3) In a special court-martial, the military judge shall impanel four members.

"(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

"(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

"(A) fewer than 12 members with respect to a general court-martial in a capital case;

"(B) fewer than six members with respect to a general court-martial in a noncapital case; or

"(C) fewer than four members with respect to a special court-martial;

the trial may not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in paragraph (2).

"(2) The membership referred to in paragraph (1) is as follows:

"(A) 12 members with respect to a general court-martial in a capital case.

"(B) At least six but not more than eight members with respect to a general court-martial in a noncapital case.

"(C) Four members with respect to a special court-martial.

"(e) DETAIL OF NEW MILITARY JUDGE.—If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

"(f) EVIDENCE.—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

"(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.".

TITLE LVI—PRE-TRIAL PROCEDURE

SEC. 5201. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 830. Art 30. Charges and specifications

"(a) IN GENERAL.—Charges and specifications—

"(1) may be preferred only by a person subject to this chapter; and

"(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

"(b) REQUIRED CONTENT.—The writing under subsection (a) shall state that—

"(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

"(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

"(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

"(1) inform the person accused of the charges and specifications; and

"(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.".

SEC. 5202. CERTAIN PROCEEDINGS CONDUCTED BEFORE REFERRAL.

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

10 USC 830a.

"§ 830a. Art. 30a. Certain proceedings conducted before referral

"(a) IN GENERAL.—(1) Proceedings may be conducted to review the following matters before referral of charges and specifications to court-martial for trial in accordance with regulations prescribed by the President:

"(A) Pre-referral investigative subpoenas.

"(B) Pre-referral warrants or orders for electronic communications.

"(C) Pre-referral matters referred by an appellate court.

"(2) The regulations prescribed under paragraph (1) shall—

"(A) include procedures for the review of such rulings that may be ordered under this section as the President considers appropriate; and

"(B) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

"(3) If any matter in a proceeding under this section becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

"(b) DETAIL OF MILITARY JUDGE.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

"(c) DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1), other than a proceeding described in subparagraph (B) of that subsection, may designate a military magistrate to preside over the proceeding.".

SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(a) IN GENERAL.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

"§ 832. Art. 32. Preliminary hearing required before referral to general court-martial

"(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

"(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

"(2) The purpose of the preliminary hearing shall be limited to determining the following:

"(A) Whether or not the specification alleges an offense under this chapter.

"(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

"(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

"(D) A recommendation as to the disposition that should be made of the case.

"(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

"(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

"(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

"(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

"(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

"(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a

recording of the preliminary hearing under subsection (e)) that includes the following:

"(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

"(2) Recommendations for any necessary modifications to the form of the charges or specifications.

"(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

"(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).".

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking "subsection (a)" in the first sentence and inserting "this section";

(2) in paragraph (2), by striking "in defense" and all that follows through the end and inserting "that is relevant to the issues for determination under subsection (a)(2).";

(3) in paragraph (3), by adding at the end the following new sentence: "A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49)."; and

(4) in paragraph (4), by striking "the limited purposes of the hearing, as provided in subsection (a)(2)" and inserting "determinations under subsection (a)(2)".

(c) REFERENCE TO MCM.—Subsection (e) of such section (article) is amended by striking "as prescribed by the Manual for Courts-Martial" in the second sentence and inserting "under such rules as the President may prescribe".

(d) EFFECT OF VIOLATION.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: "A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.".

(e) CONFORMING AMENDMENTS.—The following provisions are each amended by striking "investigating officer" and inserting "preliminary hearing officer":

(1) Section 806b(a)(3) of title 10, United States Code (article 6b(a)(3) of the Uniform Code of Military Justice).

(2) Section 825(d)(2) of such title (article 25(d)(2) of the Uniform Code of Military Justice).

(3) Section 826(d) of such title (article 26(d) of the Uniform Code of Military Justice).

SEC. 5204. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 833. Art 33. Disposition guidance

"The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the principles contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and even-handed administration of Federal criminal law.".

SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 834. Art. 34. Advice to convening authority before referral for trial

"(a) GENERAL COURT-MARTIAL.—

"(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

"(A) the specification alleges an offense under this chapter;

"(B) there is probable cause to believe that the accused committed the offense charged; and

"(C) a court-martial would have jurisdiction over the accused and the offense.

"(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

"(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

"(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

"(c) GENERAL AND SPECIAL COURTS-MARTIAL; CORRECTION OF CHARGES AND SPECIFICATIONS BEFORE REFERRAL.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

"(1) to correct errors in form; and

"(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

"(d) REFERRAL DEFINED.—In this section, the term 'referral' means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.".

SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 835. Art. 35. Service of charges; commencement of trial

"(a) IN GENERAL.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

"(b) COMMENCEMENT OF TRIAL.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

"(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

"(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

"(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

"(3) This subsection shall not apply in time of war.".

TITLE LVII—TRIAL PROCEDURE

SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking ", under the direction" and all that follows through "(article 27),".

SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by striking "if permitted by regulations of the Secretary concerned,"; and

(ii) by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

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

"(4) conducting a sentencing proceeding and sentencing the accused in non-capital cases unless the accused requests sentencing by members under section 825 of this title (article 25); and"; and

(2) in the second sentence of subsection (c), by striking ", in cases in which a military judge has been detailed to the court,".

SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking "court-martial without a military judge" and inserting "summary court-martial".

SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking ", or, if none, the court," in the second sentence;

(2) in subsection (a)(2), by striking "minimum" in the first sentence; and

(3) in subsection (b)(2), by striking "minimum".

SEC. 5225. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking "five years" and inserting "ten years".

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

"(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

"(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

"(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.".

(c) DNA EVIDENCE.—Such section (article), as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

"(i) DNA EVIDENCE.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.".

(d) CONFORMING AMENDMENTS.—Subsection (b)(2)(B) of such section (article) is amended by striking clauses (i) through (v) and inserting the following new clauses:

"(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120, 120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

"(ii) Maiming in violation of section 928a of this title (article 128a).

"(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

"(iv) Kidnapping in violation of section 925 of this title (article 125).".

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "NO LIMITATION FOR CERTAIN OFFENSES.—" after "(a)";

(2) in subsection (b), by inserting "FIVE-YEAR LIMITATION FOR TRIAL BY COURT-MARTIAL.—" after "(b)";

(3) in subsection (c), by inserting "TOLLING FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM JUSTICE.—" after "(c)";

(4) in subsection (d), by inserting "TOLLING FOR ABSENCE FROM US OR MILITARY JURISDICTION.—" after "(d)";

(5) in subsection (e), by inserting "EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—" after "(e)";

(6) in subsection (f), by inserting "EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—" after "(f)"; and

(7) in subsection (g), by inserting "DEFECTIVE OR INSUFFICIENT CHARGES.—" after "(g)".

10 USC 843 note.

(f) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

SEC. 5226. FORMER JEOPARDY.

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

"(A) after introduction of evidence; and

"(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

"(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

"(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

"(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.".

SEC. 5227. PLEAS OF THE ACCUSED.

(a) PLEAS OF GUILTY.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking "may be adjudged" and inserting "is mandatory"; and

(2) in the second sentence—

(A) by striking "or by a court-martial without a military judge"; and

(B) by striking ", if permitted by regulations of the Secretary concerned,".

(b) HARMLESS ERROR.—Such section (article) is further amended by adding at the end the following new subsection:

"(c) HARMLESS ERROR.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.".

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "IRREGULAR AND SIMILAR PLEAS.—" after "(a)"; and

(2) in subsection (b), by inserting "PLEAS OF GUILTY.—" after "(b)".

SEC. 5228. SUBPOENA AND OTHER PROCESS.

(a) AMENDMENTS TO UCMJ ARTICLE.—

(1) IN GENERAL.—Subsection (a) of section 846 of title 10, United States Code (article 46 of the Uniform Code of Military Justice), is amended by striking "The counsel for the Government, the counsel for the accused," and inserting "In a case referred for trial by court-martial, the trial counsel, the defense counsel,".

(2) SUBPOENA AND OTHER PROCESS GENERALLY.—Subsection (b) of such section (article) is amended to read as follows:

"(b) SUBPOENA AND OTHER PROCESS GENERALLY.—Any subpoena or other process issued under this section (article)—

"(1) shall be similar to that which courts of the United States having criminal jurisdiction may issue;

"(2) shall be executed in accordance with regulations prescribed by the President; and

"(3) shall run to any part of the United States and to the Commonwealths and possessions of the United States.".

(3) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—Subsection (c) of such section (article) is amended to read as follows:

"(c) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—A subpoena or other process may be issued to compel a witness to appear and testify—

"(1) before a court-martial, military commission, or court of inquiry;

"(2) at a deposition under section 849 of this title (article 49); or

"(3) as otherwise authorized under this chapter.".

(4) OTHER MATTERS.—Such section (article) is further amended by adding at the end the following new subsections:

"(d) SUBPOENA AND OTHER PROCESS FOR EVIDENCE.—

"(1) IN GENERAL.—A subpoena or other process may be issued to compel the production of evidence—

"(A) for a court-martial, military commission, or court of inquiry;

"(B) for a deposition under section 849 of this title (article 49);

"(C) for an investigation of an offense under this chapter; or

"(D) as otherwise authorized under this chapter.

"(2) INVESTIGATIVE SUBPOENA.—An investigative subpoena under paragraph (1)(C) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the Government to issue such a subpoena or a military judge issues such a subpoena pursuant to section 830a of this title (article 30a).

"(3) WARRANT OR ORDER FOR WIRE OR ELECTRONIC COMMUNICATIONS.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

"(e) REQUEST FOR RELIEF FROM SUBPOENA OR OTHER PROCESS.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

"(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

"(2) order the person to comply with the subpoena or other process.".

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

"§ 846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial".

(b) CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);
(B) in subsection (b)(1)(A); and
(C) in subsection (c)(1)(A);

by inserting after "warrant procedures" the following: "and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President".

(2) Section 2711(3) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "or" at the end;
(B) in subparagraph (B), by striking "and" at the end and inserting "or"; and
(C) by adding at the end the following new subparagraph:

"(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice) to which a military judge has been detailed; and".

SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.

(a) IN GENERAL.—Subsection (a) of section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended to read as follows:

"(a) IN GENERAL.—(1) Any person described in paragraph (2) who—

"(A) willfully neglects or refuses to appear; or
"(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

"(2) The persons referred to in paragraph (1) are the following:

"(A) Any person not subject to this chapter who—

"(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and
"(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of extraordinary hardship, is advanced such fees and mileage.

"(B) Any person not subject to this chapter who is issued a subpoena or other process described in subsection (d) of section 846 of this title (article 46).".

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

"§ 847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence".

SEC. 5230. CONTEMPT.

(a) AUTHORITY TO PUNISH.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

"(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

"(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

"(B) disturbs the proceeding by any riot or disorder; or

"(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

"(2) A judicial officer referred to in paragraph (1) is any of the following:

"(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

"(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

"(C) Any military magistrate designated to preside under section 819 of this title (article 19).

"(D) The president of a court of inquiry.".

(b) REVIEW.—Such section (article) is further amended—

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

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

"(c) REVIEW.—A punishment under this section—

"(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(g) of this title (article 66(g));

"(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a); and

"(3) if imposed by a court of inquiry, shall be subject to review by the convening authority in accordance with rules prescribed by the President.".

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

"§ 848. Art. 48. Contempt".

SEC. 5231. DEPOSITIONS.

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 849. Art. 49. Depositions

"(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.

"(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

"(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

"(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

"(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

"(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

"(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

"(c) ADMISSIBILITY AND USE AS EVIDENCE.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

"(d) CAPITAL CASES.—Testimony by deposition may be presented in capital cases only by the defense.".

SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.

(a) IN GENERAL.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony that—

"(1) is recorded by audiotape, videotape, or similar method; and

"(2) is contained in the duly authenticated record of proceedings of a court of inquiry;

is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (c).".

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

"§ 850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry".

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "USE AS EVIDENCE BY ANY PARTY.—" after "(a)";

(2) in subsection (b), by inserting "USE AS EVIDENCE BY DEFENSE.—" after "(b)"; and

(3) in subsection (c), by inserting "USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—" after "(c)".

SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is amended by striking ", or the president of a court-martial without a military judge,".

SEC. 5234. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking ", and by members of a court-martial without a military judge upon questions of challenge," in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking "and, except for questions of challenge, the president of a court-martial without a military judge"; and

(B) in the second sentence, by striking ", or by the president" and all that follows through the end of the subsection and inserting "is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial."; and

(3) in subsection (c), by striking "or the president of a court-martial without a military judge" in the matter before paragraph (1).

SEC. 5235. VOTES REQUIRED FOR CONVICTION, SENTENCING, AND OTHER MATTERS.

Section 852 of title 10, United States Code (article 52 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 852. Art. 52. Votes required for conviction, sentencing, and other matters

"(a) IN GENERAL.—No person may be convicted of an offense in a general or special court-martial, other than—

"(1) after a plea of guilty under section 845(b) of this title (article 45(b));

"(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

"(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

"(b) LEVEL OF CONCURRENCE REQUIRED.—

"(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

"(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.".

SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 853. Art. 53. Findings and sentencing

"(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

"(b) SENTENCING GENERALLY.—

"(1) GENERAL AND SPECIAL COURTS-MARTIAL.—

"(A) SENTENCING BY MILITARY JUDGE.—Except as provided in subparagraph (B), and in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused.

"(B) SENTENCING BY MEMBERS.—If the accused is convicted of an offense in a trial by general or special court-martial consisting of a military judge and members and the accused elects sentencing by members under section 825 of this title (article 25), the members shall sentence the accused.

"(C) SENTENCE OF THE ACCUSED.—The sentence determined pursuant to this paragraph constitutes the sentence of the accused.

"(2) SUMMARY COURTS-MARTIAL.—If the accused is convicted of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

"(c) SENTENCING FOR CAPITAL OFFENSES.—

"(1) IN GENERAL.—In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death, the members shall determine whether the sentence for that offense shall be death or a lesser authorized punishment.

"(2) LESSER AUTHORIZED PUNISHMENTS.—In accordance with regulations prescribed by the President, the court-martial may include in any sentence to death or life in prison without eligibility for parole other lesser punishments authorized under this chapter.

"(3) OTHER NON-CAPITAL OFFENSES.—In a capital case, if the accused is convicted of a non-capital offense, the accused shall be sentenced for such non-capital offense in accordance with subsection (b), regardless of whether the accused is convicted of an offense for which the court-martial may sentence the accused to death.".

SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice), as amended by section 5236 of this Act, the following new section (article):

"§ 853a. Art. 53a. Plea agreements

10 USC 853a.

"(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

"(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

"(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

"(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

"(b) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge of a general or special court-martial shall reject a plea agreement that—

"(1) contains a provision that has not been accepted by both parties;

"(2) contains a provision that is not understood by the accused; or

"(3) except as provided in subsection (c), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)).

"(c) LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM FOR CERTAIN OFFENSES.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

"(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

"(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

"(d) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.".

SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

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

"(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court reporter, the record shall be certified by an official selected as the President may prescribe by regulation.";

(2) in subsection (b)—

(A) by striking "(b) Each special and summary court-martial" and inserting " (b) SUMMARY COURTS-MARTIAL.—Each summary court-martial"; and

(B) by striking "authenticated" and inserting "certified";

(3) by striking subsection (c) and inserting the following new subsection (c):

"(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

"(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.";

(4) in subsection (d)—

(A) by striking "(d) A copy" and inserting "(d) COPY TO ACCUSED.—A copy"; and

(B) by striking "authenticated" and inserting "certified"; and

(5) in subsection (e)—

(A) by striking "(e) In the case" and inserting "(e) COPY TO VICTIM.—In the case";

(B) by striking "involving a sexual assault or other offense covered by section 920 of this title (article 120)," in the first sentence and inserting ", upon request,"; and

(C) by striking "authenticated" in the second sentence and inserting "certified".

TITLE LVIII—SENTENCES

SEC. 5301. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 856. Art. 56. Sentencing

"(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

"(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—(1) Except as provided in subsection (d) of section 853a of this title (article 53a), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

"(2) The offenses referred to in paragraph (1) are as follows:

"(A) Rape under subsection (a) of section 920 of this title (article 120).

"(B) Sexual assault under subsection (b) of such section (article).

"(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

"(D) Sexual assault of a child under subsection (b) of such section (article).

"(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

"(F) Conspiracy to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 881 of this title (article 81).

"(c) IMPOSITION OF SENTENCE.—

"(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

"(A) the nature and circumstances of the offense and the history and characteristics of the accused;

"(B) the impact of the offense on—

"(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

"(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

"(C) the need for the sentence—

"(i) to reflect the seriousness of the offense;

"(ii) to promote respect for the law;

"(iii) to provide just punishment for the offense;

"(iv) to promote adequate deterrence of misconduct;

"(v) to protect others from further crimes by the accused;

"(vi) to rehabilitate the accused; and

"(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service; and

"(D) the sentences available under this chapter.

"(2) SENTENCING BY MILITARY JUDGE.—In announcing the sentence in a general or special court-martial in which the accused is sentenced by a military judge alone under section 853 of this title (article 53), the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

"(3) SENTENCING BY MEMBERS.—In a general or special court-martial in which the accused has elected sentencing by members, the court-martial shall announce a single sentence for all of the offenses of which the accused was found guilty.

"(4) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

"(B) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

"(i) the sentence is set aside or otherwise modified as a result of—

"(I) action taken by the convening authority or the Secretary concerned; or

"(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

"(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

"(iii) the accused is pardoned.

"(d) APPEAL OF SENTENCE BY THE UNITED STATES.—(1) With the approval of the Judge Advocate General concerned, the Government may appeal a sentence to the Court of Criminal Appeals, on the grounds that—

"(A) the sentence violates the law; or

"(B) the sentence is plainly unreasonable.

"(2) An appeal under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).".

(b) CONFORMING AMENDMENT.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

SEC. 5302. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 857. Art. 57. Effective date of sentences

"(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

"(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

"(A) the date that is 14 days after the date on which the sentence is adjudged; or

"(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

"(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

"(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

"(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

"(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

"(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.

"(b) DEFERRAL OF SENTENCES.—

"(1) IN GENERAL.—On application by an accused, the convening authority or, if the accused is no longer under his or her jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

"(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

"(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

"(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

"(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

"(4) STATE DEFINED.—In this subsection, the term 'State' includes the District of Columbia and any Commonwealth, territory, or possession of the United States.

"(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

"(c) APPELLATE REVIEW.—

"(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

"(A) a review under section 865 of this title (article 65) is completed; or

"(B) a review under section 866 of this title (article 66) is completed by a Court of Criminal Appeals and—

"(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

"(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or

"(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

"(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

"(II) such a petition is rejected by the Supreme Court; or

"(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.".

(b) CONFORMING AMENDMENTS.—

(1) Subchapter VIII of chapter 47 of title 10, United States Code, is amended by striking section 857a (article 57a of the Uniform Code of Military Justice).

(2) Subchapter IX of chapter 47 of title 10, United States Code, is amended by striking section 871 (article 71 of the Uniform Code of Military Justice).

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is amended by striking "section 857(a) of this title (article 57(a))" and inserting "section 857 of this title (article 57)".

SEC. 5303. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking "Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a" and inserting "A";

(B) by striking "as approved by the convening authority" and inserting "as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)"; and

(C) in the matter after paragraph (3), by striking "of that approval" and inserting "on which the judgment is so entered"; and

(2) in subsection (b), by striking "disapproved, or, as finally approved" and inserting "reduced, or, as finally affirmed".

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

SEC. 5321. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 860. Art 60. Post-trial processing in general and special courts-martial

"(a) STATEMENT OF TRIAL RESULTS.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled 'Statement of Trial Results', which shall set forth—

"(A) each plea and finding;

"(B) the sentence, if any; and

"(C) such other information as the President may prescribe by regulation.

"(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

"(b) POST-TRIAL MOTIONS.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

"(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

"(2) are subject to resolution by the military judge before entry of judgment.".

SEC. 5322. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5321 of this Act, the following new section (article):

10 USC 860a note.

"§ 860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

"(a) IN GENERAL.—(1) The convening authority of a general or special court-martial described in paragraph (2)—

"(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

"(B) may not act on the findings of the court-martial.

"(2) The courts-martial referred to in paragraph (1) are the following:

"(A) A general or special court-martial in which the maximum sentence of confinement established under subsection (a) of section 856 of this title (article 56) for any offense of which the accused is found guilty is more than two years.

"(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

"(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

"(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.

"(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

"(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

"(b) REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

"(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

"(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

"(C) A sentence of death.

"(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

"(c) SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend—

"(A) a sentence of confinement, in whole or in part; or

"(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

"(2) The convening authority may not, under paragraph (1)—

"(A) suspend a mandatory minimum sentence; or

"(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

"(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

"(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

"(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

"(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In accordance with rules prescribed by the President, in determining whether

to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

"(A) procedures for notice of the opportunity to make such submissions;

"(B) the deadlines for such submissions; and

"(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

"(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

"(f) DECISION OF CONVENING AUTHORITY.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

"(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

"(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.".

SEC. 5323. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5322 of this Act, the following new section (article):

10 USC 860b note.

"§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

"(a) IN GENERAL.—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

"(A) dismiss any charge or specification by setting aside the finding of guilty;

"(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

"(C) disapprove the findings and the sentence and dismiss the charges and specifications;

"(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

"(E) disapprove, commute, or suspend the sentence, in whole or in part; or

"(F) disapprove the sentence and order a rehearing as to the sentence.

"(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

"(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

"(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

"(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

"(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

"(1) as to the findings, if there is insufficient evidence in the record to support the findings;

"(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

"(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter.

"(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

"(d) DECISION OF CONVENING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

"(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.".

SEC. 5324. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5323 of this Act, the following new section (article):

"§ 860c. Art. 60c. Entry of judgment

10 USC 860c note.

"(a) ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

"(A) The Statement of Trial Results under section 860 of this title (article 60).

"(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

"(i) any post-trial action by the convening authority; or

"(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

"(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

"(A) provided to the accused and to any victim of the offense; and

"(B) made available to the public.

"(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be recorded and distributed under rules prescribed by the President.".

SEC. 5325. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 861. Art. 61. Waiver of right to appeal; withdrawal of appeal

"(a) WAIVER OF RIGHT TO APPEAL.—After entry of judgment in a general or special court-martial, under procedures prescribed by the Secretary concerned, the accused may waive the right to appellate review in each case subject to such review under section 866 of this title (article 66). Such a waiver shall be—

"(1) signed by the accused and by defense counsel; and

"(2) attached to the record of trial.

"(b) WITHDRAWAL OF APPEAL.—In a general or special court-martial, the accused may withdraw an appeal at any time.

"(c) DEATH PENALTY CASE EXCEPTION.—Notwithstanding subsections (a) and (b), an accused may not waive the right to appeal or withdraw an appeal with respect to a judgment that includes a sentence of death.

"(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).".

SEC. 5326. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1) of subsection (a)—

(A) in the matter before subparagraph (A), by striking "court-martial" and all that follows through the colon at the end and inserting "general or special court-martial, or in a pretrial proceeding under section 830a of this title (article 30a), the United States may appeal the following:"; and

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

"(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.";

(2) in paragraph (2) of subsection (a)—

(A) by striking "(2)" and inserting "(2)(A)"; and

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

"(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44)."; and

(3) by adding at the end the following:

"(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

"(e) The provisions of this section shall be liberally construed to effect its purposes.".

SEC. 5327. REHEARINGS.

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a)" before "Each rehearing";

(2) in the second sentence, by striking "may be approved" and inserting "may be adjudged";

(3) by striking the third sentence; and

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

"(b) If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

"(c) If, after appeal by the Government under section 856(d) of this title (article 56(d)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence, subject to such limitations as the President may prescribe by regulation.".

SEC. 5328. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), is amended by striking the first two sentences and inserting the following:

"(a) IN GENERAL.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading of such section (article) is amended to read as follows:

"§ 864. Art. 64. Judge advocate review of finding of guilty in summary court-martial".

(2) Subsection (b) of such section (article) is amended—

(A) by striking "(b) The record" and inserting "(b) RECORD.—The record";

(B) in paragraph (1), by adding "or" at the end;

(C) by striking paragraph (2); and

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

(3) Subsection (c)(3) of such section (article) is amended by striking "section 869(b) of this title (article 69(b))." and inserting "section 869 of this title (article 69).".

SEC. 5329. TRANSMITTAL AND REVIEW OF RECORDS.

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 865. Art. 65. Transmittal and review of records

"(a) TRANSMITTAL OF RECORDS.—

"(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

"(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

"(b) CASES FOR DIRECT APPEAL.—

"(1) AUTOMATIC REVIEW.—If the judgment includes a sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable discharge or bad-conduct discharge, or confinement for 2 years or more, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(2) of this title (article 66(b)(2)).

"(2) CASES ELIGIBLE FOR DIRECT APPEAL REVIEW.—

"(A) IN GENERAL.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

"(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

"(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

"(B) INAPPLICABILITY.—Subparagraph (A) shall not apply if the accused—

"(i) waives the right to appeal under section 861 of this title (article 61); or

"(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

"(c) NOTICE OF RIGHT TO APPEAL.—

"(1) IN GENERAL.—The Judge Advocate General shall provide notice to the accused of the right to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

"(2) INAPPLICABILITY UPON WAIVER OF APPEAL.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

"(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

"(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

"(2) REVIEW OF CASES NOT ELIGIBLE FOR DIRECT APPEAL.—

"(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).

"(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

"(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

"(ii) A conclusion as to whether the charge and specification stated an offense.

"(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

"(iv) A response to each allegation of error made in writing by the accused.

"(3) REVIEW WHEN DIRECT APPEAL IS WAIVED, WITHDRAWN, OR NOT FILED.—

"(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

"(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

"(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of section 866(b)(1) of this title (article 66(b)(1)).

"(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

"(e) REMEDY.—

"(1) IN GENERAL.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

"(2) REHEARING.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

"(3) REMEDY WITHOUT REHEARING.—

"(A) DISMISSAL WHEN NO REHEARING ORDERED.—If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

"(B) DISMISSAL WHEN REHEARING IMPRACTICAL.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.".

SEC. 5330. COURTS OF CRIMINAL APPEALS.

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking "subsection (f)" and inserting "subsection (h)";

(2) in the fourth sentence, by inserting after "highest court of a State" the following: "and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge"; and

(3) by adding at the end the following new sentence: "In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.".

(b) REVISION OF APPELLATE PROCEDURES.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (g), (h), (i), and (j), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

"(b) REVIEW.—

"(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction over a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

"(A) On appeal by the accused in a case in which the sentence extends to confinement for more than six months and the case is not subject to automatic review under paragraph (3).

"(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

"(C) On appeal by the accused in a case that the Judge Advocate General has sent to the Court of Criminal Appeals for review of the sentence under section 856(d) of this title (article 56(d)).

"(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

"(2) REVIEW OF CERTAIN SENTENCES.—A Court of Criminal Appeals shall have jurisdiction over all cases that the Judge Advocate General orders sent to the Court for review under section 856(d) of this title (article 56(d)).

"(3) AUTOMATIC REVIEW.—A Court of Criminal Appeals shall have jurisdiction over a court-martial in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable discharge or bad-conduct discharge, or confinement for 2 years or more.

"(c) TIMELINESS.—An appeal under subsection (b)(1) is timely if it is filed as follows:

"(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

"(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); or

"(B) the date set by the Court of Criminal Appeals by rule or order.

"(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

"(A) the end of the 90-day period beginning on the date the accused is notified that the application for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

"(B) the date set by the Court of Criminal Appeals by rule or order.

"(d) DUTIES.—

"(1) CASES APPEALED BY ACCUSED.—In any case before the Court of Criminal Appeals under subsection (b), the Court may act only with respect to the findings and sentence as entered into the record under section 860c of this title (article 60c). The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

"(2) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

"(e) CONSIDERATION OF APPEAL OF SENTENCE BY THE UNITED STATES.—

"(1) IN GENERAL.—In considering a sentence on appeal or review as provided in section 856(d) of this title (article 56(d)), the Court of Criminal Appeals may consider—

"(A) whether the sentence violates the law; and

"(B) whether the sentence is plainly unreasonable.

"(2) RECORD ON APPEAL OR REVIEW.—In an appeal or review under this subsection or section 856(d) of this title (article 56(d)), the record on appeal or review shall consist of—

"(A) any portion of the record in the case that is designated as pertinent by either of the parties;

"(B) the information submitted during the sentencing proceeding; and

"(C) any information required by rule or order of the Court of Criminal Appeals.

"(f) LIMITS OF AUTHORITY.—

"(1) SET ASIDE OF FINDINGS.—

"(A) IN GENERAL.—If the Court of Criminal Appeals sets aside the findings, the Court—

"(i) may affirm any lesser included offense; and

"(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

"(B) DISMISSAL WHEN NO REHEARING ORDERED.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

"(C) DISMISSAL WHEN REHEARING IMPRACTICABLE.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

"(2) SET ASIDE OF SENTENCE.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

"(A) modify the sentence to a lesser sentence; or

"(B) order a rehearing.

"(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.".

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (g) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking "convening authority" and inserting "appropriate authority"; and

(2) by striking the last sentence.

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

"§ 866. Art. 66. Courts of Criminal Appeals".

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "COURTS OF CRIMINAL APPEALS.—" after "(a)";

(2) in subsection (g), as redesignated by subsection (b)(1) of this section, by inserting "ACTION IN ACCORDANCE WITH DECISIONS OF COURTS.—" after "(g)";

(3) in subsection (h), as so redesignated, by inserting "RULES OF PROCEDURE.—" after "(h)";

(4) in subsection (i), as so redesignated, by inserting "PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—" after "(i)"; and

(5) in subsection (j), as so redesignated, by inserting "INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—" after "(j)".

SEC. 5331. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after "the Judge Advocate General" the following: ", after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps,".

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting "(1)" after "(c)";

(2) by designating the second sentence as paragraph (2);
(3) by designating the third sentence as paragraph (3);
(4) by designating the fourth sentence as paragraph (4); and
(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking "only with respect to" and all that follows through the end of the sentence and inserting "only with respect to—
"(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or
"(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.".

SEC. 5332. SUPREME COURT REVIEW.

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before "Court of Appeals" the following: "United States".

SEC. 5333. REVIEW BY JUDGE ADVOCATE GENERAL.

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 869. Art. 69. Review by Judge Advocate General

"(a) IN GENERAL.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

"(b) TIMING.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

"(c) SCOPE.—(1)(A) In a case reviewed under section 864 or 865(b) of this title (article 64 or 65(b)), the Judge Advocate General may set aside the findings or sentence, in whole or in part on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

"(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

"(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

"(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

"(2) In a case reviewed under section 865(b) of this title (article 65(b)), review under this section is limited to the issue of whether

the waiver or withdrawal of an appeal was invalid under the law. If the Judge Advocate General determines that the waiver or withdrawal of an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

"(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

"(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

"(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

"(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

"(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

"(B) the application is filed not later than the earlier of—

"(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

"(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for delivery by first-class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record.

"(3) The submission of an application for review under this subsection does not constitute a proceeding before the Court of Criminal Appeals for purposes of section 870(c)(1) of this title (article 70(c)(1)).

"(e) ACTION ONLY ON MATTERS OF LAW.—Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Criminal Appeals under subsection (d), the Court may take action only with respect to matters of law.".

SEC. 5334. APPELLATE DEFENSE COUNSEL IN DEATH PENALTY CASES.

Section 870 of title 10, United States Code (article 70 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(f) To the greatest extent practicable, in any capital case, at least one defense counsel under subsection (c) shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.".

SEC. 5335. AUTHORITY FOR HEARING ON VACATION OF SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72 of the Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: "The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.".

(b) TECHNICAL AMENDMENTS.—Such section (article) is further amended—

(1) in the last sentence of subsection (a), by striking "if he so desires" and inserting "if the probationer so desires"; and

(2) in the second sentence of subsection (b)—

(A) by striking "If he" and inserting "If the officer exercising general court-martial jurisdiction"; and

(B) by striking "section 871(c) of this title (article 71(c))" and inserting "section 857 of this title (article 57)".

SEC. 5336. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking "two years after approval by the convening authority of a court-martial sentence" and inserting "three years after the date of the entry of judgment under section 860c of this title (article 60c)".

SEC. 5337. RESTORATION.

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.".

SEC. 5338. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking ", as approved under section 860 of this title (article 60),"; and

(2) in the second sentence, by striking "on which the sentence is approved under section 860 of this title (article 60)" and inserting "of the entry of judgment under section 860c of this title (article 60c)".

TITLE LX—PUNITIVE ARTICLES

SEC. 5401. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:

(1) ENLISTMENT AND SEPARATION.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) NONCOMPLIANCE WITH PROCEDURAL RULES.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) CAPTURED OR ABANDONED PROPERTY.—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to appear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) STALKING.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) FORGERY.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) MAIMING.—

(A) IN GENERAL.—Section 924 (article 124) is transferred so as to appear after section 928 (article 128) and is redesignated as section 928a (article 128a).

(B) CONFORMING AMENDMENTS.—Section 919a(b) (article 919a(b)) is amended—

(i) by striking "924," and inserting "928a,"; and

(ii) by striking "124," and inserting "128a".

(14) FRAUDS AGAINST THE UNITED STATES.—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

SEC. 5402. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

"(a) IN GENERAL.—An accused may be found guilty of any of the following:

"(1) The offense charged.

"(2) A lesser included offense.

"(3) An attempt to commit the offense charged.

"(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

"(b) LESSER INCLUDED OFFENSE DEFINED.—In this section (article), the term 'lesser included offense' means—

"(1) an offense that is necessarily included in the offense charged; and

"(2) any lesser included offense so designated by regulation prescribed by the President.

"(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.".

SEC. 5403. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 882. Art. 82. Soliciting commission of offenses

"(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to

commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

"(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

"(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

"(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.".

SEC. 5404. MALINGERING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 5403 of this Act, the following new section (article):

10 USC 883.

"§ 883. Art. 83. Malingering

"Any person subject to this chapter who, with the intent to avoid work, duty, or service—

"(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

"(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.".

SEC. 5405. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 5404 of this Act, the following new section (article):

10 USC 884.

"§ 884. Art. 84. Breach of medical quarantine

"Any person subject to this chapter—

"(1) who is ordered into medical quarantine by a person authorized to issue such order; and

"(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.".

SEC. 5406. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 887. Art. 87. Missing movement; jumping from vessel

"(a) MISSING MOVEMENT.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

"(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.".

SEC. 5407. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(2) of this Act, the following new section (article):

"§ 887b. Art. 87b. Offenses against correctional custody and restriction

10 USC 887b.

"(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

"(1) who is placed in correctional custody by a person authorized to do so;

"(2) who, while in correctional custody, is under physical restraint; and

"(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

"(b) BREACH OF CORRECTIONAL CUSTODY.—Any person subject to this chapter—

"(1) who is placed in correctional custody by a person authorized to do so;

"(2) who, while in correctional custody, is under restraint other than physical restraint; and

"(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

"(c) BREACH OF RESTRICTION.—Any person subject to this chapter—

"(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

"(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.".

SEC. 5408. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

"(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person's superior commissioned officer shall be punished as a court-martial may direct.

"(b) ASSAULT.—Any person subject to this chapter who strikes that person's superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer's office shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.".

SEC. 5409. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 890. Art. 90. Willfully disobeying superior commissioned officer

"Any person subject to this chapter who willfully disobeys a lawful command of that person's superior commissioned officer shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.".

SEC. 5410. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice), the following new section (article):

10 USC 893a.

"§ 893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust

"(a) ABUSE OF TRAINING LEADERSHIP POSITION.—Any person subject to this chapter—

"(1) who is an officer, a noncommissioned officer, or a petty officer;

"(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

"(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

"(b) ABUSE OF POSITION AS MILITARY RECRUITER.—Any person subject to this chapter—

"(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

"(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.

"(c) CONSENT.—Consent is not a defense for any conduct at issue in a prosecution under this section (article).

"(d) DEFINITIONS.—In this section (article):

"(1) SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES.—The term 'specially protected junior member of the armed forces' means—

"(A) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

"(B) a member of the armed forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; and

"(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned,

is identified as a training program for initial career qualification.

"(2) TRAINING LEADERSHIP POSITION.—The term 'training leadership position' means, with respect to a specially protected junior member of the armed forces, any of the following:

"(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

"(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

"(3) APPLICANT FOR MILITARY SERVICE.—The term 'applicant for military service' means a person who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

"(4) MILITARY RECRUITER.—The term 'military recruiter' means a person who, under regulations prescribed by the Secretary concerned, has the primary duty to recruit persons for military service.

"(5) PROHIBITED SEXUAL ACTIVITY.—The term 'prohibited sexual activity' means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.".

SEC. 5411. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(8) of this Act, is amended to read as follows:

"§ 895. Art. 95. Offenses by sentinel or lookout

"(a) DRUNK OR SLEEPING ON POST, OR LEAVING POST BEFORE BEING RELIEVED.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

"(b) LOITERING OR WRONGFULLY SITTING ON POST.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.".

SEC. 5412. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5411 of this Act, the following new section (article):

"§ 895a. Art. 95a. Disrespect toward sentinel or lookout 10 USC 895a.

"(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful

language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

"(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.".

SEC. 5413. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 896. Art. 96. Release of prisoner without authority; drinking with prisoner

"(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

"(1) who, without authority to do so, releases a prisoner; or

"(2) who, through neglect or design, allows a prisoner to escape;

shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

"(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.".

SEC. 5414. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(7) of this Act, is amended by inserting before the period at the end of the first sentence the following: "or such other punishment as a court-martial or a military commission may direct".

SEC. 5415. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5401(5) of this Act, the following new section (article):

10 USC 904.

"§ 904. Art. 104. Public records offenses

"Any person subject to this chapter who, willfully and unlawfully—

"(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

"(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.".

SEC. 5416. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(12) of this Act, the following new section (article):

"§ 905a. Art. 105a. False or unauthorized pass offenses 10 USC 905a.

"(a) WRONGFUL MAKING, ALTERING, ETC.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

"(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

"(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.".

SEC. 5417. IMPERSONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added by section 5416 of this Act, the following new section (article):

"§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official 10 USC 906.

"(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

"(1) an officer, a noncommissioned officer, or a petty officer;

"(2) an agent of superior authority of one of the armed forces; or

"(3) an official of a government;

shall be punished as a court-martial may direct.

"(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

"(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.".

SEC. 5418. INSIGNIA OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 5417 of this Act, the following new section (article):

"§ 906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button 10 USC 906a.

"Any person subject to this chapter—

"(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

"(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing;

shall be punished as a court-martial may direct.".

SEC. 5419. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 907. Art. 107. False official statements; false swearing

"(a) FALSE OFFICIAL STATEMENTS.—Any person subject to this chapter who, with intent to deceive—

"(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

"(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.

"(b) FALSE SWEARING.—Any person subject to this chapter—

"(1) who takes an oath that—

"(A) is administered in a matter in which such oath is required or authorized by law; and

"(B) is administered by a person with authority to do so; and

"(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.".

SEC. 5420. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 5419 of this Act, the following new section (article):

10 USC 907a.

"§ 907a. Art. 107a. Parole violation

"Any person subject to this chapter—

"(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

"(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.".

SEC. 5421. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):

10 USC 909a.

"§ 909a. Art. 109a. Mail matter: wrongful taking, opening, etc.

"(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

"(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or

received by the addressee shall be punished as a court-martial may direct.".

SEC. 5422. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 910. Art. 110. Improper hazarding of vessel or aircraft

"(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

"(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.".

SEC. 5423. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5422 of this Act, the following new section (article):

"§ 911. Art. 111. Leaving scene of vehicle accident

10 USC 911.

"(a) DRIVER.—Any person subject to this chapter—

"(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

"(2) who wrongfully leaves the scene of the accident—

"(A) without providing assistance to an injured person; or

"(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

"(b) SENIOR PASSENGER.—Any person subject to this chapter—

"(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

"(2) who is the superior commissioned or noncommissioned officer of the driver of the vehicle or is the commander of the vehicle; and

"(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

"(A) without providing assistance to an injured person; or

"(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.".

SEC. 5424. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 912. Art. 112. Drunkenness and other incapacitation offenses

"(a) DRUNK ON DUTY.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

"(b) INCAPACITATION FOR DUTY FROM DRUNKENNESS OR DRUG USE.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

"(c) DRUNK PRISONER.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.".

SEC. 5425. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(9) of this Act, is amended—

(1) by striking "0.10 grams" both places it appears and inserting "0.08 grams"; and

(2) by adding at the end the following new sentence: "The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.".

SEC. 5426. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 914. Art. 114. Endangerment offenses

"(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

"(1) is wrongful and reckless or is wanton; and

"(2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

"(b) DUELING.—Any person subject to this chapter—

"(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

"(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

"(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

"(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.".

SEC. 5427. COMMUNICATING THREATS.

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 915. Art. 115. Communicating threats

"(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure

the person, property, or reputation of another shall be punished as a court-martial may direct.

"(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

"(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term 'false threat' means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.".

SEC. 5428. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking "forcible sodomy,".

SEC. 5429. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

"§ 919b. Art. 119b. Child endangerment 10 USC 919b.

"Any person subject to this chapter—

"(1) who has a duty for the care of a child under the age of 16 years; and

"(2) who, through design or culpable negligence, endangers the child's mental or physical health, safety, or welfare;

shall be punished as a court-martial may direct.".

SEC. 5430. RAPE AND SEXUAL ASSAULT OFFENSES.

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) in paragraph (2)—

(A) by striking "another person when" and inserting "another person—

"(B) when"; and

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) without the consent of the other person; or".

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:

"(1) SEXUAL ACT.—The term 'sexual act' means—

"(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

"(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

"(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.".

(2) SEXUAL CONTACT.—Paragraph (2) of such subsection is amended to read as follows:

"(2) SEXUAL CONTACT.—The term 'sexual contact' means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, brest, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.".

(3) REPEAL OF DEFINITION OF BODILY HARM.—Such subsection is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking "or submission resulting from the use of force, threat of force, or placing another in fear";

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: "Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent."; and

(iii) in the last sentence, by striking "shall not" and inserting "does not";

(B) in subparagraph (B), by striking "subparagraph (B) or (D)" and inserting "subparagraph (B) or (C)"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) in the last sentence, by striking ", or whether" and all that follows and inserting a period.

(5) INCAPABLE OF CONSENTING.—Such subsection is further amended by adding at the end the following new paragraph (8):

"(8) INCAPABLE OF CONSENTING.—The term 'incapable of consenting' means the person is—

"(A) incapable of appraising the nature of the conduct at issue; or

"(B) physically incapable of declining participation in, or communicating unwillingess to engage in, the sexual act at issue.".

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Subsection (h)(1) of section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), is amended by inserting before the period at the end the following: ", except that the term

'sexual act' also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person".

SEC. 5431. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

"§ 920a. Art. 120a. Mails: deposit of obscene matter 10 USC 920a.

"Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.".

SEC. 5432. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

"§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices 10 USC 921a.

"(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

"(1) a stolen credit card, debit card, or other access device;

"(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

"(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

"(b) ACCESS DEVICE DEFINED.—In this section (article), the term 'access device' has the meaning given that term in section 1029 of title 18.".

SEC. 5433. FALSE PRETENSES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5432 of this Act, the following new section (article):

"§ 921b. Art. 121b. False pretenses to obtain services 10 USC 921b.

"Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.".

SEC. 5434. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 922. Art. 122. Robbery

"Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company

at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.".

SEC. 5435. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 5434 of this Act, the following new section (article):

10 USC 922a.

"§ 922a. Art. 122a. Receiving stolen property

"Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.".

SEC. 5436. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 5435 of this Act, the following new section (article):

10 USC 923.

"§ 923. Art. 123. Offenses concerning Government computers

"(a) IN GENERAL.—Any person subject to this chapter who—

"(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

"(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any Government computer; or

"(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization to a Government computer;

shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'computer' has the meaning given that term in section 1030 of title 18.

"(2) The term 'Government computer' means a computer owned or operated by or on behalf of the United States Government.

"(3) The term 'damage' has the meaning given that term in section 1030 of title 18.".

SEC. 5437. BRIBERY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(14) of this Act, the following new section (article):

10 USC 924a.

"§ 924a. Art. 124a. Bribery

"(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

"(1) who occupies an official position or who has official duties; and

"(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person's decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

"(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.".

SEC. 5438. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5437 of this Act, the following new section (article):

"§ 924b. Art. 124b. Graft

10 USC 924b.

"(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

"(1) who occupies an official position or who has official duties; and

"(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

"(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.".

SEC. 5439. KIDNAPPING.

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 925. Art. 125. Kidnapping

"Any person subject to this chapter who wrongfully—

"(1) seizes, confines, inveigles, decoys, or carries away another person; and

"(2) holds the other person against that person's will;

shall be punished as a court-martial may direct.".

SEC. 5440. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 926. Art. 126. Arson; burning property with intent to defraud

"(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited

dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that person, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

"(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

"(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.".

SEC. 5441. ASSAULT.

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 928. Art. 128. Assault

"(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

"(1) attempts to do bodily harm to another person;

"(2) offers to do bodily harm to another person; or

"(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

"(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

"(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

"(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

"(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

"(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

"(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.".

SEC. 5442. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section 929a of such title (article 129a), as redesignated by section 5401(10) of this Act, are amended to read as follows:

"§ 929. Art. 129. Burglary; unlawful entry

"(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

"(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

"(1) the real property of another; or

"(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.".

SEC. 5443. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(11) of this Act, is amended to read as follows:

"§ 930. Art. 130. Stalking

"(a) IN GENERAL.—Any person subject to this chapter—

"(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

"(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

"(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'conduct' means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

"(2) The term 'course of conduct' means—

"(A) a repeated maintenance of visual or physical proximity to a specific person;

"(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

"(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

"(3) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

"(4) The term 'immediate family', in the case of a specific person, means—

"(A) that person's spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

"(B) any other person living in his or her household and related to him or her by blood or marriage.

"(5) The term 'intimate partner', in the case of a specific person, means—

"(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

"(B) a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.".

SEC. 5444. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):

"§ 931a. Art. 131a. Subornation of perjury

"(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

"(1) to take an oath; and

"(2) to falsely testify, depose, or state upon such oath; shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

"(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

"(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

"(2) The oath is administered by a person having authority to do so.

"(3) Upon the oath, the other person willfully makes or subscribes a statement.

"(4) The statement is material.

"(5) The statement is false.

"(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.".

SEC. 5445. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article 131a of the Uniform Code of Military Justice), as added by section 5444 of this Act, the following new section (article):

10 USC 931b.

"§ 931b. Art. 131b. Obstructing justice

"Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.".

SEC. 5446. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added by section 5445 of this Act, the following new section (article):

10 USC 931c.

"§ 931c. Art. 131c. Misprision of serious offense

"Any person subject to this chapter—

"(1) who knows that another person has committed a serious offense; and

"(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.".

SEC. 5447. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5446 of this Act, the following new section (article):

"§ 931d. Art. 131d. Wrongful refusal to testify 10 USC 931d.

"Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, a preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.".

SEC. 5448. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5447 of this Act, the following new section (article):

"§ 931e. Art. 131e. Prevention of authorized seizure of property 10 USC 931e.

"Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.".

SEC. 5449. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(3) of this Act, the following new section (article):

"§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding 10 USC 931g.

"Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent—

"(1) to influence, impede, or obstruct the conduct of the proceeding; or

"(2) otherwise to obstruct the due administration of justice;

shall be punished as a court-martial may direct.".

SEC. 5450. RETALIATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 5449 of this Act, the following new section (article):

10 USC 932.

"§ 932. Art. 132. Retaliation

"(a) IN GENERAL.—Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

"(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

"(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'protected communication' means the following:

"(A) A lawful communication to a Member of Congress or an Inspector General.

"(B) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

"(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

"(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) The term 'Inspector General' has the meaning given that term in section 1034(h) of this title.

"(3) The term 'covered individual or organization' means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

"(4) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.".

SEC. 5451. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: "As used in the preceding sentence, the term 'crimes and offenses not capital' includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.".

SEC. 5452. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

"SUBCHAPTER X—PUNITIVE ARTICLES

"Sec. Art.
"877. Art. 77. Principals.
"878. Art. 78. Accessory after the fact.
"879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
"880. Art. 80. Attempts.
"881. Art. 81. Conspiracy.
"882. Art. 82. Soliciting commission of offenses.

TITLE LXI—MISCELLANEOUS PROVISIONS

SEC. 5501. TECHNICAL AMENDMENTS RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking "(c) Any person" and inserting "(c)(1) Any person";

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking "subject to this chapter or employed by the Department of Defense" and inserting "who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) with respect to the Coast Guard, employed by the department in which the Coast Guard is operating when it is not operating as a service in the Navy, and".

SEC. 5502. TECHNICAL AMENDMENT TO ARTICLE 136.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words in the section heading.

SEC. 5503. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking "(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)" and inserting " (a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)";

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

"(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

"(A) the initial entrance of the officer on active duty as an officer; or

"(B) the initial commissioning of the officer in a reserve component.

"(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.

"(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

"(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

"(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination; and

"(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.".

SEC. 5504. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§ 940a. Art. 140a. Case management; data collection and accessibility

10 USC 940a.

"The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

"(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

"(2) Case processing and management.

"(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

"(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.".

(b) EFFECTIVE DATES.—

10 USC 940a note.

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

(2) STANDARDS AND CRITERIA.—Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect.

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

SEC. 5521. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 946. Art. 146. Military Justice Review Panel

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the 'Military Justice Review Panel' (in this section referred to as the 'Panel').

"(b) MEMBERS.—

"(1) NUMBER OF MEMBERS.—The Panel shall be composed of thirteen members.

"(2) APPOINTMENT OF CERTAIN MEMBERS.—Each of the following shall appoint one member of the Panel:

"(A) The Secretary of Defense (in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy).

"(B) The Attorney General.

"(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

"(3) APPOINTMENT OF REMAINING MEMBERS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:

"(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(B) The Chief Justice of the United States.

"(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

"(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

"(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

"(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

"(f) REVIEWS AND REPORTS.—

"(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the implementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

"(2) SENTENCING DATA COLLECTION AND REPORT.—During fiscal year 2020, the Panel shall gather and analyze sentencing data collected from each of the armed forces from general and special courts-martial applying offense-based sentencing under section 856 of this title (article 56). The sentencing data shall include the number of accused who request member sentencing and the number who request sentencing by military judge alone, the offenses which the accused were convicted of, and the resulting sentence for each offense in each case. The Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall provide the sentencing data in the format and for the duration established by the chair of the Panel. Not later than October 31, 2020, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives through the Secretary of Defense a report setting forth the Panel's findings and recommendations on the need for sentencing reform.

"(3) PERIODIC COMPREHENSIVE REVIEWS.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

"(4) PERIODIC INTERIM REVIEWS.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

"(5) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of such review and assessment, including the Panel's findings and recommendations.

"(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

"(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

"(i) ADMINISTRATIVE MATTERS.—

"(1) MEMBERS TO SERVE WITHOUT PAY.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

"(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.

"(j) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.".

SEC. 5522. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

10 USC 946a.

"§ 946a. Art. 146a. Annual reports

"(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

"(b) SERVICE REPORTS.—Not later than December 31 each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

"(1) Data on the number and status of pending cases.

"(2) Information on the appellate review process, including—

"(A) information on compliance with processing time goals;

"(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

"(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

"(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

"(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

"(ii) to preside as military judges in cases under this chapter; and

"(iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

"(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

"(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within

the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

"(5) Such other matters regarding the operation of this chapter as may be appropriate.

"(c) SUBMISSION.—Each report under this section shall be submitted—

"(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

"(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.".

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 5541. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows: 10 USC prec. 807.

(1) SUBCHAPTER II; APPREHENSION AND RESTRAINT.—The table of sections at the beginning of subchapter II is amended—

(A) by striking the item relating to section 810 (article 10) and inserting the following new item:

"810. Art. 10. Restraint of persons charged."; and

(B) by striking the item relating to section 812 (article 12) and inserting the following new item:

"812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others.".

(2) SUBCHAPTER V; COMPOSITION OF COURTS-MARTIAL.—The table of sections at the beginning of subchapter V is amended— 10 USC prec. 822.

(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

"825. Art. 25a. Number of court-martial members in capital cases.";

(B) by inserting after the item relating to section 826 (article 26) the following new item:

"826a. Art. 26a. Military magistrates."; and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

"829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.".

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VI is amended— 10 USC prec. 830.

(A) by inserting after the item relating to section 830 (article 30) the following new item:

"830. Art. 30a. Certain proceedings conducted before referral."; and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

"832. Art. 32. Preliminary hearing required before referral to general court-martial.
"833. Art. 33. Disposition guidance.
"834. Art. 34. Advice to convening authority before referral for trial.
"835. Art. 35. Service of charges; commencement of trial.".

10 USC prec. 836.

(4) SUBCHAPTER VII; TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VII is amended—

(A) by striking the items relating to sections 846 through 848 (articles 46 through 48) and inserting the following new items:

"846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.
"847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.
"848. Art. 48. Contempt.";

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

"850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.";

(C) by striking the items relating to section 852 (article 52) and inserting the following new item:

"852. Art. 52. Votes required for conviction, sentencing, and other matters."; and

(D) by striking the item relating to section 853 (article 53) and inserting the following new items:

"853. Art. 53. Findings and sentencing.
"853a. Art. 53a. Plea agreements.".

10 USC prec. 855.

(5) SUBCHAPTER VIII; SENTENCES.—The table of sections at the beginning of subchapter VIII is amended—

(A) by striking the item relating to section 856 (article 56) and inserting the following new item:

"856. Art. 56. Sentencing."; and

(B) by striking the items relating to sections 856a and 857a (articles 56a and 57a).

10 USC prec. 859.

(6) SUBCHAPTER IX; POST-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter IX is amended—

(A) by striking the items relating to sections 860 and 61 (articles 60 and 61) and inserting the following new items:

"860. Art. 60. Post-trial processing in general and special courts-martial.
"860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances.
"860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.
"860c. Art. 60c. Entry of judgment.
"861. Art. 61. Waiver of right to appeal; withdrawal of appeal.";

(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

"864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.
"865. Art. 65. Transmittal and review of records.
"866. Art. 66. Courts of Criminal Appeals.";

(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

"869. Art. 69. Review by Judge Advocate General."; and

(D) by striking the item relating to section 871 (article 71).

(7) SUBCHAPTER XI; MISCELLANEOUS PROVISIONS.—The table of sections at the beginning of subchapter XI is amended— 10 USC prec. 935.

(A) by striking the item relating to section 936 (article 136) and inserting the following new item:

"936. Art. 136. Authority to administer oaths."; and

(B) by inserting after the item relating to section 940 (article 140) the following new item:

"940a. Art. 140a. Case management; data collection and accessibility.".

(8) SUBCHAPTER XII; UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 (article 146) and inserting the following new items: 10 USC prec. 941.

"946. Art. 146. Military Justice Review Panel.
"946a. Art. 146a. Annual reports.".

SEC. 5542. EFFECTIVE DATES. 10 USC 801 note.

(a) IN GENERAL.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) IMPLEMENTING REGULATIONS.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided in this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner

and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense committed before the effective date of such amendments.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to invalidate the prosecution of any offense committed before the effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regulations prescribing the authorized punishments for any offense committed before the effective date of the amendments made by title LVIII shall apply to the authorized punishments for the offense, as in effect at the time the offense is committed.

Approved December 23, 2016.

LEGISLATIVE HISTORY—S. 2943 (H.R. 4909):

HOUSE REPORTS: Nos. 114–840 (Comm. of Conference) and 114–537, Pt. 2 (Comm. on Armed Services) accompanying H.R. 4909.
SENATE REPORTS: No. 114–255 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 162 (2016):
June 6–10, 13, 14, considered and passed Senate.
July 7, considered and passed House, amended, in lieu of H.R. 4909, pursuant to H. Res. 809.
Dec. 2, House agreed to conference report.
Dec. 7, 8, Senate considered and agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):
Dec. 23, Presidential statement.

Public Law 114–329
114th Congress

An Act

To invest in innovation through research and development, and to improve the competitiveness of the United States.

Jan. 6, 2017
[S. 3084]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Innovation and Competitiveness Act.
42 USC 1861 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Innovation and Competitiveness Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

42 USC 1862s note.

SEC. 2. DEFINITIONS.

In this Act, unless expressly provided otherwise:

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

(2) FEDERAL SCIENCE AGENCY.—The term "Federal science agency" has the meaning given the term in section 103 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6623).

(3) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NIST.—The term "NIST" means the National Institute of Standards and Technology.

(6) STEM.—The term "STEM" has the meaning given the term in section 2 of the American COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(7) STEM EDUCATION.—The term "STEM education" has the meaning given the term in section 2 of the STEM Education Act of 2015 (42 U.S.C. 6621 note).

TITLE I—MAXIMIZING BASIC RESEARCH

42 USC 1862s.

SEC. 101. REAFFIRMATION OF MERIT-BASED PEER REVIEW.

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

(1) sustained, predictable Federal funding of basic research is essential to United States leadership in science and technology;

(2) the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals, as concluded by the 2011 National Science Board Task Force on Merit Review;

(3) evaluating proposals on the basis of the Foundation's intellectual merit and broader impacts criteria should be used to assure that the Foundation's activities are in the national interest as these reviews can affirm that—

(A) the proposals funded by the Foundation are of high quality and advance scientific knowledge; and

(B) the Foundation's grants address societal needs through basic research findings or through related activities; and

(4) as evidenced by the Foundation's contributions to scientific advancement, economic growth, human health, and national security, its peer review and merit review processes have identified and funded scientifically and societally relevant basic research and should be preserved.

(b) MERIT REVIEW CRITERIA.—The Foundation shall maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.

(c) UPDATES.—If after the date of enactment of this Act a change is made to the merit-review process, the Director shall submit a report to the appropriate committees of Congress not later than 30 days after the date of the change. Reports.

SEC. 102. TRANSPARENCY AND ACCOUNTABILITY. 42 USC 1862s–1.

(a) FINDINGS.—

(1) building the understanding of and confidence in investments in basic research is essential to public support for sustained, predictable Federal funding;

(2) the Foundation has improved transparency and accountability of the outcomes made through the merit review process, but additional transparency into individual grants is valuable in communicating and assuring the public value of federally funded research; and

(3) the Foundation should commit to transparency and accountability and to clear, consistent public communication regarding the national interest for each Foundation-awarded grant and cooperative agreement.

(b) GUIDANCE.—

(1) IN GENERAL.—The Director of the Foundation shall issue and periodically update, as appropriate, policy guidance for both Foundation staff and other Foundation merit review process participants on the importance of transparency and accountability to the outcomes made through the merit review process.

(2) REQUIREMENTS.—The guidance under paragraph (1) shall require that each public notice of a Foundation-funded research project justify the expenditure of Federal funds by—

(A) describing how the project—

(i) reflects the statutory mission of the Foundation, as established in the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); and

(ii) addresses the Foundation's intellectual merit and broader impacts criteria; and

(B) clearly identifying the research goals of the project in a manner that can be easily understood by both technical and non-technical audiences.

(c) BROADER IMPACTS REVIEW CRITERION UPDATE.—Section 526(a) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–14(a)) is amended to read as follows:

Applicability.

"(a) GOALS.—The Foundation shall apply a broader impacts review criterion to identify and demonstrate project support of the following goals:

"(1) Increasing the economic competitiveness of the United States.

"(2) Advancing of the health and welfare of the American public.

"(3) Supporting the national defense of the United States.

"(4) Enhancing partnerships between academia and industry in the United States.

"(5) Developing an American STEM workforce that is globally competitive through improved pre-kindergarten through grade 12 STEM education and teacher development, and improved undergraduate STEM education and instruction.

"(6) Improving public scientific literacy and engagement with science and technology in the United States.

"(7) Expanding participation of women and individuals from underrepresented groups in STEM.".

SEC. 103. EPSCOR REAFFIRMATION AND UPDATE.

(a) FINDINGS.—Section 517(a) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(a)) is amended—

(1) in paragraph (1)—

(A) by striking "The National" and inserting "the National"; and

(B) by striking "education," and inserting "education";

(2) in paragraph (2), by striking "with 27 States" and all that follows through the semicolon at the end and inserting "with 28 States and jurisdictions, taken together, receiving only about 12 percent of all National Science Foundation research funding;";

(3) by striking paragraph (3) and inserting the following:

"(3) each of the States described in paragraph (2) receives only a fraction of 1 percent of the Foundation's research dollars each year;"; and

(4) by adding at the end the following:

"(4) first established at the National Science Foundation in 1979, the Experimental Program to Stimulate Competitive Research (referred to in this section as 'EPSCoR') assists States and jurisdictions historically underserved by Federal research and development funding in strengthening their research and innovation capabilities;

"(5) the EPSCoR structure requires each participating State to develop a science and technology plan suited to State and local research, education, and economic interests and objectives;

"(6) EPSCoR has been credited with advancing the research competitiveness of participating States, improving awareness of science, promoting policies that link scientific investment and economic growth, and encouraging partnerships between government, industry, and academia;

"(7) EPSCoR proposals are evaluated through a rigorous and competitive merit-review process to ensure that awarded research and development efforts meet high scientific standards; and

"(8) according to the National Academy of Sciences, EPSCoR has strengthened the national research infrastructure and enhanced the educational opportunities needed to develop the science and engineering workforce.".

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that—

(A) since maintaining the Nation's scientific and economic leadership requires the participation of talented individuals nationwide, EPSCoR investments into State research and education capacities are in the Federal interest and should be sustained; and

(B) EPSCoR should maintain its experimental component by supporting innovative methods for improving research capacity and competitiveness.

(2) DEFINITION OF EPSCOR.—In this subsection, the term "EPSCoR" has the meaning given the term in section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note).

(c) AWARD STRUCTURE UPDATES.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9) is amended by adding at the end the following:

"(g) AWARD STRUCTURE UPDATES.—In implementing the mandate to maximize the impact of Federal EPSCoR support on building competitive research infrastructure, and based on the inputs and recommendations of previous EPSCoR reviews, the head of each Federal agency administering an EPSCoR program shall—

"(1) consider modifications to EPSCoR proposal solicitation, award type, and project evaluation—

"(A) to more closely align with current agency priorities and initiatives;

"(B) to focus EPSCoR funding on achieving critical scientific, infrastructure, and educational needs of that agency;

"(C) to encourage collaboration between EPSCoR-eligible institutions and researchers, including with institutions and researchers in other States and jurisdictions;

"(D) to improve communication between State and Federal agency proposal reviewers; and

"(E) to continue to reduce administrative burdens associated with EPSCoR;

"(2) consider modifications to EPSCoR award structures—

"(A) to emphasize long-term investments in building research capacity, potentially through the use of larger, renewable funding opportunities; and

"(B) to allow the agency, States, and jurisdictions to experiment with new research and development funding models; and

"(3) consider modifications to the mechanisms used to monitor and evaluate EPSCoR awards—

"(A) to increase collaboration between EPSCoR-funded researchers and agency staff, including by providing opportunities for mentoring young researchers and for the use of Federal facilities;

"(B) to identify and disseminate best practices; and

"(C) to harmonize metrics across participating Federal agencies, as appropriate.".

(d) REPORTS.—

(1) CONGRESSIONAL REPORTS.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9), as amended, is further amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(C) in subsection (c), as redesignated—

(i) in paragraph (1), by striking "Experimental Programs to Stimulate Competitive Research" and inserting "EPSCoR"; and

(ii) in paragraph (2)—

(I) in subparagraphs (A) and (E), by striking "EPSCoR and Federal EPSCoR-like programs" and inserting "each EPSCoR";

(II) in subparagraph (D), by striking "EPSCoR and other Federal EPSCoR-like programs" and inserting "each EPSCoR";

(III) in subparagraph (E), by striking "EPSCoR or Federal EPSCoR-like programs" and inserting "each EPSCoR"; and

(IV) in subparagraph (G), by striking "EPSCoR programs" and inserting "each EPSCoR"; and

(D) by amending subsection (d), as redesignated, to read as follows:

"(d) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR shall submit to Congress, as part of its Federal budget submission—

"(1) a description of the program strategy and objectives;

"(2) a description of the awards made in the previous fiscal year, including—

"(A) the total amount made available, by State, under EPSCoR;

"(B) the total amount of agency funding made available to all institutions and entities within each EPSCoR State;

"(C) the efforts and accomplishments to more fully integrate the EPSCoR States in major agency activities and initiatives;

"(D) the percentage of EPSCoR reviewers from EPSCoR States; and

"(E) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and

"(3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program over the last 5 fiscal years."; and

(E) in subsection (e)(1), as redesignated, by striking "Experimental Program to Stimulate Competitive Research or a program similar to the Experimental Program to Stimulate Competitive Research" and inserting "EPSCoR".

Deadline. Briefing.

(2) RESULTS OF AWARD STRUCTURE PLAN.—Not later than 1 year after the date of enactment of this Act, the EPSCoR Interagency Coordinating Committee shall brief the appropriate

committees of Congress on the updates made to the award structure under 517(f) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(f)), as amended by this subsection.

(e) DEFINITION OF EPSCOR.—

(1) IN GENERAL.—Section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note) is amended by amending paragraph (2) to read as follows:

"(2) EPSCOR.—The term 'EPSCOR' means—

"(A) the Established Program to Stimulate Competitive Research established by the Foundation; or

"(B) a program similar to the Established Program to Stimulate Competitive Research at another Federal agency.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g) is amended—

(A) in the heading, by striking "**EXPERIMENTAL**" and inserting "**ESTABLISHED**";

(B) in subsection (a), by striking "an Experimental Program to Stimulate Competitive Research" and inserting "a program to stimulate competitive research (known as the 'Established Program to Stimulate Competitive Research')"; and

(C) in subsection (b), by striking "the program" and inserting "the Program".

SEC. 104. CYBERSECURITY RESEARCH.

(a) FOUNDATION CYBERSECURITY RESEARCH.—Section 4(a)(1) of the Cyber Security Research and Development Act, as amended (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (O), by striking "and" at the end;

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

(3) by adding at the end the following:

"(Q) security of election-dedicated voting system software and hardware; and

"(R) role of the human factor in cybersecurity and the interplay of computers and humans and the physical world.".

(b) NIST CYBERSECURITY PRIORITIES.— 15 USC 272 note.

(1) CRITICAL INFRASTRUCTURE AWARENESS.—The Director of NIST shall continue to raise public awareness of the voluntary, industry-led cybersecurity standards and best practices for critical infrastructure developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)).

(2) QUANTUM COMPUTING.—Under section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) and section 20 of that Act (15 U.S.C. 278g–3), the Director of NIST shall—

(A) research information systems for future cybersecurity needs; and

(B) coordinate with relevant stakeholders to develop a process—

(i) to research and identify or, if necessary, develop cryptography standards and guidelines for future

cybersecurity needs, including quantum-resistant cryptography standards; and

(ii) to provide recommendations to Congress, Federal agencies, and industry consistent with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113; 110 Stat. 775), for a secure and smooth transition to the standards under clause (i).

(3) FEDERAL INFORMATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 20(d)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)) is amended to read as follows:

Analysis.

"(3) conduct research and analysis—

"(A) to determine the nature and extent of information security vulnerabilities and techniques for providing cost-effective information security;

Review.

"(B) to review and determine prevalent information security challenges and deficiencies identified by agencies or the Institute, including any challenges or deficiencies described in any of the annual reports under section 3553 or 3554 of title 44, United States Code, and in any of the reports and the independent evaluations under section 3555 of that title, that may undermine the effectiveness of agency information security programs and practices; and

Evaluation.

"(C) to evaluate the effectiveness and sufficiency of, and challenges to, Federal agencies' implementation of standards and guidelines developed under this section and policies and standards promulgated under section 11331 of title 40, United States Code;".

(4) VOTING.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by redesignating paragraphs (16) through (23) as paragraphs (17) through (24), respectively; and

(B) by inserting after paragraph (15) the following:

"(16) perform research to support the development of voluntary, consensus-based, industry-led standards and recommendations on the security of computers, computer networks, and computer data storage used in election systems to ensure voters can vote securely and privately.".

Networking and Information Technology Research and Development Modernization Act of 2016.
15 USC 5501 note.

SEC. 105. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT UPDATE.

(a) SHORT TITLE.—This section may be cited as the "Networking and Information Technology Research and Development Modernization Act of 2016".

(b) FINDINGS.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended—

(1) in paragraphs (2) and (5), by striking "high-performance computing" and inserting "networking and information technology, including high-performance computing,"; and

(2) in paragraph (3), by striking "high-performance computing" and inserting "networking and information technology, including high-performance computing";

(c) PURPOSES.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking "high-performance computing" and inserting "networking and information technology";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "expanding Federal support for research, development, and application of high-performance computing" and inserting "supporting Federal research, development, and application of networking and information technology";

(B) in subparagraph (A), by striking "high-performance computing" both places it appears and inserting "networking and information technology";

(C) by striking subparagraphs (C) and (D);

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

"(C) stimulate research on and promote more rapid development of high-end computing systems software and applications software;";

(E) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively;

(F) in subparagraph (D), as redesignated, by inserting "high-end" after "the development of";

(G) in subparagraphs (E) and (F), as redesignated, by striking "high-performance computing" each place it appears and inserting "networking and information technology"; and

(H) in subparagraph (G), as redesignated, by striking "high-performance" and inserting "high-end"; and

(3) in paragraph (2)—

(A) by striking "high-performance computing and" and inserting "networking and information technology and"; and

(B) by striking "high-performance computing network" and inserting "networking and information technology".

(d) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by striking paragraphs (3) and (5);

(2) by redesignating paragraphs (1), (2), (4), (6), and (7) as paragraphs (2), (3), (5), (8), and (9), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

"(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to enable safe and effective, real-time performance in safety-critical and other applications;";

(4) in paragraph (3), as redesignated, by striking "high-performance computing" and inserting "networking and information technology";

(5) by inserting after paragraph (3), as redesignated, the following:

"(4) 'high-end computing' means the most advanced and capable computing systems, including their hardware, storage, networking and software, encompassing both massive computational capability and large-scale data analytics to solve computational problems of national importance that are beyond

the capability of small- to medium-scale systems, including computing formerly known as high-performance computing;";

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

"(6) 'networking and information technology' means high-end computing, communications, and information technologies, high-capacity and high-speed networks, special purpose and experimental systems, high-end computing systems software and applications software, and the management of large data sets;

"(7) 'participating agency' means an agency described in section 101(a)(3)(C);"; and

(7) in paragraph (8), as redesignated, by striking "National High-Performance Computing Program" and inserting "Networking and Information Technology Research and Development Program".

(e) TITLE I HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by striking "**HIGH-PERFORMANCE COMPUTING**" and inserting "**NETWORKING AND INFORMATION TECHNOLOGY**".

(f) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking "**NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM**" and inserting "**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM" and inserting "NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "National High-Performance Computing Program" and inserting "Networking and Information Technology Research and Development Program";

(ii) in subparagraph (A), by striking "high-performance computing, including networking" and inserting "networking and information technology";

(iii) in subparagraphs (B) and (G), by striking "high-performance" each place it appears and inserting "high-end";

(iv) in subparagraph (C), by striking "high-performance computing and networking" and inserting "high-end computing, distributed, and networking";

(v) by amending subparagraph (D) to read as follows:

"(D) provide for efforts to increase software security and reliability;";

(vi) in subparagraph (H)—

(I) by inserting "support and guidance" after "provide"; and

(II) by striking "and" after the semicolon;

(vii) in subparagraph (I)—

(I) by striking "improving the security" and inserting "improving the security, reliability, and resilience"; and

(II) by striking the period at the end and inserting a semicolon; and

(viii) by adding at the end the following:

"(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security;

"(K) provide for research and development on human-computer interactions, visualization, and big data;

"(L) provide for research and development on the enhancement of cybersecurity, including the human facets of cyber threats and secure cyber systems;

"(M) provide for the understanding of the science, engineering, policy, and privacy protection related to networking and information technology;

"(N) provide for the transition of high-end computing hardware, system software, development tools, and applications into development and operations; and

"(O) foster public-private collaboration among government, industry research laboratories, academia, and nonprofit organizations to maximize research and development efforts and the benefits of networking and information technology, including high-end computing.";

(C) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) establish the goals and priorities for Federal networking and information technology research, development, education, and other activities;";

(ii) by amending subparagraph (C) to read as follows:

"(C) provide for interagency coordination of Federal networking and information technology research, development, education, and other activities undertaken pursuant to the Program—

"(i) among the participating agencies; and

"(ii) to the extent practicable, with other Federal agencies not described in paragraph (3)(C), other Federal and private research laboratories, industry, research entities, institutions of higher education, relevant nonprofit organizations, and international partners of the United States;";

(iii) by amending subparagraph (E) to read as follows:

"(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the strategic plans under subsection (e) are developed and executed effectively and that the objectives of the Program are met; and"; and

(iv) in subparagraph (F), by striking "high-performance" and inserting "high-end"; and

(D) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (G), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) provide a detailed description of the nature and scope of research infrastructure designated as such under the Program;";

(iii) in subparagraph (C), as redesignated—

(I) by amending clause (i) to read as follows: "(i) the Department of Justice;";

(II) by redesignating clauses (vii) through (xi) as clauses (viii) through (xii), respectively;

(III) by inserting after clause (vi) the following: "(vii) the Department of Homeland Security;"; and

(IV) by amending clause (viii), as redesignated, to read as follows:

"(viii) the National Archives and Records Administration;";

(iv) in subparagraph (D), as redesignated—

(I) by striking "is submitted," and inserting "is submitted, the levels for the previous fiscal year,"; and

(II) by striking "each Program Component Area;" and inserting "each Program Component Area and research area supported in accordance with section 102;";

(v) by amending subparagraph (E), as redesignated, to read as follows:

"(E) describe the levels of Federal funding for each participating agency, and for each Program Component Area, for the fiscal year during which such report is submitted, the levels for the previous fiscal year, and the levels proposed for the fiscal year with respect to which the budget submission applies;"; and

(vi) by inserting after subparagraph (E), as redesignated, the following:

"(F) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plans required under subsection (e); and";

(3) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking "high-performance computing" both places it appears and inserting "networking and information technology"; and

(ii) after the first sentence, by inserting the following: "Each chair of the advisory committee shall meet the qualifications of committee membership and may be a member of the President's Council of Advisors on Science and Technology.";

(B) in paragraph (1)(D), by striking "high-performance computing, networking technology, and related software" and inserting "networking and information technology"; and

(C) in paragraph (2)—

(i) in the second sentence, by striking "2" and inserting "3";

(ii) by striking "Committee on Science and Technology" and inserting "Committee on Science, Space, and Technology"; and

(iii) by striking "The first report shall be due within 1 year after the date of enactment of the America COMPETES Act.";

(4) in subsection (c)(1)(A), by striking "high-performance computing" and inserting "networking and information technology"; and

(5) by adding at the end the following:

"(d) PERIODIC REVIEWS.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall—

"(1) periodically assess and update, as appropriate, the structure of the Program, including the Program Component Areas and associated contents, scope, and funding levels, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

Assessment. Update.

"(2) ensure that such agency's implementation of the Program includes foundational, large-scale, long-term, and interdisciplinary information technology research and development activities, including activities described in section 102.

"(e) STRATEGIC PLANS.—

"(1) IN GENERAL.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall develop and implement strategic plans to guide—

"(A) emerging activities of Federal networking and information technology research and development; and

"(B) the activities described in subsection (a)(1).

"(2) UPDATES.—The heads of the participating agencies shall update the strategic plans as appropriate.

"(3) CONTENTS.—Each strategic plan shall—

"(A) specify near-term and long-term objectives for the portions of the Program relevant to the strategic plan, the anticipated schedule for achieving the near-term and long-term objectives, and the metrics to be used for assessing progress toward the near-term and long-term objectives;

"(B) specify how the near-term and long-term objectives complement research and development areas in which academia and the private sector are actively engaged;

"(C) describe how the heads of the participating agencies will support mechanisms for foundational, large-scale, long-term, and interdisciplinary information technology research and development and for Grand Challenges, including through collaborations—

"(i) across Federal agencies;

"(ii) across Program Component Areas; and

"(iii) with industry, Federal and private research laboratories, research entities, institutions of higher education, relevant nonprofit organizations, and international partners of the United States;

"(D) describe how the heads of the participating agencies will foster the rapid transfer of research and development results into new technologies and applications in the national interest, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States; and

"(E) describe how the portions of the Program relevant to the strategic plan will address long-term challenges for which solutions require foundational, large-scale, long-term, and interdisciplinary information technology research and development.

Coordination.

"(4) PRIVATE SECTOR EFFORTS.—In developing, implementing, and updating strategic plans, the heads of the participating agencies, working through the National Science and Technology Council and the Program, shall coordinate with industry, academia, and other interested stakeholders to ensure, to the extent practicable, that the Federal networking and information technology research and development activities carried out under this section do not duplicate the efforts of the private sector.

Strategic plans.

"(5) RECOMMENDATIONS.—In developing and updating strategic plans, the heads of the participating agencies shall solicit recommendations and advice from—

"(A) the advisory committee under subsection (b);

"(B) the Committee on Science and relevant subcommittees of the National Science and Technology Council; and

"(C) a wide range of stakeholders, including industry, academia, National Laboratories, and other relevant organizations and institutions.

"(f) REPORTS.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall submit to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives—

"(1) the strategic plans developed under subsection (e)(1); and

"(2) each update under subsection (e)(2).".

Repeal.

(g) NATIONAL RESEARCH AND EDUCATION NETWORK.—Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is repealed.

Repeal.

(h) NEXT GENERATION INTERNET.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is repealed.

(i) GRAND CHALLENGES IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

15 USC 5512.

"SEC. 102. GRAND CHALLENGES IN AREAS OF NATIONAL IMPORTANCE.

"(a) IN GENERAL.—The Program shall encourage the participating agencies to support foundational, large-scale, long-term, interdisciplinary, and interagency information technology research and development activities in networking and information technology directed toward agency mission areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging

from basic research to the demonstration of technical solutions, shall be designed to advance the development of fundamental discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section. Recommendations.

"(b) CHARACTERISTICS.—

"(1) IN GENERAL.—Research and development activities under this section shall—

"(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

"(B) to the extent practicable, involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

"(C) to the extent practicable, leverage Federal investments through collaboration with related State and private sector initiatives; and

"(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development. Plan.

"(2) COST-SHARING.—In selecting applications for support, the agencies may give special consideration to projects that include cost sharing from non-Federal sources.".

(j) NATIONAL SCIENCE FOUNDATION ACTIVITIES.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended—

(1) in subsection (a)—

(A) by striking "(a) GENERAL RESPONSIBILITIES.—";

(B) in paragraph (1)—

(i) by inserting "high-end" after "National Science Foundation shall provide"; and

(ii) by striking "high-performance computing" and all that follows through "networking;" and inserting "networking and information technology; and";

(C) by striking paragraphs (2) through (4); and

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

"(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a and 1885b).''; and

(2) by striking subsection (b).

(k) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.—Section 202 of the High-Performance Computing Act of 1991 (15 U.S.C. 5522) is amended—

(1) by striking "(a) GENERAL RESPONSIBILITIES.—";

(2) by striking "high-performance computing" and inserting "networking and information technology"; and

(3) by striking subsection (b).

(l) DEPARTMENT OF ENERGY ACTIVITIES.—Section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) is amended—

(1) by striking "(a) GENERAL RESPONSIBILITIES.—";

(2) in paragraph (1), by striking "high-performance computing and networking" and inserting "networking and information technology";

(3) in paragraph (2)(A), by striking "high-performance" and inserting "high-end"; and

(4) by striking subsection (b).

(m) DEPARTMENT OF COMMERCE ACTIVITIES.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "high-performance computing systems and networks" and inserting "networking and information technology systems and capabilities";

(B) in subparagraph (B), by striking "interoperability of high-performance computing systems in networks and for common user interfaces to systems" and inserting "interoperability and usability of networking and information technology systems"; and

(C) in subparagraph (C), by striking "high-performance computing" and inserting "networking and information technology";

(2) in subsection (b)—

(A) in the heading, by striking "HIGH-PERFORMANCE COMPUTING AND NETWORK" and inserting "NETWORKING AND INFORMATION TECHNOLOGY";

(B) by striking "Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the" and inserting "The"; and

(C) by striking "sensitive information in Federal computer systems" and inserting "Federal agency information and information systems"; and

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

(n) ENVIRONMENTAL PROTECTION AGENCY ACTIVITIES.—Section 205 of the High-Performance Computing Act of 1991 (15 U.S.C. 5525) is repealed.

(o) ROLE OF THE DEPARTMENT OF EDUCATION.—Section 206 of the High-Performance Computing Act of 1991 (15 U.S.C. 5526) is repealed.

(p) MISCELLANEOUS PROVISIONS.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended—

(1) in subsection (a)(2), by striking "paragraphs (1) through (5) of section 2315(a) of title 10" and inserting "section 3552(b)(6)(A)(i) of title 44"; and

(2) in subsection (b), by striking "high-performance computing" and inserting "networking and information technology".

(q) REPEAL.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is repealed.

(r) NATIONAL SCIENCE FOUNDATION RESEARCH.—Section 4(b)(5)(K) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(5)(K)) is amended by striking "high-performance computing" and inserting "networking and information technology".

(s) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 13202(b) of the America Recovery and Reinvestment Act of 2009 (42 U.S.C. 17912(b)) is amended by striking "National High-Performance Computing Program" and inserting "Networking and Information Technology Research and Development Program".

(t) FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.—Section 201(a)(4) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7431(a)(4)) is amended—

(1) by striking "clauses (i) through (x)" and inserting "clauses (i) through (xi)"; and

(2) by striking "under clause (xi)" and inserting "under clause (xii)".

(u) ADDITIONAL REPEAL.—Section 4 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5543) is repealed.

SEC. 106. PHYSICAL SCIENCES COORDINATION.

42 USC 6601 note.

(a) HIGH-ENERGY PHYSICS.—

(1) IN GENERAL.—The Physical Science Subcommittee of the National Science and Technology Council (referred to in this section as "Subcommittee") shall continue to coordinate Federal efforts related to high-energy physics research to maximize the efficiency and effectiveness of United States investment in high-energy physics.

Coordination.

(2) PURPOSES.—The purposes of the Subcommittee include—

(A) to advise and assist the Committee on Science and the National Science and Technology Council on United States policies, procedures, and plans in the physical sciences, including high-energy physics; and

(B) to identify emerging opportunities, stimulate international cooperation, and foster the development of the physical sciences in the United States, including—

(i) in high-energy physics research, including related underground science and engineering research;

(ii) in physical infrastructure and facilities;

(iii) in information and analysis; and

(iv) in coordination activities.

(3) RESPONSIBILITIES.—In regard to coordinating Federal efforts related to high-energy physics research, the Subcommittee shall, taking into account the findings and recommendations of relevant advisory committees—

(A) provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

Recommendations.

(B) provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies related to underground science, neutrino research, dark energy, and dark matter research;

Recommendations.

(C) establish goals and priorities for high-energy physics, related underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(D) propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the National Science and Technology Council to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

Update.
Strategic plan.

(E) develop, and update as necessary, a strategic plan to guide Federal programs and activities in support of high-energy physics research, including—

(i) the efforts taken in support of paragraph (2) since the last strategic plan;

(ii) an evaluation of the current research needs for maintaining United States leadership in high-energy physics; and

(iii) an identification of future priorities in the area of high-energy physics.

(b) RADIATION BIOLOGY.—

Coordination.

(1) IN GENERAL.—The Subcommittee shall continue to coordinate Federal efforts related to radiation biology research to maximize the efficiency and effectiveness of United States investment in radiation biology.

(2) RESPONSIBILITIES FOR RADIATION BIOLOGY.—In regard to coordinating Federal efforts related to radiation biology research, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in radiation biology, including enhancing scientific knowledge of the effects of low dose radiation on biological systems to improve radiation risk management methods;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States;

Coordination.

(C) ensure coordination between the Department of Energy Office of Science, Foundation, National Aeronautics and Space Administration, National Institutes of Health, Environmental Protection Agency, Department of Defense, Nuclear Regulatory Commission, and Department of Homeland Security;

(D) identify ongoing scientific challenges for understanding the long-term effects of ionizing radiation on biological systems; and

(E) formulate overall scientific goals for the future of low-dose radiation research in the United States.

(c) FUSION ENERGY SCIENCES.—

Coordination.

(1) IN GENERAL.—The Subcommittee shall continue to coordinate Federal efforts related to fusion energy research to maximize the efficiency and effectiveness of United States investment in fusion energy sciences.

(2) RESPONSIBILITIES FOR FUSION ENERGY SCIENCES.—In regard to coordinating Federal efforts related to fusion energy sciences, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in fusion energy sciences, including enhancing scientific knowledge of fusion energy science, plasma physics, and related materials sciences;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States, including the ITER project;

(C) ensure coordination between the Department of Energy Office of Science, National Nuclear Security Administration, Advanced Research Projects Agency-Energy, National Aeronautics and Space Administration, Foundation, and Department of Defense regarding fusion energy sciences and plasma physics; and Coordination.

(D) formulate overall scientific goals for the future of fusion energy sciences and plasma physics.

SEC. 107. LABORATORY PROGRAM IMPROVEMENTS. 15 USC 272.

(a) IN GENERAL.—The Director of NIST, acting through the Associate Director for Laboratory Programs, shall develop and implement a comprehensive strategic plan for laboratory programs that expands— Strategic plan.

(1) interactions with academia, international researchers, and industry; and

(2) commercial and industrial applications.

(b) OPTIMIZING COMMERCIAL AND INDUSTRIAL APPLICATIONS.—In accordance with the purpose under section 1(b)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 271(b)(3)), the comprehensive strategic plan shall—

(1) include performance metrics for the dissemination of fundamental research results, measurements, and standards research results to industry, including manufacturing, and other interested parties;

(2) document any positive benefits of research on the competitiveness of the interested parties described in paragraph (1);

(3) clarify the current approach to the technology transfer activities of NIST; and

(4) consider recommendations from the National Academy of Sciences.

SEC. 108. STANDARD REFERENCE DATA ACT UPDATE.

Section 2 of the Standard Reference Data Act (15 U.S.C. 290a) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"For the purposes of this Act:

"(1) STANDARD REFERENCE DATA.—The term 'standard reference data' means data that is—

"(A) either—

"(i) quantitative information related to a measurable physical, or chemical, or biological property of a substance or system of substances of known composition and structure;

"(ii) measurable characteristics of a physical artifact or artifacts;

"(iii) engineering properties or performance characteristics of a system; or

"(iv) 1 or more digital data objects that serve—

"(I) to calibrate or characterize the performance of a detection or measurement system; or

"(II) to interpolate or extrapolate, or both, data described in subparagraph (A) through (C); and

"(B) that is critically evaluated as to its reliability under section 3 of this Act.

Definition.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.".

SEC. 109. NSF MID-SCALE PROJECT INVESTMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Foundation funds major research facilities, infrastructure, and instrumentation that provide unique capabilities at the frontiers of science and engineering.

(2) Modern and effective research facilities, infrastructure, and instrumentation are critical to maintaining United States leadership in science and engineering.

(3) The costs of some proposed research instrumentation, equipment, and upgrades to major research facilities fall between programs currently funded by the Foundation, creating a gap between the established parameters of the Major Research Instrumentation and Major Research Equipment and Facilities Construction programs, including projects that have been identified as cost-effective additions of high priority to the advancement of scientific understanding.

(4) The 2010 Astronomy and Astrophysics Decadal Survey recommended a mid-scale innovations program.

(b) MID-SCALE PROJECTS.—

Evaluation.

(1) IN GENERAL.—The Foundation shall evaluate the existing and future needs, across all disciplines supported by the Foundation, for mid-scale projects.

(2) STRATEGY.—The Director of the Foundation shall develop a strategy to address the needs identified in paragraph (1).

Deadline.

(3) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Foundation shall provide a briefing to the appropriate committees of Congress on the evaluation under paragraph (1) and the strategy under paragraph (2).

(4) DEFINITION OF MID-SCALE PROJECTS.—In this subsection, the term "mid-scale projects" means research instrumentation, equipment, and upgrades to major research facilities or other research infrastructure investments that exceed the maximum award funded by the major research instrumentation program and are below the minimum award funded by the major research equipment and facilities construction program as described in section 507 of the AMERICA Competes Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 4008).

42 USC 1862s–2.

SEC. 110. OVERSIGHT OF NSF MAJOR MULTI-USER RESEARCH FACILITY PROJECTS.

(a) FACILITIES OVERSIGHT.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen oversight and accountability over the full life-cycle of each major multi-user research facility project, including planning, development, procurement, construction, operations, and support, and shut-down of the facility, in order to maximize research investment.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director shall—

(A) prioritize the scientific outcomes of a major multi-user research facility project and the internal management and financial oversight of the major multi-user research facility project;

(B) clarify the roles and responsibilities of all organizations, including offices, panels, committees, and directorates, involved in supporting a major multi-user research facility project, including the role of the Major Research Equipment and Facilities Construction Panel;

(C) establish policies and procedures for the planning, management, and oversight of a major multi-user research facility project at each phase of the life-cycle of the major multi-user research facility project; Procedures.

(D) ensure that policies for estimating and managing costs and schedules are consistent with the best practices described in the Government Accountability Office Cost Estimating and Assessment Guide, the Government Accountability Office Schedule Assessment Guide, and the Office of Management and Budget Uniform Guidance (2 C.F.R. Part 200);

(E) establish the appropriate project management and financial management expertise required for Foundation staff to oversee each major multi-user research facility project effectively, including by improving project management training and certification;

(F) coordinate the sharing of the best management practices and lessons learned from each major multi-user research facility project; Coordination.

(G) continue to maintain a Large Facilities Office to support the research directorates in the development, implementation, and oversight of each major multi-user research facility project, including by—

(i) serving as the Foundation's primary resource for all policy or process issues related to the development, implementation, and oversight of a major multi-user research facility project;

(ii) serving as a Foundation-wide resource on project management, including providing expert assistance on nonscientific and nontechnical aspects of project planning, budgeting, implementation, management, and oversight;

(iii) coordinating and collaborating with research directorates to share best management practices and lessons learned from prior major multi-user research facility projects; and Coordination.

(iv) assessing each major multi-user research facility project for cost and schedule risk; and Assessment.

(H) appoint a senior agency official whose responsibility is oversight of the development, construction, and operations of major multi-user research facilities across the Foundation. Appointment.

(b) FACILITIES FULL LIFE-CYCLE COSTS.—

(1) IN GENERAL.—Subject to subsection (c)(1), the Director of the Foundation shall require that any pre-award analysis of a major multi-user research facility project includes the development and consideration of the full life-cycle cost (as defined in section 2 of the National Science Foundation Analysis.

Authorization Act of 1998 (42 U.S.C. 1862k note)) in accordance with section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–4).

(2) IMPLEMENTATION.—Based on the pre-award analysis described in paragraph (1), the Director of the Foundation shall include projected operational costs within the Foundation's out-years as part of the President's annual budget submission to Congress under section 1105 of title 31, United States Code.

(c) COST OVERSIGHT.—

(1) PRE-AWARD ANALYSIS.—

(A) IN GENERAL.—The Director of the Foundation and the National Science Board may not approve or execute any agreement to start construction on any proposed major multi-user research facility project unless—

(i) an external analysis of the proposed budget has been conducted to ensure the proposal is complete and reasonable;

(ii) the analysis under clause (i) follows the Government Accountability Office Cost Estimating and Assessment Guide;

(iii) except as provided under subparagraph (C), an analysis of the accounting systems has been conducted;

(iv) an independent cost estimate of the construction of the project has been conducted using the same detailed technical information as the project proposal estimate to determine whether the estimate is well-supported and realistic; and

(v) the Foundation and the National Science Board have considered the analyses under clauses (i) and (iii) and the independent cost estimate under clause (iv) and resolved any major issues identified therein.

(B) AUDITS.—An external analysis under subparagraph (A)(i) may include an audit.

Waiver authority.

(C) EXCEPTION.—The Director of the Foundation, at the Director's discretion, may waive the requirement under subparagraph (A)(iii) if a similar analysis of the accounting systems was conducted in the prior years.

(2) CONSTRUCTION OVERSIGHT.—The Director of the Foundation shall require for each major multi-user research facility project—

(A) periodic external reviews on project management and performance;

(B) adequate internal controls, policies, and procedures, and reliable accounting systems in preparation for the incurred cost audits under subparagraph (D);

(C) annual incurred cost submissions of financial expenditures; and

(D) an incurred cost audit of the major multi-user research facility project in accordance with Government Accountability Office Government Auditing Standards—

Time period.

(i) at least once during construction at a time determined based on risk analysis and length of the award, except that the length of time between audits may not exceed 3 years; and

(ii) at the completion of the construction phase.

(3) OPERATIONS COST ANALYSIS.—The Director of the Foundation shall require an independent cost analysis of the operational proposal for each major multi-user research facility project.

(d) CONTINGENCY.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen internal controls to improve oversight of contingency on a major multi-user research facility project.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director of the Foundation shall—

(A) only include contingency amounts in an award in accordance with section 200.433 of title 2, Code of Federal Regulations (relating to contingency provisions), or any successor regulation;

(B) retain control over funds budgeted for contingency, except that the Director may disburse budgeted contingency funds incrementally to the awardee to ensure project stability and continuity;

(C) track contingency use; and

(D) ensure that contingency amounts allocated to the performance baseline are reasonable and allowable.

(e) USE OF FEES.—

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

(A) the use of taxpayer-funded award fees should be transparent and explicable; and

(B) the Foundation should implement an award fee policy that ensures more transparency and accountability in the funding of necessary and appropriate expenses directly related to the construction and operation of major multi-user research facilities.

(2) REPORTING AND RECORDKEEPING.—The Director of the Foundation shall establish guidelines for awardees regarding inappropriate expenditures associated with all fee types used in cooperative agreements, including for alcoholic beverages, lobbying, meals or entertainment for non-business purposes, non-business travel, and any other purpose the Director determines is inappropriate. Guidelines.

(f) OVERSIGHT IMPLEMENTATION PROGRESS.—The Director of the Foundation shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the response to or progress made toward implementation of— Deadlines. Briefings.

(A) this section;

(B) all of the issues and recommendations identified in cooperative agreement audit reports and memoranda issued by the Inspector General of the Foundation in the last 5 years; and Time period.

(C) all of the issues and recommendations identified by a panel of the National Academy of Public Administration in the December 2015 report entitled "National Science Foundation: Use of Cooperative Agreements to Support Large Scale Investment in Research"; and

(2) not later than 1 year after the date of enactment of this Act, notify the appropriate committees of Congress when Deadline. Notification.

the Foundation has implemented the recommendations identified in a panel of the National Academy of Public Administration report issued December 2015.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term "'major multi-user research facility project'" means a science and engineering facility project that—

(A) exceeds the lesser of—

(i) 10 percent of a Directorate's annual budget; or

(ii) $100,000,000 in total project costs; or

(B) is funded by the major research equipment and facilities construction account, or any successor account.

42 USC 1862s–3.

SEC. 111. PERSONNEL OVERSIGHT.

Procedures.

(a) CONFLICTS OF INTEREST.—The Director of the Foundation shall update the policy and procedure of the Foundation relating to conflicts of interest to improve documentation and management of any known conflict of interest of an individual on temporary assignment at the Foundation, including an individual on assignment under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

Deadline.

(b) JUSTIFICATIONS.—The Deputy Director of the Foundation shall submit annually to the appropriate committees of Congress written justification for each rotator employed under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), or other rotator employed, by the Foundation that year that is paid at a rate that exceeds the maximum rate of pay for the Senior Executive Service, including, if applicable, the level of adjustment for the certified Senior Executive Service Performance Appraisal System.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Foundation shall submit to the appropriate committees of Congress a report on the Foundation's efforts to control costs associated with employing rotators, including the results of and participation in the Foundation's cost-sharing pilot program and the Foundation's progress in responding to the findings and implementing the recommendations of the Office of Inspector General of the Foundation related to the employment of rotators.

42 USC 1862 note.

SEC. 112. MANAGEMENT OF THE U.S. ANTARCTIC PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the Foundation shall continue to review the efforts by the Foundation to sustain and strengthen scientific efforts in the face of logistical challenges for the United States Antarctic Program.

(2) ISSUES TO BE EXAMINED.—In conducting the review, the Director shall examine, at a minimum, the following:

(A) Implementation by the Foundation of issues and recommendations identified by—

(i) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 4 years;

(ii) the U.S. Antarctic Program Blue Ribbon Panel report, More and Better Science in Antarctica through Increased Logistical Effectiveness, issued July 23, 2012; and

(iii) the National Research Council report, Future Science Opportunities in Antarctica and the Southern Ocean, issued September 2011.

(B) Efforts by the Foundation to track its progress in addressing the issues and recommendations under subparagraph (A).

(C) Efforts by the Foundation to address other opportunities and challenges, including efforts on scientific research, coordination with other Federal agencies and international partners, logistics and transportation, health and safety of participants, oversight and financial management of awardees and contractors, and resources and policy challenges.

(b) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director shall brief the appropriate committees of Congress on the ongoing review, including findings and any recommendations. Deadline.

SEC. 113. NIST CAMPUS SECURITY. 15 USC 278e note.

(a) SUPERVISORY AUTHORITY.—The Department of Commerce Office of Security shall directly manage the law enforcement and site security programs of NIST through an assigned Director of Security for NIST without increasing the number of full-time equivalent employees of the Department of Commerce, including NIST.

(b) REPORTS.—The Director of Security for NIST shall provide an activities and security report on a quarterly basis for the first year after the date of enactment of this Act, and on an annual basis thereafter, to the Under Secretary for Standards and Technology and the appropriate committees of Congress.

SEC. 114. COORDINATION OF SUSTAINABLE CHEMISTRY RESEARCH AND DEVELOPMENT. 42 USC 1862p–3 note.

(a) IMPORTANCE OF SUSTAINABLE CHEMISTRY.—It is the sense of Congress that—

(1) the science of chemistry is vital to improving the quality of human life and plays an important role in addressing critical global challenges, including water quality, energy, health care, and agriculture;

(2) sustainable chemistry can reduce risks to human health and the environment, reduce waste, improve pollution prevention, promote safe and efficient manufacturing, and promote efficient use of resources in developing new materials, processes, and technologies that support viable long-term solutions to a significant number of challenges;

(3) sustainable chemistry can stimulate innovation, encourage new and creative approaches to problems, create jobs, and save money; and

(4) a coordinated effort on sustainable chemistry will allow for a greater return on research investment in this area.

(b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the Foundation may continue to carry out the Sustainable Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–3).

42 USC 1870 note.

SEC. 115. MISREPRESENTATION OF RESEARCH RESULTS.

(a) PROHIBITION.—The Director of the Foundation may revise the regulations under part 689 of title 45, Code of Federal Regulations (relating to research misconduct) to ensure that the findings and conclusions of any article authored by a principal investigator, using the results of research conducted under a Foundation grant, that is published in a peer-reviewed publication, made publicly available, or incorporated in an application for a research grant or grant extension from the Foundation, does not contain any falsification, fabrication, or plagiarism.

Notification.

(b) INTERAGENCY COMMUNICATION.—Upon a finding that research misconduct has occurred, the Foundation shall, in addition to any possible final action under section 689.3 of title 45, Code of Federal Regulations, notify other Federal science agencies of the finding.

SEC. 116. RESEARCH REPRODUCIBILITY AND REPLICATION.

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

(1) the gold standard of good science is the ability of a researcher or research laboratory to reproduce a published research finding, including methods;

(2) there is growing concern that some published research findings cannot be reproduced or replicated, which can negatively affect the public's trust in science;

(3) there are a complex set of factors affecting reproducibility and replication; and

(4) the increasing interdisciplinary nature and complexity of scientific research may be a contributing factor to issues with research reproducibility and replication.

(b) REPORT.—

Contracts.

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Foundation shall enter into an agreement with the National Research Council—

Assessment.

(A) to assess research and data reproducibility and replicability issues in interdisciplinary research;

Recommendations.

(B) to make recommendations for improving rigor and transparency in scientific research; and

(C) to submit to the Director of the Foundation a report on the assessment, including its findings and recommendations, not later than 1 year after the date of enactment of this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 60 days after the date the Director of the Foundation receives the report under paragraph (1)(C), the Director shall submit the report to the appropriate committees of Congress, including a response from the Director of the Foundation and the Chair of the National Science Board as to whether they agree with each of the findings and recommendations in the report.

SEC. 117. BRAIN RESEARCH THROUGH ADVANCING INNOVATIVE NEUROTECHNOLOGIES INITIATIVE. 42 USC 1862s–4.

(a) IN GENERAL.—The Foundation shall support research activities related to the interagency Brain Research through Advancing Innovative Neurotechnologies Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Foundation should work in conjunction with the Interagency Working Group on Neuroscience established by the National Science and Technology Council, Committee on Science to determine how to use the data infrastructure of the Foundation and other applicable Federal science agencies to help neuroscientists collect, standardize, manage, and analyze the large amounts of data that result from research attempting to understand how the brain functions.

TITLE II—ADMINISTRATIVE AND REGULATORY BURDEN REDUCTION

SEC. 201. INTERAGENCY WORKING GROUP ON RESEARCH REGULATION.

Research and Development Efficiency Act. 42 USC 6604.

(a) SHORT TITLE.—This section may be cited as the "Research and Development Efficiency Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Scientific and technological advancement have been the largest drivers of economic growth in the last 50 years, with the Federal Government being the largest investor in basic research.

(2) Substantial and increasing administrative burdens and costs in Federal research administration, particularly in the higher education sector where most federally funded research is performed, are eroding funds available to carry out basic scientific research.

(3) Federally funded grants are increasingly competitive, with the Foundation funding only approximately 1 in every 5 grant proposals.

(4) Progress has been made over the last decade in streamlining the pre-award grant application process through the Federal Government's Grants.gov website.

(5) Post-award administrative costs have increased as Federal research agencies have continued to impose agency-unique compliance and reporting requirements on researchers and research institutions.

(6) Researchers spend as much as 42 percent of their time complying with Federal regulations, including administrative tasks such as applying for grants or meeting reporting requirements.

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

(1) administrative burdens faced by researchers may be reducing the return on investment of federally funded research and development; and

(2) it is a matter of critical importance to United States competitiveness that administrative costs of federally funded research be streamlined so that a higher proportion of federal funding is applied to direct research activities.

Coordination.

(d) ESTABLISHMENT.—The Director of the Office of Management and Budget, in coordination with the Office of Science and Technology Policy, shall establish an interagency working group (referred to in this section as the "Working Group") for the purpose of reducing administrative burdens on federally funded researchers while protecting the public interest through the transparency of and accountability for federally funded activities.

(e) RESPONSIBILITIES.—

(1) IN GENERAL.—The Working Group shall—

(A) regularly review relevant, administration-related regulations imposed on federally funded researchers;

(B) recommend those regulations or processes that may be eliminated, streamlined, or otherwise improved for the purpose described in subsection (d);

(C) recommend ways to minimize the regulatory burden on United States institutions of higher education performing federally funded research while maintaining accountability for federal funding; and

(D) recommend ways to identify and update specific regulations to refocus on performance-based goals rather than on process while achieving the outcome described in subparagraph (C).

(2) GRANT REVIEW.—

(A) IN GENERAL.—The Working Group shall—

(i) conduct a comprehensive review of Federal science agency grant proposal documents; and

(ii) develop, to the extent practicable, a simplified, uniform grant format to be used by all Federal science agencies.

(B) CONSIDERATIONS.—In developing the uniform grant format, the Working Group shall consider whether to implement—

(i) procedures for preliminary project proposals in advance of peer-review selection;

(ii) increased use of "Just-In-Time" procedures for documentation that does not bear directly on the scientific merit of a proposal;

(iii) simplified initial budget proposals in advance of peer review selection; and

(iv) detailed budget proposals for applicants that peer review selection identifies as likely to be funded.

(3) CENTRALIZED RESEARCHER PROFILE DATABASE.—

(A) ESTABLISHMENT.—The Working Group shall establish, to the extent practicable, a secure, centralized database for investigator biosketches, curriculum vitae, licenses, lists of publications, and other documents considered relevant by the Working Group.

(B) CONSIDERATIONS.—In establishing the centralized profile database under subparagraph (A), the Working Group shall consider incorporating existing investigator databases.

(C) GRANT PROPOSALS.—To the extent practicable, all grant proposals shall utilize the centralized investigator profile database established under subparagraph (A).

(D) REQUIREMENTS.—Each investigator shall—

(i) be responsible for ensuring the investigator's profile is current and accurate; and

(ii) be assigned a unique identifier linked to the database and accessible to all Federal funding agencies.

(4) CENTRALIZED ASSURANCES REPOSITORY.—The Working Group shall—

(A) establish a central repository for all of the assurances required for Federal research grants; and

(B) provide guidance to institutions of higher education and Federal science agencies on the use of the centralized assurances repository. Guidance.

(5) COMPREHENSIVE REVIEW.—

(A) IN GENERAL.—The Working Group shall—

(i) conduct a comprehensive review of the mandated progress reports for federally funded research; and

(ii) develop a strategy to simplify investigator progress reports.

(B) CONSIDERATIONS.—In developing the strategy, the Working Group shall consider limiting progress reports to performance outcomes.

(f) CONSULTATION.—In carrying out its responsibilities under subsection (e)(1), the Working Group shall consult with academic researchers outside the Federal Government, including—

(1) federally funded researchers;

(2) non-federally funded researchers;

(3) institutions of higher education and their representative associations;

(4) scientific and engineering disciplinary societies and associations;

(5) nonprofit research institutions;

(6) industry, including small businesses;

(7) federally funded research and development centers; and

(8) members of the public with a stake in ensuring effectiveness, efficiency, and accountability in the performance of scientific research.

(g) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Working Group shall submit to the appropriate committees of Congress a report on its responsibilities under this section, including a discussion of the considerations described in paragraphs (2)(B), (3)(B), and (5)(B) of subsection (e) and recommendations made under subsection (e)(1).

SEC. 202. SCIENTIFIC AND TECHNICAL COLLABORATION.

(a) DEFINITION OF SCIENTIFIC AND TECHNICAL WORKSHOP.—In this section, the term "scientific and technical workshop" means a symposium, seminar, or any other organized, formal gathering where scientists or engineers working in STEM research and development fields assemble to coordinate, exchange and disseminate information or to explore or clarify a defined subject, problem or area of knowledge in the STEM fields.

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

(1) the United States should encourage broad dissemination of Federal research findings and engagement of Federal researchers with the scientific and technical community; and

(2) laboratory, test center, and field center directors and other similar heads of offices should approve scientific and technical workshop attendance if—

(A) that attendance would meet the mission of the laboratory or test center; and

(B) sufficient laboratory or test center funds are available for that purpose.

Deadline. Action plan.

(c) ATTENDANCE POLICIES.—Not later than 180 days after the date of enactment of this Act, the heads of the Federal science agencies shall each develop an action plan for the implementation of revisions and updates to their policies on attendance at scientific and technical workshops.

(d) NIST WORKSHOPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), as amended by section 104 of this Act, is further amended—

(1) by redesignating paragraphs (19) through (24) as paragraphs (22) through (27), respectively; and

(2) by inserting after paragraph (18) the following:

"(19) host, participate in, and support scientific and technical workshops (as defined in section 202 of the American Innovation and Competitiveness Act);

"(20) collect and retain any fees charged by the Secretary for hosting a scientific and technical workshop described in paragraph (19);

"(21) notwithstanding title 31 of the United States Code, use the fees described in paragraph (20) to pay for any related expenses, including subsistence expenses for participants;".

SEC. 203. NIST GRANTS AND COOPERATIVE AGREEMENTS UPDATE.

Section 8(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706(a)) is amended by striking "The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.".

SEC. 204. REPEAL OF CERTAIN OBSOLETE REPORTS.

(a) REPEAL OF CERTAIN OBSOLETE REPORTS.—

(1) NIST REPORTS.—

(A) REPORT ON DONATION OF EDUCATIONALLY USEFUL FEDERAL EQUIPMENT TO SCHOOLS.—Section 6(b) of the Technology Administration Act of 1998 (15 U.S.C. 272 note) is amended—

(i) in paragraph (1), by striking "(1) IN GENERAL.—" and indenting appropriately; and

(ii) by striking paragraph (2).

(B) THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—

(i) IN GENERAL.—Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by striking subsections (c) and (d).

(ii) CONFORMING AMENDMENT.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking the last sentence.

(2) MULTIAGENCY REPORT ON INNOVATION ACCELERATION RESEARCH.—Section 1008 of the America COMPETES Act (42 U.S.C. 6603) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) NSF REPORTS.—

(A) FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS; REPORT TO CONGRESS.—Section 7012 of the America

COMPETES Act (42 U.S.C. 1862o–4) is amended by striking subsection (c).

(B) ENCOURAGING PARTICIPATION; EVALUATION AND REPORT.—Section 7031 of the America COMPETES Act (42 U.S.C. 1862o–11) is amended by striking subsection (b).

(C) MATH AND SCIENCE PARTNERSHIPS PROGRAM COORDINATION REPORT.—Section 9(c) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(c)) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraph (5) as paragraph (4).

(b) NATIONAL NANOTECHNOLOGY INITIATIVE REPORTS.—The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by amending section 2(c)(4) (15 U.S.C. 7501(c)(4)) to read as follows:

Strategic plan.

"(4) develop, not later than 5 years after the date of the release of the most-recent strategic plan, and update every 5 years thereafter, a strategic plan to guide the activities described under subsection (b) that describes—

"(A) the near-term and long-term objectives for the Program;

"(B) the anticipated schedule for achieving the near-term objectives; and

"(C) the metrics that will be used to assess progress toward the near-term and long-term objectives;

"(D) how the Program will move results out of the laboratory and into application for the benefit of society;

"(E) the Program's support for long-term funding for interdisciplinary research and development in nanotechnology; and

"(F) the allocation of funding for interagency nanotechnology projects;";

(2) by amending section 4(d) (15 U.S.C. 7503(d)) to read as follows:

Assessments. Recommendations.

"(d) REPORTS.—Not later than 4 years after the date of the most recent assessment under subsection (c), and quadrennially thereafter, the Advisory Panel shall submit to the President, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report its assessments under subsection (c) and its recommendations for ways to improve the Program."; and

(3) in section 5 (15 U.S.C. 7504)—

(A) in the heading, by striking "**TRIENNIAL**" and inserting "**QUADRENNIAL**";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "triennial" and inserting "quadrennial";

(C) in subsection (b), by striking "triennial" and inserting "quadrennial";

(D) in subsection (c), by striking "triennial" and inserting "quadrennial"; and

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

"(d) REPORT.—

Assessments. Recommendations.

"(1) IN GENERAL.—Not later than 30 days after the date the first evaluation under subsection (a) is received, and quadrennially thereafter, the Director of the National Nanotechnology Coordination Office shall report to the President its assessments under subsection (c) and its recommendations for ways to improve the Program.

Records.

"(2) CONGRESS.—Not later than 30 days after the date the President receives the report under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the report to Congress.".

(c) MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—Section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–4) is amended—

(1) by amending subsection (a) to read as follows:

List.

"(a) PRIORITIZATION OF PROPOSED MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—

"(1) DEVELOPMENT OF PRIORITIES.—The Director shall—

"(A) develop a list indicating by number the relative priority for funding under the major research equipment and facilities construction account that the Director assigns to each project the Board has approved for inclusion in a future budget request; and

"(B) submit the list described in subparagraph (A) to the Board for approval.

"(2) CRITERIA.—The Director shall include in the criteria for developing the list under paragraph (1) the readiness of plans for construction and operation, including confidence in the estimates of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) and the proposed schedule of completion.

"(3) UPDATES.—The Director shall update the list prepared under paragraph (1) each time the Board approves a new project that would receive funding under the major research equipment and facilities construction account and periodically submit any updated list to the Board for approval.";

(2) by striking subsection (e);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) by amending subsection (c), as redesignated, to read as follows:

"(c) BOARD APPROVAL OF MAJOR RESEARCH EQUIPMENT AND FACILITIES PROJECTS.—The Board shall explicitly approve any project to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project.".

SEC. 205. REPEAL OF CERTAIN PROVISIONS.

(a) TECHNOLOGY INNOVATION PROGRAM.—

(1) IN GENERAL.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL AWARD CRITERIA.—Section 4226(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 278n note) is repealed.

(B) MANAGEMENT COSTS.—Section 2(d) of the National Institute of Standards and Technology Act (15 U.S.C.

272(d)) is amended by striking "sections 25, 26, and 28" and inserting "sections 25 and 26".

(C) ANNUAL AND OTHER REPORTS TO SECRETARY AND CONGRESS.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking ", including the Program established under section 28,".

(b) TEACHERS FOR A COMPETITIVE TOMORROW.—Sections 6111 through 6116 of the America COMPETES Act (20 U.S.C. 9811, 9812, 9813, 9814, 9815, 9816) and the items relating to those sections in the table of contents under section 2 of that Act (Public Law 110–69; 121 Stat. 572) are repealed.

SEC. 206. GRANT SUBRECIPIENT TRANSPARENCY AND OVERSIGHT.

Deadline. Audit.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Foundation shall prepare and submit to the appropriate committees of Congress an audit of the Foundation's policies and procedures governing the monitoring of pass-through entities with respect to subrecipients.

(b) CONTENTS.—The audit shall include the following:

(1) Information regarding the Foundation's process to oversee—

(A) the compliance of pass-through entities under section 200.331 and subpart F of part 200 of chapter II of subtitle A of title 2, Code of Federal Regulations, and the other requirements of that title for subrecipients;

(B) whether pass-through entities have processes and controls in place regarding financial compliance of subrecipients, where appropriate; and

(C) whether pass-through entities have processes and controls in place to maintain approved grant objectives for subrecipients, where appropriate.

Recommendations.

(2) Recommendations, if necessary, to increase transparency and oversight while balancing administrative burdens.

SEC. 207. MICRO-PURCHASE THRESHOLD FOR PROCUREMENT SOLICITATIONS BY RESEARCH INSTITUTIONS.

41 USC 1902 note.

(a) MICRO-PURCHASE THRESHOLD.—The micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, awarded by the Foundation, the National Aeronautics and Space Administration, or the National Institute of Standards and Technology to institutions of higher education, or related or affiliated nonprofit entities, or to nonprofit research organizations or independent research institutes is—

(1) $10,000 (as adjusted periodically to account for inflation); or

(2) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with audit findings under chapter 75 of title 31, United States Code, internal institutional risk assessment, or State law.

(b) UNIFORM GUIDANCE.—The Uniform Guidance shall be revised to conform with the requirements of this section. For purposes of the preceding sentence, the term "Uniform Guidance" means the uniform administrative requirements, cost principles, and audit requirements for Federal awards contained in part 200 of title 2 of the Code of Federal Regulations.

International Science and Technology Cooperation Act of 2016.
42 USC 6625. Coordination.

SEC. 208. COORDINATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY PARTNERSHIPS.

(a) SHORT TITLE.—This section may be cited as the "International Science and Technology Cooperation Act of 2016".

(b) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a body under the National Science and Technology Council with the responsibility to identify and coordinate international science and technology cooperation that can strengthen the United States science and technology enterprise, improve economic and national security, and support United States foreign policy goals.

(c) NSTC BODY LEADERSHIP.—The body established under subsection (b) shall be co-chaired by senior level officials from the Office of Science and Technology Policy and the Department of State.

(d) RESPONSIBILITIES.—The body established under subsection (b) shall—

(1) plan and coordinate interagency international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies;

(2) work with other National Science and Technology Council committees to help plan and coordinate the international component of national science and technology priorities;

(3) establish Federal priorities and policies for aligning, as appropriate, international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies with the foreign policy goals of the United States;

(4) identify opportunities for new international science and technology cooperative research and training partnerships that advance both the science and technology and the foreign policy priorities of the United States;

(5) in carrying out paragraph (4), solicit input and recommendations from non-Federal science and technology stakeholders, including institutions of higher education, scientific and professional societies, industry, and other relevant organizations and institutions; and

(6) identify broad issues that influence the ability of United States scientists and engineers to collaborate with foreign counterparts, including barriers to collaboration and access to scientific information.

(e) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives a biennial report on the requirements of this section.

Public information.

(f) WEBSITE.—The Director shall make each report available to the public on the Office of Science and Technology Policy website.

(g) TERMINATION.—The body established under subsection (b) shall terminate on the date that is 10 years after the date of enactment of this Act.

(h) ADDITIONAL REPORTS TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit, not later than 60 days after the date of enactment of this Act and annually

thereafter, to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives a report that lists and describes the details of all foreign travel by Office of Science and Technology Policy staff and detailees.

TITLE III—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION

SEC. 301. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.

Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended by adding at the end the following:

"(k) STEM TEACHER SERVICE AND RETENTION.—

"(1) IN GENERAL.—The Director shall develop and implement practices for increasing the proportion of individuals receiving fellowships under this section who—

"(A) fulfill the service obligation required under subsection (h); and

"(B) remain in the teaching profession in a high need local educational agency beyond the service obligation.

"(2) PRACTICES.—The practices described under paragraph (1) may include—

"(A) partnering with nonprofit or professional associations or with other government entities to provide individuals receiving fellowships under this section with opportunities for professional development, including mentorship programs that pair those individuals with currently employed and recently retired science, technology, engineering, mathematics, or computer science professionals;

"(B) increasing recruitment from high need districts;

"(C) establishing a system to better collect, track, and respond to data on the career decisions of individuals receiving fellowships under this section;

"(D) conducting research to better understand factors relevant to teacher service and retention, including factors specifically impacting the retention of teachers who are individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b); and

"(E) conducting pilot programs to improve teacher service and retention.".

SEC. 302. SPACE GRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Space Grant College and Fellowship Program has been an important program by which the Federal Government has partnered with universities, colleges, industry, and other organizations to provide hands-on STEM experiences, fostering of multidisciplinary space research, and supporting graduate fellowships in space-related fields, among other purposes.

(b) ADMINISTRATIVE COSTS.—Section 40303 of title 51, United States Code, is amended by adding at the end the following:

"(d) PROGRAM ADMINISTRATION COSTS.—In carrying out the provisions of this chapter, the Administrator—

"(1) shall maximize appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

"(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

"(e) REPORTS.—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administration is unable to limit program costs under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report, including—

"(1) a description of why the Administrator did not meet the cost target under subsection (d); and

"(2) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.".

42 USC 6621 note. Deadline.

SEC. 303. STEM EDUCATION ADVISORY PANEL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment this Act, the Director of the Foundation, Secretary of Education, Administrator of the National Aeronautics and Space Administration, and Administrator of the National Oceanic and Atmospheric Administration shall jointly establish an advisory panel (referred to in this section as the "STEM Education Advisory Panel") to advise the Committee on STEM Education of the National Science and Technology Council (referred to in this section as "CoSTEM") on matters relating to STEM education.

(b) MEMBERS.—

(1) IN GENERAL.—The STEM Education Advisory Panel shall be composed of not less than 11 members.

(2) APPOINTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director of the Foundation, in consultation with the Secretary of Education and the heads of the Federal science agencies, shall appoint the members of the STEM Education Advisory Panel.

(B) CONSIDERATION.—In selecting individuals to appoint under subparagraph (A), the Director of the Foundation shall seek and give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(C) QUALIFICATIONS.—Members shall—

(i) primarily be individuals from academic institutions, nonprofit organizations, and industry, including in-school, out-of-school, and informal education practitioners; and

(ii) be individuals who are qualified to provide advice and information on STEM education research, development, training, implementation, interventions,

professional development, or workforce needs or concerns.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The STEM Education Advisory Panel shall—

(A) advise CoSTEM;

(B) periodically assess CoSTEM's progress in carrying out its responsibilities under section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)); and

(C) help identify any need or opportunity to update the strategic plan under section 101(b) of that Act.

(2) CONSIDERATIONS.—In its advisory role, the STEM Education Advisory Panel shall consider—

(A) the management, coordination, and implementation of STEM education programs and activities across the Federal Government;

(B) the appropriateness of criteria used by Federal agencies to evaluate the effectiveness of Federal STEM education programs and activities;

(C) whether societal and workforce concerns are adequately addressed by current Federal STEM education programs and activities;

(D) how Federal agencies can incentivize institutions of higher education to improve retention of STEM students;

(E) ways to leverage private and nonprofit STEM investments and encourage public-private partnerships to strengthen STEM education and help build the STEM workforce pipeline;

(F) ways to incorporate workforce needs into Federal STEM education programs and activities, particularly for specific employment fields of national interest and employment fields experiencing high unemployment rates;

(G) ways to better vertically and horizontally integrate Federal STEM education programs and activities from prekindergarten through graduate study and the workforce, and from in-school to out-of-school in order to improve transitions for students moving through the STEM education and workforce pipelines;

(H) the extent to which Federal STEM education programs and activities are contributing to recruitment and retention of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in the STEM education and workforce pipelines; and

(I) ways to encourage geographic diversity in the STEM education and the workforce pipelines.

(3) RECOMMENDATIONS.—The STEM Education Advisory Panel shall make recommendations to improve Federal STEM education programs and activities based on each assessment under paragraph (1)(B).

(d) FUNDING.—The Director of the Foundation, the Secretary of Education, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall jointly make funds available on an annual basis to support the activities of the STEM Education Advisory Panel.

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and after each assessment under subsection (c)(1)(B), the STEM Education Advisory Panel shall submit to the appropriate committees of Congress and CoSTEM a report on its assessment under that subsection and its recommendations under subsection (c)(3).

(f) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—

(1) IN GENERAL.—Non-Federal members of the STEM Education Advisory Panel, while attending meetings of the panel or while otherwise serving at the request of a co-chairperson away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit members of the STEM Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(g) TERMINATION.—The STEM Education Advisory Panel established under subsection (a) shall terminate on the date that is 5 years after the date that it is established.

SEC. 304. COMMITTEE ON STEM EDUCATION.

(a) RESPONSIBILITIES.—Section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)) is amended—

(1) in paragraph (5)(D), by striking "; and" and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) collaborate with the STEM Education Advisory Panel established under section 303 of the American Innovation and Competitiveness Act and other outside stakeholders to ensure the engagement of the STEM education community;

"(8) review the measures used by a Federal agency to evaluate its STEM education activities and programs;

"(9) request and review feedback from States on how the States are utilizing Federal STEM education programs and activities; and

"(10) recommend the reform, termination, or consolidation of Federal STEM education activities and programs, taking into consideration the recommendations of the STEM Education Advisory Panel.".

(b) REPORTS.—Section 101 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621) is amended—

(1) by striking "(c) REPORT.—" and inserting "(d) REPORTS.—";

(2) by striking "(b) RESPONSIBILITIES OF OSTP.—" and inserting "(c) RESPONSIBILITIES OF OSTP.—"; and

(3) in subsection (d), as redesignated—

(A) in paragraph (4), by striking "; and" and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) a description of all consolidations and terminations of Federal STEM education programs and activities implemented in the previous fiscal year, including an explanation for the consolidations and terminations;

"(7) recommendations for reforms, consolidations, and terminations of STEM education programs or activities in the upcoming fiscal year; and

"(8) a description of any significant new STEM education public-private partnerships.".

SEC. 305. PROGRAMS TO EXPAND STEM OPPORTUNITIES. 42 USC 1862s–5.

(a) FINDINGS.—Congress makes the following findings:

(1) Economic projections by the Bureau of Labor Statistics indicate that by 2018, there could be 2,400,000 unfilled STEM jobs.

(2) Women represent slightly more than half the United States population, and projections indicate that 54 percent of the population will be a member of a racial or ethnic minority group by 2050.

(3) Despite representing half the population, women comprise only about 30 percent of STEM workers according to a 2015 report by the National Center for Science and Engineering Statistics.

(4) A 2014 National Center for Education Statistics study found that underrepresented populations leave the STEM fields at higher rates than their counterparts.

(5) The representation of women in STEM drops significantly at the faculty level. Overall, women hold only 25 percent of all tenured and tenure-track positions and 17 percent of full professor positions in STEM fields in our Nation's universities and 4-year colleges.

(6) Black and Hispanic faculty together hold about 6.5 percent of all tenured and tenure-track positions and 5 percent of full professor positions.

(7) Many of the numbers in the American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander categories for different faculty ranks were too small for the Foundation to report publicly without potentially compromising confidential information about the individuals being surveyed.

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

(1) it is critical to our Nation's economic leadership and global competitiveness that the United States educate, train, and retain more scientists, engineers, and computer scientists;

(2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers;

(3) historically, underrepresented populations are the largest untapped STEM talent pools in the United States; and

(4) given the shifting demographic landscape, the United States should encourage full participation of individuals from underrepresented populations in STEM fields.

(c) REAFFIRMATION.—The Director of the Foundation shall continue to support programs designed to broaden participation of underrepresented populations in STEM fields.

(d) GRANTS TO BROADEN PARTICIPATION.—

(1) IN GENERAL.—The Director of the Foundation shall award grants on a competitive, merit-reviewed basis, to eligible

entities to increase the participation of underrepresented populations in STEM fields, including individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

(2) CENTER OF EXCELLENCE.—

(A) IN GENERAL.—Grants awarded under this subsection may include grants for the establishment of a Center of Excellence to collect, maintain, and disseminate information to increase participation of underrepresented populations in STEM fields.

(B) PURPOSE.—The purpose of a Center of Excellence under this subsection is to promote diversity in STEM fields by building on the success of the INCLUDES programs, providing technical assistance, maintaining best practices, and providing related training at federally funded academic institutions.

(e) ACCOUNTABILITY AND DISSEMINATION.—

(1) EVALUATION.—

Deadline.

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Foundation shall evaluate the grants provided under this section.

(B) REQUIREMENTS.—In conducting the evaluation under subparagraph (A), the Director shall—

(i) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research; and

(ii) to the extent practicable, combine the research resulting from the grant activity under subsection (e) with the current research on serving underrepresented students in grades kindergarten through 8.

Public information.

(2) REPORT ON EVALUATIONS.—Not later than 180 days after the completion of the evaluation under paragraph (1), the Director of the Foundation shall submit to the appropriate committees of Congress and make widely available to the public a report that includes—

(A) the results of the evaluation; and

Recommendations.

(B) any recommendations for administrative and legislative action that could optimize the effectiveness of the program.

Consultation.

(f) COORDINATION.—In carrying out this section, the Director of the Foundation shall consult and cooperate with the programs and policies of other relevant Federal agencies to avoid duplication with and enhance the effectiveness of the program under this section.

SEC. 306. NIST EDUCATION AND OUTREACH.

(a) REPEAL.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by striking section 18 (15 U.S.C. 278g–1).

(b) EDUCATION AND OUTREACH.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.), as amended, is further amended by inserting after section 17, the following:

15 USC 278g–1.

"SEC. 18. EDUCATION AND OUTREACH.

"(a) IN GENERAL.—The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, to support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences,

standards and technology at the national measurement laboratories and otherwise in fulfillment of the mission of the Institute. The Director may carry out activities under this subsection, including education and outreach activities to the general public, industry and academia in support of the Institute's mission.

"(b) HIRING.—The Director, in coordination with the Director of the Office of Personnel Management, may revise the procedures the Director applies when making appointments to laboratory positions within the competitive service— Coordination.

"(1) to ensure corporate memory of and expertise in the fundamental ongoing work, and on developing new capabilities in priority areas;

"(2) to maintain high overall technical competence;

"(3) to improve staff diversity;

"(4) to balance emphases on the noncore and core areas; or

"(5) to improve the ability of the Institute to compete in the marketplace for qualified personnel.

"(c) VOLUNTEERS.—

"(1) IN GENERAL.—The Director may establish a program to use volunteers in carrying out the programs of the Institute.

"(2) ACCEPTANCE OF PERSONNEL.—The Director may accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Institute for such purpose if the service— Regulations.

"(A) is to be without compensation; and

"(B) will not be used to displace any current employee or act as a substitute for any future full-time employee of the Institute.

"(3) FEDERAL EMPLOYEE STATUS.—Any individual who provides voluntary service under this subsection shall not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

"(d) RESEARCH FELLOWSHIPS.—

"(1) IN GENERAL.—The Director may expend funds appropriated for activities of the Institute in any fiscal year, as the Director considers appropriate, for awards of research fellowships and other forms of financial and logistical assistance, including direct stipend awards to—

"(A) students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute; and

"(B) United States citizens for research and technical activities of the Institute, including programs.

"(2) SELECTION CRITERIA.—The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

"(3) FINANCIAL AND LOGISTICAL ASSISTANCE.—Notwithstanding section 1345 of title 31, United States Code, or any other law to the contrary, the Director may include as a form of financial or logistical assistance under this subsection temporary housing and transportation to and from Institute facilities.

"(e) EDUCATIONAL OUTREACH ACTIVITIES.—The Director may—

"(1) facilitate education programs for undergraduate and graduate students, postdoctoral researchers, and academic and industry employees;

"(2) sponsor summer workshops for STEM kindergarten through grade 12 teachers as appropriate;

"(3) develop programs for graduate student internships and visiting faculty researchers;

"(4) document publications, presentations, and interactions with visiting researchers and sponsoring interns as performance metrics for improving and continuing interactions with those individuals; and

"(5) facilitate laboratory tours and provide presentations for educational, industry, and community groups.".

(c) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) is amended to read as follows:

"SEC. 19. POST-DOCTORAL FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—The Institute and the National Academy of Sciences, jointly, shall establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations.

"(b) ORGANIZATION.—The post-doctoral fellowship program shall include not less than 20 new fellows per fiscal year.

"(c) EVALUATIONS.—In evaluating applications for post-doctoral fellowships under this section, the Director of the Institute and the President of the National Academy of Sciences shall give consideration to the goal of promoting the participation of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in research areas supported by the Institute.".

(d) SAVINGS CLAUSES.—

15 USC 278g–1 note.

(1) RESEARCH FELLOWSHIPS AND OTHER FINANCIAL ASSISTANCE TO STUDENTS AT INSTITUTES OF HIGHER EDUCATION.—The repeal made by subsection (a) of this section shall not affect any award of a research fellowship or other form of financial assistance made under section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) before the date of enactment of this Act. Such award shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

15 USC 278g–2 note.

(2) POST-DOCTORAL FELLOWSHIP PROGRAM.—The amendment made by subsection (c) of this section shall not affect any award of a post-doctoral fellowship or other form of financial assistance made under section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) before the date of enactment of this Act. Such awards shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

42 USC 1862s–6.

SEC. 307. PRESIDENTIAL AWARDS FOR EXCELLENCE IN STEM MENTORING.

(a) IN GENERAL.—The Director of the Foundation shall continue to administer awards on behalf of the Office of Science and Technology Policy to recognize outstanding mentoring in STEM fields.

List.

(b) ANNUAL AWARD RECIPIENTS.—The Director of the Foundation shall provide Congress with a list of award recipients, including

the name, institution, and a brief synopsis of the impact of the mentoring efforts.

SEC. 308. WORKING GROUP ON INCLUSION IN STEM FIELDS.

42 USC 6626.

(a) ESTABLISHMENT.—The Office of Science and Technology Policy, in collaboration with Federal departments and agencies, shall establish an interagency working group to compile and summarize available research and best practices on how to promote diversity and inclusions in STEM fields and examine whether barriers exist to promoting diversity and inclusion within Federal agencies employing scientists and engineers.

Compilation. Summary.

(b) RESPONSIBILITIES.—The working group shall be responsible for reviewing and assessing research, best practices, and policies across Federal science agencies related to the inclusion of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in the Federal STEM workforce, including available research and best practices on how to promote diversity and inclusion in STEM fields, including—

(1) policies providing flexibility for scientists and engineers that are also caregivers, particularly on the timing of research grants;

(2) policies to address the proper handling of claims of sexual harassment;

(3) policies to minimize the effects of implicit bias and other systemic factors in hiring, promotion, evaluation and the workplace in general; and

(4) other evidence-based strategies that the working group considers effective for promoting diversity and inclusion in the STEM fields.

(c) STAKEHOLDER INPUT.—In carrying out the responsibilities under section (b), the working group shall solicit and consider input and recommendations from non-Federal stakeholders, including—

(1) the Council of Advisors on Science and Technology;

(2) federally funded and non-federally funded researchers, institutions of higher education, scientific disciplinary societies, and associations;

(3) nonprofit research institutions;

(4) industry, including small businesses;

(5) federally funded research and development centers;

(6) non-governmental organizations; and

(7) such other members of the public interested in promoting a diverse and inclusive Federal STEM workforce.

(d) PUBLIC REPORTS.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the working group shall publish a report on the review and assessment under subsection (b), including a summary of available research and best practices, any recommendations for Federal actions to promote a diverse and inclusive Federal STEM workforce, and updates on the implementation of previous recommendations for Federal actions.

Summary. Recommendations. Updates.

(e) TERMINATION.—The interagency working group established under subsection (a) shall terminate on the date that is 10 years after the date that it is established.

SEC. 309. IMPROVING UNDERGRADUATE STEM EXPERIENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each Federal science agency should invest in and expand research opportunities for undergraduate students attending institutions of higher education during the undergraduate students' first 2 academic years of postsecondary education.

Deadline. Recommendations.

(b) IDENTIFICATION OF RESEARCH PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall submit to the President recommendations regarding how the agency could best fulfill the goals described in subsection (a).

42 USC 1862s–7.

SEC. 310. COMPUTER SCIENCE EDUCATION RESEARCH.

(a) FINDINGS.—Congress finds that as the lead Federal agency for building the research knowledge base for computer science education, the Foundation is well positioned to make investments that will accelerate ongoing efforts to enable rigorous and engaging computer science throughout the Nation as an integral part of STEM education.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director of the Foundation shall award grants to eligible entities to research computer science education and computational thinking.

(2) RESEARCH.—The research described in paragraph (1) may include the development or adaptation, piloting or full implementation, and testing of—

(A) models of preservice preparation for teachers who will teach computer science and computational thinking;

(B) scalable and sustainable models of professional development and ongoing support for the teachers described in subparagraph (A);

(C) tools and models for teaching and learning aimed at supporting student success and inclusion in computing within and across diverse populations, particularly poor, rural, and tribal populations and other populations that have been historically underrepresented in computer science and STEM fields; and

(D) high-quality learning opportunities for teaching computer science and, especially in poor, rural, or tribal schools at the elementary school and middle school levels, for integrating computational thinking into STEM teaching and learning.

(c) COLLABORATIONS.—In carrying out the grants established in subsection (b), eligible entities may collaborate and partner with local or remote schools to support the integration of computing and computational thinking within pre-kindergarten through grade 12 STEM curricula and instruction.

(d) METRICS.—The Director of the Foundation shall develop metrics to measure the success of the grant program funded under this section in achieving program goals.

(e) REPORT.—The Director of the Foundation shall report, in the annual budget submission to Congress, on the success of the program as measured by the metrics in subsection (d).

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an institution of higher education or a nonprofit research organization.

SEC. 311. INFORMAL STEM EDUCATION.

(a) NATIONAL STEM PARTNERSHIP GRANTS.—Section 3(a) of the STEM Education Act of 2015 (42 U.S.C. 1862q(a)) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

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

(3) by adding at the end the following:

"(3) a national partnership of institutions involved in informal STEM learning.".

(b) USE OF FUNDS.—Section 3(b) of the STEM Education Act of 2015 (42 U.S.C. 1862q(b)) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) fostering on-going partnerships between institutions involved in informal STEM learning, institutions of higher education, and education research centers; and

"(4) developing, and making available informal STEM education activities and educational materials.".

SEC. 312. DEVELOPING STEM APPRENTICESHIPS.

15 USC 3723 note.

(a) FINDINGS.—Congress makes the following findings:

(1) The lack of data on the return on investment for United States employers using registered apprenticeships makes it difficult—

(A) to communicate the value of these programs to businesses; and

(B) to expand registered apprenticeships.

(2) The lack of data on the value and impact of employer-provided worker training, which is likely substantial, hinders the ability of the Federal Government to formulate policy related to workforce training.

(3) The Secretary of Commerce has initiated—

(A) the first study on the return on investment for United States employers using registered apprenticeships through case studies of firms in various sectors, occupations, and geographic locations to provide the business community with data on employer benefits and costs; and

(B) discussions with officials at relevant Federal agencies about the need to collect comprehensive data on—

(i) employer-provided worker training; and

(ii) existing tools that could be used to collect such data.

(b) DEVELOPMENT OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall continue to research the value to businesses of utilizing apprenticeship programs, including—

(1) evidence of return on investment of apprenticeships, including estimates for the average time it takes a business to recover the costs associated with training apprentices; and

(2) data from the United States Census Bureau and other statistical surveys on employer-provided training, including apprenticeships and other on-the-job training and industry-recognized certification programs.

(c) DISSEMINATION OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall disseminate findings from research on apprenticeships to businesses and other relevant stakeholders, including—

(1) institutions of higher education;

(2) State and local chambers of commerce; and

(3) workforce training organizations.

(d) NEW APPRENTICESHIP PROGRAM STUDY.—The Secretary of Commerce may collaborate with the Secretary of Labor to study approaches for reducing the cost of creating new apprenticeship programs and hosting apprentices for businesses, particularly small businesses, including—

(1) training sharing agreements;

(2) group training models; and

(3) pooling resources and best practices.

(e) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

15 USC 3723.

"SEC. 28. STEM APPRENTICESHIP PROGRAMS.

"(a) IN GENERAL.—The Secretary of Commerce may carry out a grant program to identify the need for skilled science, technology, engineering, and mathematics (referred to in this section as 'STEM') workers and to expand STEM apprenticeship programs.

"(b) ELIGIBLE RECIPIENT DEFINED.—In this section, the term 'eligible recipient' means—

"(1) a State;

"(2) an Indian tribe;

"(3) a city or other political subdivision of a State;

"(4) an entity that—

"(A) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, or an economic development organization or similar entity; and

"(B) has an application that is supported by a State, a political subdivision of a State, or a native organization; or

"(5) a consortium of any of the entities described in paragraphs (1) through (5).

"(c) NEEDS ASSESSMENT GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient to conduct a needs assessment to identify—

"(1) the unmet need of a region's employer base for skilled STEM workers;

"(2) the potential of STEM apprenticeships to address the unmet need described in paragraph (1); and

"(3) any barriers to addressing the unmet need described in paragraph (1).

"(d) APPRENTICESHIP EXPANSION GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient that has conducted a needs assessment as described in subsection (c)(1) to develop infrastructure to expand STEM apprenticeship programs.".

SEC. 313. NSF REPORT ON BROADENING PARTICIPATION.

Section 204(e) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1885c(e)) is amended to read as follows:

"(e) BIENNIAL REPORT.—Every 2 years, the Committee shall prepare and submit to the Director a report on its activities during the previous 2 years and proposed activities for the next 2 years. The Director shall submit to Congress the report, unaltered, together with such comments as the Director considers appropriate, including—

"(1) review data on the participation in Foundation activities of institutions serving populations that are underrepresented in STEM disciplines, including poor, rural, and tribal populations; and Review.

"(2) recommendations regarding how the Foundation could improve outreach and inclusion of these populations in Foundation activities.". Recommendations.

SEC. 314. NOAA SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 4002(a) of the America COMPETES Act (33 U.S.C. 893a(a)) is amended by striking "agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups" and inserting "the agency, with consideration given to the goal of promoting the participation of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b)".

(b) EDUCATIONAL PROGRAM GOALS.—Section 4002(b)(4) of the America COMPETES Act (33 U.S.C. 893a(b)(4)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) by redesignating subparagraph (C) and subparagraph (D);

(3) by inserting after subparagraph (B) the following:

"(C) are designed considering the unique needs of underrepresented groups, translating such materials and other resources;"; and

(4) by adding at the end the following:

"(E) are promoted widely, especially among individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b); and".

(c) METRICS.—Section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by adding after section (c) the following:

"(d) METRICS.—In executing the National Oceanic and Atmospheric Administration science education plan under subsection (c), the Administrator shall maintain a comprehensive system for evaluating the Administration's educational programs and activities. In so doing, the Administrator shall ensure that such education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating programs. For each such education program or portfolio of similar programs, the Administrator shall— Evaluation.

"(1) encourage the collection of evidence as relevant to the measurable objectives and milestones; and

"(2) ensure that program or portfolio evaluations focus on educational outcomes and not just inputs, activities completed, or the number of participants.".

SEC. 315. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM UPDATE.

(a) IN GENERAL.—Section 7033(a) of the America COMPETES Act (42 U.S.C. 1862o–12(a)) is amended as follows:

Grants.

"(a) IN GENERAL.—The Director shall award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a)) to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, technology, engineering, and mathematics.".

42 USC 1862o–12 note.

(b) SAVINGS PROVISION.—The amendment made by subsection (a) of this section shall not affect any award of a grant or other form of financial assistance made under section 7033 of the America COMPETES Act (42 U.S.C. 1862o–12) before the date of enactment of this Act. Such awards shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

TITLE IV—LEVERAGING THE PRIVATE SECTOR

Science Prize Competition Act. 15 USC 3701 note.

SEC. 401. PRIZE COMPETITION AUTHORITY UPDATE.

(a) SHORT TITLE.—This section may be cited as the "Science Prize Competition Act".

(b) IN GENERAL.—Section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "PRIZES" and by inserting "PRIZE COMPETITIONS";

(B) in the matter preceding paragraph (1), by striking "prize may be one or more of the following" and inserting "prize competition may be 1 or more of the following types of activities";

(C) in paragraph (2), by inserting "competition" after "prize"; and

(D) in paragraphs (3) and (4), by striking "prizes" and inserting "prize competitions";

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "in the Federal Register" and inserting "on a publicly accessible Government website, such as www.challenge.gov,";

(B) in paragraphs (1), (2), and (3), by inserting "prize" before "competition"; and

(C) in paragraph (4), by striking "prize" and inserting "cash prize purse or non-cash prize award";

(3) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "prize" and inserting "cash prize purse"; and

(B) in paragraph (1), by inserting "prize" before "competition";

(4) in subsection (h), by inserting "prize" before "competition" each place it appears;

(5) in subsection (i)—

(A) in paragraph (1)(B), by inserting "prize" before "competition";

(B) in paragraph (2)(A), by inserting "prize" before "competition" each place it appears;

(C) by redesignating paragraph (3) as paragraph (4); and

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

"(3) WAIVERS.—

"(A) IN GENERAL.—An agency may waive the requirement under paragraph (2).

"(B) LIST.—The Director shall include a list of all of the waivers granted under this paragraph during the preceding fiscal year, including a detailed explanation of the reason for granting the waiver.";

(6) in subsection (j)—

(A) in paragraph (1), by inserting "prize" before "competition"; and

(B) by amending paragraph (2) to read as follows:

"(2) LICENSES.—As appropriate and to further the goals of a prize competition, the Federal Government may negotiate a license for the use of intellectual property developed by a registered participant in a prize competition.";

(7) in subsection (k)—

(A) in paragraph (1), by striking "each competition" and inserting "each prize competition" each place it appears;

(B) in paragraph (2)(A), by inserting "prize" before "competition"; and

(C) in paragraph (3), by inserting "prize" before "competitions" each place it appears;

(8) in subsection (l), by striking "an agreement with" and all that follows through the period at the end and inserting "a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity or State or local government agency to administer the prize competition, subject to the provisions of this section.";

(9) in subsection (m)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—Support for a prize competition under this section, including financial support for the design and administration of a prize competition or funds for a cash prize purse, may consist of Federal appropriated funds and funds provided by private sector for-profit and nonprofit entities. The head of an agency may request and accept funds from other Federal agencies, State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent provided by appropriations Acts, to support such prize competitions. The head of an agency may not give any special consideration to any agency or entity in return for a donation.";

(B) in paragraph (2), by striking "prize awards" and inserting "cash prize purses or non-cash prize awards";

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

"(A) ANNOUNCEMENT.—No prize competition may be announced under subsection (f) until all the funds needed

to pay out the announced amount of the cash prize purse have been appropriated or committed in writing by a private or State, United States territory, local, or tribal government source."; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "a prize" and inserting "a cash prize purse or non-cash prize award";

(II) in clause (i), by inserting "competition" after "prize"; and

(III) in clause (ii), by inserting "or State, United States territory, local, or tribal government" after "private"; and

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "a prize" and inserting "a cash prize purse or a non-cash prize award"; and

(II) by striking "Science and Technology" and inserting "Science, Space, and Technology"; and

(ii) in subparagraph (B), by striking "cash prizes" and inserting "cash prize purses or non-cash prize awards";

(10) in subsection (n)—

(A) in the heading, by striking "SERVICE" and inserting "SERVICES";

(B) by striking "the date of the enactment of the America COMPETES Reauthorization Act of 2010," and inserting "the date of enactment of the American Innovation and Competitiveness Act,"; and

(C) by inserting "for both for-profit and nonprofit entities and State, United States territory, local, and tribal government entities," after "contract vehicle";

(11) in subsection (o)(1), by striking "or providing a prize" and inserting "a prize competition or providing a cash prize purse or non-cash prize award"; and

(12) in subsection (p)—

(A) in the heading, by striking "ANNUAL" and inserting "BIENNIAL";

(B) in paragraph (1)—

(i) by striking "each year" and inserting "every other year";

(ii) by striking "Science and Technology" and inserting "Science, Space, and Technology"; and

(iii) by striking "fiscal year" and inserting "2 fiscal years"; and

(C) in paragraph (2)—

(i) by striking "The report for a fiscal year" and inserting "A report";

(ii) in subparagraph (C)—

(I) in the heading, by striking "PRIZES" and inserting "PRIZE PURSES OR NON-CASH PRIZE AWARDS"; and

(II) by striking "cash prizes" each place it appears and inserting "cash prize purses or non-cash prize awards"; and

(iii) by adding at the end the following:

"(G) PLAN.—A description of crosscutting topical areas and agency-specific mission needs that may be the strongest opportunities for prize competitions during the upcoming 2 fiscal years.". Time period.

SEC. 402. CROWDSOURCING AND CITIZEN SCIENCE. Crowdsourcing and Citizen Science Act. 15 USC 3724.

(a) SHORT TITLE.—This section may be cited as the "Crowdsourcing and Citizen Science Act".

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

(1) the authority granted to Federal agencies under the America COMPETES Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 3982) to pursue the use of incentive prizes and challenges has yielded numerous benefits;

(2) crowdsourcing and citizen science projects have a number of additional unique benefits, including accelerating scientific research, increasing cost effectiveness to maximize the return on taxpayer dollars, addressing societal needs, providing hands-on learning in STEM, and connecting members of the public directly to Federal science agency missions and to each other; and

(3) granting Federal science agencies the direct, explicit authority to use crowdsourcing and citizen science will encourage its appropriate use to advance Federal science agency missions and stimulate and facilitate broader public participation in the innovation process, yielding numerous benefits to the Federal Government and citizens who participate in such projects.

(c) DEFINITIONS.—In this section:

(1) CITIZEN SCIENCE.—The term "citizen science" means a form of open collaboration in which individuals or organizations participate voluntarily in the scientific process in various ways, including—

(A) enabling the formulation of research questions;
(B) creating and refining project design;
(C) conducting scientific experiments;
(D) collecting and analyzing data;
(E) interpreting the results of data;
(F) developing technologies and applications;
(G) making discoveries; and
(H) solving problems.

(2) CROWDSOURCING.—The term "crowdsourcing" means a method to obtain needed services, ideas, or content by soliciting voluntary contributions from a group of individuals or organizations, especially from an online community.

(3) PARTICIPANT.—The term "participant" means any individual or other entity that has volunteered in a crowdsourcing or citizen science project under this section.

(d) CROWDSOURCING AND CITIZEN SCIENCE.—

(1) IN GENERAL.—The head of each Federal science agency, or the heads of multiple Federal science agencies working cooperatively, may utilize crowdsourcing and citizen science to conduct projects designed to advance the mission of the respective Federal science agency or the joint mission of Federal science agencies, as applicable.

(2) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the head of a Federal science agency may accept, subject to regulations issued by the Director

of the Office of Personnel Management, in coordination with the Director of the Office of Science and Technology Policy, services from participants under this section if such services—

(A) are performed voluntarily as a part of a crowdsourcing or citizen science project authorized under paragraph (1);

(B) are not financially compensated for their time; and

(C) will not be used to displace any employee of the Federal Government.

Public information.

(3) OUTREACH.—The head of each Federal science agency engaged in a crowdsourcing or citizen science project under this section shall make public and promote such project to encourage broad participation.

(4) CONSENT, REGISTRATION, AND TERMS OF USE.—

Determination.

(A) IN GENERAL.—Each Federal science agency shall determine the appropriate level of consent, registration, or acknowledgment of the terms of use that are required from participants in crowdsourcing or citizen science projects under this section on a per-project basis.

(B) DISCLOSURES.—In seeking consent, conducting registration, or developing terms of use for a project under this subsection, a Federal science agency shall disclose the privacy, intellectual property, data ownership, compensation, service, program, and other terms of use to the participant in a clear and reasonable manner.

(C) MODE OF CONSENT.—A Federal agency or Federal science agencies, as applicable, may obtain consent electronically or in written form from participants under this section.

(5) PROTECTIONS FOR HUMAN SUBJECTS.—Any crowdsourcing or citizen science project under this section that involves research involving human subjects shall be subject to part 46 of title 28, Code of Federal Regulations (or any successor regulation).

(6) DATA.—

Public information.

(A) IN GENERAL.—A Federal science agency shall, where appropriate and to the extent practicable, make data collected through a crowdsourcing or citizen science project under this section available to the public, in a machine readable format, unless prohibited by law.

(B) NOTICE.—As part of the consent process, the Federal science agency shall notify all participants—

(i) of the expected uses of the data compiled through the project;

(ii) if the Federal science agency will retain ownership of such data;

(iii) if and how the data and results from the project would be made available for public or third party use; and

(iv) if participants are authorized to publish such data.

Public information.

(7) TECHNOLOGIES AND APPLICATIONS.—Federal science agencies shall endeavor to make technologies, applications, code, and derivations of such intellectual property developed through a crowdsourcing or citizen science project under this section available to the public.

(8) LIABILITY.—Each participant in a crowdsourcing or citizen science project under this section shall agree—

(A) to assume any and all risks associated with such participation; and

(B) to waive all claims against the Federal Government and its related entities, except for claims based on willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits (whether direct, indirect, or consequential) arising from participation in the project. Waiver.

(9) RESEARCH MISCONDUCT.—Federal science agencies coordinating crowdsourcing or citizen science projects under this section shall make all practicable efforts to ensure that participants adhere to all relevant Federal research misconduct policies and other applicable ethics policies.

(10) MULTI-SECTOR PARTNERSHIPS.—The head of each Federal science agency engaged in crowdsourcing or citizen science under this section, or the heads of multiple Federal science agencies working cooperatively, may enter into a contract or other agreement to share administrative duties for such projects with—

(A) a for profit or nonprofit private sector entity, including a private institution of higher education;

(B) a State, tribal, local, or foreign government agency, including a public institution of higher education; or

(C) a public-private partnership.

(11) FUNDING.—In carrying out crowdsourcing and citizen science projects under this section, the head of a Federal science agency, or the heads of multiple Federal science agencies working cooperatively—

(A) may use funds appropriated by Congress;

(B) may publicize projects and solicit and accept funds or in-kind support for such projects, to be available to the extent provided by appropriations Acts, from—

(i) other Federal agencies;

(ii) for profit or nonprofit private sector entities, including private institutions of higher education; or

(iii) State, tribal, local, or foreign government agencies, including public institutions of higher education; and

(C) may not give any special consideration to any entity described in subparagraph (B) in return for such funds or in-kind support.

(12) FACILITATION.—

(A) GENERAL SERVICES ADMINISTRATION ASSISTANCE.—The Administrator of the General Services Administration, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Science and Technology Policy, shall, at no cost to Federal science agencies, identify and develop relevant products, training, and services to facilitate the use of crowdsourcing and citizen science projects under this section, including by specifying the appropriate contract vehicles and technology and organizational platforms to enhance the ability of Federal science agencies to carry out the projects under this section. Coordination.

(B) ADDITIONAL GUIDANCE.—The head of each Federal science agency engaged in crowdsourcing or citizen science under this section may—

(i) consult any guidance provided by the Director of the Office of Science and Technology Policy, including the Federal Crowdsourcing and Citizen Science Toolkit;

(ii) designate a coordinator for that Federal science agency's crowdsourcing and citizen science projects; and

(iii) share best practices with other Federal agencies, including participation of staff in the Federal Community of Practice for Crowdsourcing and Citizen Science.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall include, as a component of an annual report required under section 24(p) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719(p)), a report on the projects and activities carried out under this section.

(2) INFORMATION INCLUDED.—The report required under paragraph (1) shall include—

Summary.

(A) a summary of each crowdsourcing and citizen science project conducted by a Federal science agency during the most recently completed 2 fiscal years, including a description of the proposed goals of each crowdsourcing and citizen science project;

Analysis.

(B) an analysis of why the utilization of a crowdsourcing or citizen science project summarized in subparagraph (A) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Federal science agency, such as contracts, grants, cooperative agreements, and prize competitions;

(C) the participation rates, submission levels, number of consents, and any other statistic that might be considered relevant in each crowdsourcing and citizen science project;

(D) a detailed description of—

(i) the resources, including personnel and funding, that were used in the execution of each crowdsourcing and citizen science project;

(ii) the project activities for which such resources were used; and

(iii) how the obligations and expenditures relating to the project's execution were allocated among the accounts of the Federal science agency, including a description of the amount and source of all funds, private, public, and in-kind, contributed to each crowdsourcing and citizen science project;

Summary.

(E) a summary of the use of crowdsourcing and citizen science by all Federal science agencies, including interagency and multi-sector partnerships;

(F) a description of how each crowdsourcing and citizen science project advanced the mission of each participating Federal science agency;

(G) an identification of each crowdsourcing or citizen science project where data collected through such project

was not made available to the public, including the reasons for such action; and

(H) any other information that the Director of the Office of Science and Technology Policy considers relevant.

(f) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to affect the authority to conduct crowdsourcing and citizen science authorized by any other provision of law; or

(2) to displace Federal Government resources allocated to the Federal science agencies that use crowdsourcing or citizen science authorized under this section to carry out a project.

SEC. 403. NIST DIRECTOR FUNCTIONS UPDATE.

Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)), as amended by section 403 of this Act, is further amended—

(1) in the matter preceding paragraph (1), by striking "authorized to take" and inserting "authorized to serve as the President's principal adviser on standards policy pertaining to the Nation's technological competitiveness and innovation ability and to take";

(2) in paragraph (3), by striking "compare standards" and all that follows through "Federal Government" and inserting "facilitate standards-related information sharing and cooperation between Federal agencies"; and

(3) in paragraph (13), by striking "Federal, State, and local" and all that follows through "private sector" and inserting "technical standards activities and conformity assessment activities of Federal, State, and local governments with private sector".

SEC. 404. NIST VISITING COMMITTEE ON ADVANCED TECHNOLOGY UPDATE.

Section 10 of the National Institute of Standards and Technology Act (15 U.S.C. 278) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking "15 members appointed by the Director, at least 10 of whom" and inserting "not fewer than 9 members appointed by the Director, a majority of whom"; and

(B) in the third sentence, by striking "National Bureau of Standards" and inserting "National Institute of Standards and Technology"; and

(2) in subsection (h)(1), by striking ", including the Program established under section 28,".

TITLE V—MANUFACTURING

SEC. 501. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP IMPROVEMENTS.

Manufacturing Extension Partnership Improvement Act.
15 USC 271 note.

(a) SHORT TITLE.—This section may be cited as the "Manufacturing Extension Partnership Improvement Act".

(b) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended to read as follows:

"SEC. 25. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.

"(a) DEFINITIONS.—In this section:

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

"(A) the Committee on Commerce, Science, and Transportation of the Senate; and

"(B) the Committee on Science, Space, and Technology of the House of Representatives.

"(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3 of the Vocational Education Act of 1963 (20 U.S.C. 2302).

"(3) CENTER.—The term 'Center' means a manufacturing extension center that—

"(A) is created under subsection (b); and

"(B) is affiliated with an eligible entity that applies for and is awarded financial support under subsection (e).

"(4) COMMUNITY COLLEGE.—The term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.

"(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a United States-based nonprofit institution, or consortium thereof, an institution of higher education, or a State, United States territory, local, or tribal government.

"(6) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP OR PROGRAM.—The term 'Hollings Manufacturing Extension Partnership' or 'Program' means the program established under subsection (b).

"(7) MEP ADVISORY BOARD.—The term 'MEP Advisory Board' means the Manufacturing Extension Partnership Advisory Board established under subsection (n).

"(b) ESTABLISHMENT AND PURPOSE.—The Secretary, acting through the Director and, if appropriate, through other Federal officials, shall establish a program to provide assistance for the creation and support of manufacturing extension centers for the transfer of manufacturing technology and best business practices.

"(c) OBJECTIVE.—The objective of the Program shall be to enhance competitiveness, productivity, and technological performance in United States manufacturing through—

"(1) the transfer of manufacturing technology and techniques developed at the Institute to Centers and, through them, to manufacturing companies throughout the United States;

"(2) the participation of individuals from industry, institutions of higher education, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

"(3) efforts to make new manufacturing technology and processes usable by United States-based small and medium-sized companies;

"(4) the active dissemination of scientific, engineering, technical, and management information about manufacturing to industrial firms, including small and medium-sized manufacturing companies;

"(5) the utilization, when appropriate, of the expertise and capability that exists in Federal agencies, other than the Institute, and federally-sponsored laboratories;

"(6) the provision to community colleges and area career and technical education schools of information about the job skills needed in manufacturing companies, including small and medium-sized manufacturing businesses in the regions they serve;

"(7) the promotion and expansion of certification systems offered through industry, associations, and local colleges when appropriate, including efforts such as facilitating training, supporting new or existing apprenticeships, and providing access to information and experts, to address workforce needs and skills gaps in order to assist small- and medium-sized manufacturing businesses; and

"(8) the growth in employment and wages at United States-based small and medium-sized companies.

"(d) ACTIVITIES.—The activities of a Center shall include—

"(1) the establishment of automated manufacturing systems and other advanced production technologies, based on Institute-supported research, for the purpose of demonstrations and technology transfer;

"(2) the active transfer and dissemination of research findings and Center expertise to a wide range of companies and enterprises, particularly small and medium-sized manufacturers; and

"(3) the facilitation of collaborations and partnerships between small and medium-sized manufacturing companies, community colleges, and area career and technical education schools, to help those entities better understand the specific needs of manufacturers and to help manufacturers better understand the skill sets that students learn in the programs offered by such colleges and schools.

"(e) FINANCIAL ASSISTANCE.—

"(1) AUTHORIZATION.—Except as provided in paragraph (2), the Secretary may provide financial assistance for the creation and support of a Center through a cooperative agreement with an eligible entity.

"(2) COST SHARING.—The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to establish and support a Center.

"(3) RULE OF CONSTRUCTION.—For purposes of paragraph (2), any amount received by an eligible entity for a Center under a provision of law other than paragraph (1) shall not be considered an amount provided under paragraph (1).

"(4) REGULATIONS.—The Secretary may revise or promulgate such regulations as necessary to carry out this subsection.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) PROGRAM DESCRIPTION.—The Secretary shall establish and update, as necessary— Update. Procedures. Criteria.

"(A) a description of the Program;

"(B) the application procedures;

"(C) performance metrics;

"(D) criteria for determining qualified applicants; and

"(E) criteria for choosing recipients of financial assistance from among the qualified applicants.

"(F) procedures for determining allowable cost share contributions; and

"(G) such other program policy objectives and operational procedures as the Secretary considers necessary.

"(3) COST SHARING.—

"(A) IN GENERAL.—To be considered for financial assistance under this section, an applicant shall provide adequate assurances that the applicant and if applicable, the applicant's partnering organizations, will obtain funding for not less than 50 percent of the capital and annual operating and maintenance funds required to establish and support the Center from sources other than the financial assistance provided under subsection (e).

Determination.

"(B) AGREEMENTS WITH OTHER ENTITIES.—In meeting the cost-sharing requirement under subparagraph (A), an eligible entity may enter into an agreement with 1 or more other entities, such as a private industry, institutions of higher education, or a State, United States territory, local, or tribal government for the contribution by that other entity of funding if the Secretary determines the agreement—

"(i) is programmatically reasonable;

"(ii) will help accomplish programmatic objectives; and

"(iii) is allocable under Program procedures under subsection (f)(2).

"(4) LEGAL RIGHTS.—Each applicant shall include in the application a proposal for the allocation of the legal rights associated with any intellectual property which may result from the activities of the Center.

"(5) MERIT REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—The Secretary shall subject each application to merit review.

"(B) CONSIDERATIONS.—In making a decision whether to approve an application and provide financial assistance under subsection (e), the Secretary shall consider, at a minimum—

"(i) the merits of the application, particularly those portions of the application regarding technology transfer, training and education, and adaptation of manufacturing technologies to the needs of particular industrial sectors;

"(ii) the quality of service to be provided;

"(iii) the geographical diversity and extent of the service area; and

"(iv) the type and percentage of funding and in-kind commitment from other sources under paragraph (3).

"(g) EVALUATIONS.—

"(1) THIRD AND EIGHTH YEAR EVALUATIONS BY PANEL.—

"(A) IN GENERAL.—The Secretary shall ensure that each Center is evaluated during its third and eighth years of operation by an evaluation panel appointed by the Secretary.

"(B) COMPOSITION.—The Secretary shall ensure that each evaluation panel appointed under subparagraph (A) is composed of—

"(i) private experts, none of whom are connected with the Center evaluated by the panel; and

"(ii) Federal officials.

"(C) CHAIRPERSON.—For each evaluation panel appointed under subparagraph (B), the Secretary shall appoint a chairperson who is an official of the Institute. Appointment.

"(2) FIFTH YEAR EVALUATIONS BY SECRETARY.—In the fifth year of operation of a Center, the Secretary shall conduct a review of the Center. Review.

"(3) PERFORMANCE MEASUREMENT.—In evaluating a Center an evaluation panel or the Secretary, as applicable, shall measure the performance of the Center against—

"(A) the objective specified in subsection (c);

"(B) the performance metrics under subsection (f)(2)(C); and

"(C) such other criterion as considered appropriate by the Secretary.

"(4) POSITIVE EVALUATIONS.—If an evaluation of a Center is positive, the Secretary may continue to provide financial assistance for the Center—

"(A) in the case of an evaluation occurring in the third year of a Center, through the fifth year of the Center;

"(B) in the case of an evaluation occurring in the fifth year of a Center, through the eighth year of the Center; and

"(C) in the case of an evaluation occurring in the eighth year of a Center, through the tenth year of the Center.

"(5) OTHER THAN POSITIVE EVALUATIONS.—

"(A) PROBATION.—If an evaluation of a Center is other than positive, the Secretary shall put the Center on probation during the period beginning on the date that the Center receives notice under subparagraph (B)(i) and ending on the date that the reevaluation is complete under subparagraph (B)(iii). Time period.

"(B) NOTICE AND REEVALUATION.—If a Center receives an evaluation that is other than positive, the evaluation panel or Secretary, as applicable, shall— Deadlines.

"(i) notify the Center of the reason, including any deficiencies in the performance of the Center identified during the evaluation;

"(ii) assist the Center in remedying the deficiencies by providing the Center, not less frequently than once every 3 months, an analysis of the Center, if considered appropriate by the panel or Secretary, as applicable; and Analysis.

"(iii) reevaluate the Center not later than 1 year after the date of the notice under clause (i).

"(C) CONTINUED SUPPORT DURING PERIOD OF PROBATION.—

"(i) IN GENERAL.—The Secretary may continue to provide financial assistance under subsection (e) for a Center during the probation period.

"(ii) POST PROBATION.—After the period of probation, the Secretary shall not provide any financial

assistance unless the Center has received a positive evaluation under subparagraph (B)(iii).

"(6) FAILURE TO REMEDY.—

Competition.

"(A) IN GENERAL.—If a Center fails to remedy a deficiency or to show significant improvement in performance before the end of the probation period under paragraph (5), the Secretary shall conduct a competition to select an operator for the Center under subsection (h).

"(B) TREATMENT OF CENTERS SUBJECT TO NEW COMPETITION.—Upon the selection of an operator for a Center under subsection (h), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of this subsection and subsection (h)(1) shall start anew.

"(h) REAPPLICATION COMPETITION FOR FINANCIAL ASSISTANCE AFTER 10 YEARS.—

"(1) IN GENERAL.—If an eligible entity has operated a Center under this section for a period of 10 consecutive years, the Secretary shall conduct a competition to select an eligible entity to operate the Center in accordance with the process plan under subsection (i).

"(2) INCUMBENT ELIGIBLE ENTITIES.—An eligible entity that has received financial assistance under this section for a period of 10 consecutive years and that the Secretary determines is in good standing shall be eligible to compete in the competition under paragraph (1).

"(3) TREATMENT OF CENTERS SUBJECT TO REAPPLICATION COMPETITION.—Upon the selection of an operator for a Center under paragraph (1), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of subsection (g) shall start anew.

Deadline.
Evaluation.

"(i) PROCESS PLAN.—Not later than 180 days after the date of the enactment of the American Innovation and Competitiveness Act, the Secretary shall implement and submit to Congress a plan for how the Institute will conduct an evaluation, competition, and reapplication competition under this section.

"(j) OPERATIONAL REQUIREMENTS.—

"(1) PROTECTION OF CONFIDENTIAL INFORMATION OF CENTER CLIENTS.—The following information, if obtained by the Federal Government in connection with an activity of a Center or the Program, shall be exempt from public disclosure under section 552 of title 5, United States Code:

"(A) Information on the business operation of any participant in the Program or of a client of a Center.

"(B) Trade secrets of any client of a Center.

Establishment.

"(k) OVERSIGHT BOARDS.—

"(1) IN GENERAL.—As a condition on receipt of financial assistance for a Center under subsection (e), an eligible entity shall establish a board to oversee the operations of the Center.

"(2) STANDARDS.—

"(A) IN GENERAL.—The Director shall establish appropriate standards for each board described under paragraph (1).

"(B) CONSIDERATIONS.—In establishing the standards, the Director shall take into account the type and organizational structure of an eligible entity.

"(C) REQUIREMENTS.—The standards shall address—
"(i) membership;
"(ii) composition;
"(iii) term limits;
"(iv) conflicts of interest; and
"(v) such other requirements as the Director considers necessary.

"(3) MEMBERSHIP.—
"(A) IN GENERAL.—Each board established under paragraph (1) shall be composed of members as follows:
"(i) The membership of each board shall be representative of stakeholders in the region in which the Center is located.
"(ii) A majority of the members of the board shall be selected from among individuals who own or are employed by small or medium-sized manufacturers.
"(B) LIMITATION.—A member of a board established under paragraph (1) may not serve on more than 1 board established under that paragraph.

"(4) BYLAWS.—
"(A) IN GENERAL.—Each board established under paragraph (1) shall adopt and submit to the Director bylaws to govern the operation of the board.
"(B) CONFLICTS OF INTEREST.—Bylaws adopted under subparagraph (A) shall include policies to minimize conflicts of interest, including such policies relating to disclosure of relationships and recusal as may be necessary to minimize conflicts of interest.

"(l) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Program, the Secretary and Director may also accept funds from other Federal departments and agencies and from the private sector under section 2(c)(7) of this Act (15 U.S.C. 272(c)(7)), to be available to the extent provided by appropriations Acts, for the purpose of strengthening United States manufacturing.

"(m) MEP ADVISORY BOARD.—
"(1) ESTABLISHMENT.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board.

"(2) MEMBERSHIP.—
"(A) COMPOSITION.—
"(i) IN GENERAL.—The MEP Advisory Board shall consist of not fewer than 10 members appointed by the Director and broadly representative of stakeholders. Appointment.
"(ii) REQUIREMENTS.—Of the members appointed under clause (i)—
"(I) at least 2 members shall be employed by or on an advisory board for a Center;
"(II) at least 5 members shall be from United States small businesses in the manufacturing sector; and
"(III) at least 1 member shall represent a community college.
"(iii) LIMITATION.—No member of the MEP Advisory Board shall be an employee of the Federal Government.

"(B) TERM.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

"(C) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Time period.

"(D) SERVING CONSECUTIVE TERMS.—Any person who has completed 2 consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

"(3) MEETINGS.—The MEP Advisory Board shall—

"(A) meet not less than biannually; and

Assessments.

"(B) provide to the Director—

"(i) advice on the activities, plans, and policies of the Program;

"(ii) assessments of the soundness of the plans and strategies of the Program; and

"(iii) assessments of current performance against the plans of the Program.

"(4) FACA APPLICABILITY.—

"(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

"(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.

"(5) ANNUAL REPORT.—

"(A) IN GENERAL.—At a minimum, the MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress not later than 30 days after the submission to Congress of the President's annual budget under section 1105 of title 31, United States Code.

"(B) CONTENTS.—The report shall address the status of the Program and describe the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23 (15 U.S.C. 278i).

"(n) SMALL MANUFACTURERS.—

"(1) EVALUATION OF OBSTACLES.—As part of the Program, the Director shall—

"(A) identify obstacles that prevent small manufacturers from effectively competing in the global market;

Plan.

"(B) implement a comprehensive plan to train the Centers to address the obstacles identified in paragraph (2); and

"(C) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to the obstacles identified in paragraph (2).

Records.

"(2) DEVELOPMENT OF OPEN ACCESS RESOURCES.—As part of the Program, the Secretary shall develop open access resources that address best practices related to inventory sourcing, supply chain management, manufacturing techniques, available Federal resources, and other topics to further the competitiveness and profitability of small manufacturers.".

(c) COMPETITIVE AWARDS PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25 the following:

"SEC. 25A. COMPETITIVE AWARDS PROGRAM. 15 USC 278k–1.

"(a) ESTABLISHMENT.—The Director shall establish within the Hollings Manufacturing Extension Partnership under section 25 (15 U.S.C. 278k) and section 26 (15 U.S.C. 278l) a program of competitive awards among participants described in subsection (b) of this section for the purposes described in subsection (c).

"(b) PARTICIPANTS.—Participants receiving awards under this section shall be Centers, or a consortium of Centers.

"(c) PURPOSE, THEMES, AND REIMBURSEMENT.—

"(1) PURPOSE.—The purpose of the program established under subsection (a) is to add capabilities to the Hollings Manufacturing Extension Partnership, including the development of projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Hollings Manufacturing Extension Partnership, the MEP Advisory Board, other Federal agencies, and small and medium-sized manufacturers.

"(2) THEMES.—The Director may identify 1 or more themes for a competition carried out under this section, which may vary from year to year, as the Director considers appropriate after assessing the needs of manufacturers and the success of previous competitions.

"(3) REIMBURSEMENT.—Centers may be reimbursed for costs incurred by the Centers under this section.

"(d) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require in consultation with the MEP Advisory Board. Consultation.

"(e) SELECTION.—

"(1) PEER REVIEW AND COMPETITIVELY AWARDED.—The Director shall ensure that awards under this section are peer reviewed and competitively awarded.

"(2) GEOGRAPHIC DIVERSITY.—The Director shall endeavor to have broad geographic diversity among selected proposals.

"(3) CRITERIA.—The Director shall select applications to receive awards that the Director determines will achieve 1 or more of the following:

"(A) Improve the competitiveness of industries in the region in which the Center or Centers are located.

"(B) Create jobs or train newly hired employees.

"(C) Promote the transfer and commercialization of research and technology from institutions of higher education, national laboratories or other federally funded research programs, and nonprofit research institutes.

"(D) Recruit a diverse manufacturing workforce, including through outreach to underrepresented populations, including individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

"(E) Such other result as the Director determines will advance the objective set forth in section 25(c) (15 U.S.C. 278k) or in section 26 (15 U.S.C. 278l).

"(f) PROGRAM CONTRIBUTION.—Recipients of awards under this section shall not be required to provide a matching contribution.

Consultation.

"(g) GLOBAL MARKETPLACE PROJECTS.—In making an award under this section, the Director, in consultation with the MEP Advisory Board and the Secretary, may take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace.

"(h) DURATION.—The duration of an award under this section shall be for not more than 3 years.

"(i) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 25 (15 U.S.C. 278k).".

(d) REPORTS.—

Consultation.
Analysis.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the MEP Advisory Board (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)), shall submit to the appropriate committees of Congress a report analyzing—

(A) the effectiveness of the changes in the cost share to Centers under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(B) the engagement in services and the characteristics of services provided by 2 types of Centers, including volume and type of service; and

(C) whether the cost-sharing ratio has any effect on the services provided by either type of Center.

(2) INDEPENDENT ASSESSMENT.—

Deadline.
Contracts.

(A) IN GENERAL.—Not later than 3 years after the date of submission of the report under paragraph (1), the Director of NIST shall contract with an independent organization to perform an assessment of the implementation of the reapplication competition process.

(B) CONSULTATION.—The independent organization performing the assessment under subparagraph (A) may consult with the MEP Advisory Board (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)).

(3) COMPARISON OF CENTERS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress a report providing information on the first and second years of operations for Centers (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)) operating from new competitions or recompetition as compared to longstanding Centers.

(B) CONTENTS.—The report shall provide detail on the engagement in services provided by Centers and the characteristics of services provided, including volume and type of services, so that the appropriate committees of Congress can evaluate whether the cost-sharing ratio has an effect on the services provided at Centers.

(e) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2199(3) of title 10, United States Code, is amended—

(A) by striking "regional center" and inserting "manufacturing extension center";

(B) by inserting "and best business practices" before "referred"; and

(C) by striking "25(a)" and inserting "25(b)".

(2) ENTERPRISE INTEGRATION INITIATIVE.—Section 3(a) of the Enterprise Integration Act of 2002 (15 U.S.C. 278g–5(a)) is amended by inserting "Hollings" before "Manufacturing Extension Partnership".

(3) ASSISTANCE TO STATE TECHNOLOGY PROGRAMS.—Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)) is amended by striking "Centers program created" and inserting "Hollings Manufacturing Extension Partnership".

(f) SAVINGS PROVISIONS.—Notwithstanding the amendments made by subsections (a) and (b) of this section, the Secretary of Commerce may carry out section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) as that section was in effect on the day before the date of enactment of this Act, with respect to existing grants, agreements, cooperative agreements, or contracts, and with respect to applications for such items that are received by the Secretary prior to the date of enactment of this Act. 15 USC 278k note.

(g) PATENT RIGHTS.—The provisions of chapter 18 of title 35, United States Code, shall apply, to the extent not inconsistent with section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and section 25 of that Act, to the promotion of technology from research by Centers under those sections, except for contracts for such specific technology extension or transfer services as may be specified by the Director of NIST or under other law. Applicability. 15 USC 278k note.

TITLE VI—INNOVATION AND TECHNOLOGY TRANSFER

SEC. 601. INNOVATION CORPS. 42 USC 1862s–8.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Science Foundation Innovation Corps (referred to in this section as the "I-Corps") was established to foster a national innovation ecosystem by encouraging institutions, scientists, engineers, and entrepreneurs to identify and explore the innovation and commercial potential of National Science Foundation-funded research well beyond the laboratory.

(2) Through I-Corps, the Foundation invests in entrepreneurship and commercialization education, training, and mentoring that can ultimately lead to the practical deployment of technologies, products, processes, and services that improve the Nation's competitiveness, promote economic growth, and benefit society.

(3) By building networks of entrepreneurs, educators, mentors, institutions, and collaborations, and supporting specialized education and training, I-Corps is at the leading edge of a strong, lasting foundation for an American innovation ecosystem.

(4) By translating federally funded research to a commercial stage more quickly and efficiently, programs like the I-Corps create new jobs and companies, help solve societal problems, and provide taxpayers with a greater return on their investment in research.

(5) The I-Corps program model has a strong record of success that should be replicated at all Federal science agencies.

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

(1) commercialization of federally funded research can improve the Nation's competitiveness, grow the economy, and benefit society;

(2) I-Corps is a useful tool in promoting the commercialization of federally funded research by training researchers funded by the Foundation in entrepreneurship and commercialization;

(3) I-Corps should continue to build a network of entrepreneurs, educators, mentors, and institutions and support specialized education and training;

(4) researchers other than those funded by the Foundation may also benefit from the education and training described in paragraph (3); and

(5) I-Corps should continue to promote a strong innovation system by investing in and supporting female entrepreneurs through mentorship, education, and training because they are historically underrepresented in entrepreneurial fields.

Grants.

(c) I-CORPS PROGRAM.—

(1) IN GENERAL.—In order to promote a strong, lasting foundation for the national innovation ecosystem and increase the positive economic and social impact of federally funded research, the Director of the Foundation shall set forth eligibility requirements and carry out a program to award grants for entrepreneurship and commercialization education, training, and mentoring.

(2) EXPANSION OF I-CORPS.—

(A) IN GENERAL.—The Director—

(i) shall encourage the development and expansion of I-Corps and other training programs that focus on professional development, including education in entrepreneurship and commercialization; and

Contracts.

(ii) may establish an agreement with another Federal science agency—

(I) to make researchers, students, and institutions funded by that agency eligible to participate in the I-Corps program; or

(II) to assist that agency with the design and implementation of its own program that is similar to the I-Corps program.

(B) PARTNERSHIP FUNDING.—In negotiating an agreement with another Federal science agency under subparagraph (A)(ii), the Director shall require that Federal science agency to provide funding for—

(i) the training for researchers, students, and institutions selected for the I-Corps program; and

(ii) the locations that Federal science agency designates as regional and national infrastructure for science and engineering entrepreneurship.

(3) FOLLOW-ON GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director, in consultation with the Director of the Small Business Innovation Research Program, shall make funds available for competitive grants, including to I-Corps participants, to help support— Consultation.

(i) prototype or proof-of-concept development; and

(ii) such activities as the Director considers necessary to build local, regional, and national infrastructure for science and engineering entrepreneurship.

(B) LIMITATION.—Grants under subparagraph (A) shall be limited to participants with innovations that because of the early stage of development are not eligible to participate in a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

(4) STATE AND LOCAL PARTNERSHIPS.—The Director may engage in partnerships with State and local governments, economic development organizations, and nonprofit organizations to provide access to the I-Corps program to support entrepreneurship education and training for researchers, students, and institutions under this subsection.

(5) REPORTS.—The Director shall submit to the appropriate committees of Congress a biennial report on I-Corps program efficacy, including metrics on the effectiveness of the program. Each Federal science agency participating in the I-Corps program or that implements a similar program under paragraph (2)(A) shall contribute to the report.

(6) DEFINITIONS.—In this subsection, the terms "Small Business Innovation Research Program" and "Small Business Technology Transfer Program" have the meanings given those terms in section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 602. TRANSLATIONAL RESEARCH GRANTS. 42 USC 1862s–9.

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

(1) commercialization of federally funded research may benefit society and the economy; and

(2) not-for-profit organizations support the commercialization of federally funded research by providing useful business and technical expertise to researchers.

(b) COMMERCIALIZATION PROMOTION.—The Director of the Foundation shall continue to award grants on a competitive, merit-reviewed basis to eligible entities to promote the commercialization of federally funded research results.

(c) USE OF FUNDS.—Activities supported by grants under this section may include—

(1) identifying Foundation-sponsored research and technologies that have the potential for accelerated commercialization;

(2) supporting prior or current Foundation-sponsored investigators, institutions of higher education, and non-profit organizations that partner with an institution of higher education in undertaking proof-of-concept work, including development of prototypes of technologies that are derived from Foundation-sponsored research and have potential market value;

(3) promoting sustainable partnerships between Foundation-funded institutions, industry, and other organizations

within academia and the private sector with the purpose of accelerating the transfer of technology;

(4) developing multi-disciplinary innovation ecosystems which involve and are responsive to specific needs of academia and industry; and

(5) providing professional development, mentoring, and advice in entrepreneurship, project management, and technology and business development to innovators.

(d) ELIGIBILITY.—

(1) IN GENERAL.—The following organizations may be eligible for grants under this section:

(A) Institutions of higher education.

(B) Public or nonprofit technology transfer organizations.

(C) A nonprofit organization that partners with an institution of higher education.

(D) A consortia of 2 or more of the organizations described under subparagraphs (A) through (C).

(2) LEAD ORGANIZATIONS.—Any eligible organization under paragraph (1) may apply as a lead organization.

(e) APPLICATIONS.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

SEC. 603. OPTICS AND PHOTONICS TECHNOLOGY INNOVATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The 1998 National Research Council Report, "Harnessing Light" presented a comprehensive overview on the importance of optics and photonics to various sectors of the United States economy.

(2) In 2012, in response to increased coordination and investment by other nations, the National Research Council released a follow up study recommending a national photonics initiative to increase collaboration and coordination among United States industry, Federal and State government, and academia to identify and further advance areas of photonics critical to regaining United States competitiveness and maintaining national security.

(3) Publicly-traded companies focused on optics and photonics in the United States enable more than $3 trillion in revenue annually.

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

(1) optics and photonics research and technologies promote United States global competitiveness in industry sectors, including telecommunications and information technology, energy, healthcare and medicine, manufacturing, and defense;

(2) Federal science agencies, industry, and academia should seek partnerships with each other to develop basic research in optics and photonics into more mature technologies and capabilities; and

(3) each Federal science agency, as appropriate, should—

(A) survey and identify optics and photonics-related programs within that Federal science agency and share results with other Federal science agencies for the purpose of generating multiple applications and uses;

(B) partner with the private sector and academia to leverage knowledge and resources to maximize opportunities for innovation in optics and photonics;

(C) explore research and development opportunities, including Federal and private sector-sponsored internships, to ensure a highly trained optics and photonics workforce in the United States;

(D) encourage partnerships between academia and industry to promote improvement in the education of optics and photonics technicians at the secondary school level, undergraduate level, and 2-year college level, including through the Foundation's Advanced Technological Education program; and

(E) assess existing programs and explore alternatives to modernize photonics laboratory equipment in undergraduate institutions in the United States to facilitate critical hands-on learning.

SEC. 604. UNITED STATES CHIEF TECHNOLOGY OFFICER.

United States Chief Technology Officer Act. 42 USC 6601 note.

(a) SHORT TITLE.—This section may be cited as the "United States Chief Technology Officer Act".

(b) IN GENERAL.—Section 203 the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by inserting "(b) ASSOCIATE DIRECTORS.—" before "The President is authorized" and indenting appropriately;

(2) by inserting "(a) IN GENERAL.—" before "There shall be" and indenting appropriately; and

(3) by adding at the end the following:

"(c) CHIEF TECHNOLOGY OFFICER.—Subject to subsection (b), the President is authorized to designate 1 of the Associate Directors under that subsection as a United States Chief Technology Officer.".

President. Designation.

SEC. 605. NATIONAL RESEARCH COUNCIL STUDY ON TECHNOLOGY FOR EMERGENCY NOTIFICATIONS ON CAMPUSES.

Deadline. Contracts.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into an arrangement with the National Research Council to conduct and complete a study to identify and review technologies employed at institutions of higher education to provide notifications to students, faculty, and other personnel during emergency situations in accordance with law.

(b) CONTENTS.—The study shall address—

(1) the timeliness of notifications provided by the technologies during emergency situations;

(2) the durability of the technologies in delivering the notifications to students, faculty, and other personnel; and

(3) the limitations exhibited by the technologies to successfully deliver the notifications not more than 30 seconds after the institution of higher education transmits the notifications.

Recommendations.

(c) REPORT REQUIRED.—Not later than 1 year after the date that the National Research Council enters into the arrangement under subsection (a), the Director of the Office of Science and Technology Policy shall submit to Congress a report on the study,

including recommendations for addressing any limitations identified under subsection (b)(3).

Approved January 6, 2017.

LEGISLATIVE HISTORY—S. 3084:

SENATE REPORTS: No. 114–389 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 162 (2016):
Dec. 9, considered and passed Senate.
Dec. 16, considered and passed House.

CONCURRENT RESOLUTIONS

SECOND SESSION, ONE HUNDRED FOURTEENTH CONGRESS

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Jan. 15, 2016
[H. Con. Res. 107]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, January 13, 2016, through Tuesday, January 19, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 25, 2016, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to January 15, 2016.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES—ESTABLISHMENT

Feb. 3, 2016
[S. Con. Res. 28]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2017.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

Agreed to February 3, 2016.

PRESIDENTIAL INAUGURATION—CAPITOL ROTUNDA AND EMANCIPATION HALL AUTHORIZATION

Feb. 3, 2016
[S. Con. Res. 29]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA AND EMANCIPATION HALL OF THE CAPITOL.

The rotunda and Emancipation Hall of the United States Capitol are authorized to be used on January 20, 2017, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

Agreed to February 3, 2016.

CONGRESSIONAL GOLD MEDAL CEREMONY—EMANCIPATION HALL AUTHORIZATION

Feb. 4, 2016
[H. Con. Res. 109]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO THE FOOT SOLDIERS WHO PARTICIPATED IN THE 1965 SELMA TO MONTGOMERY MARCHES.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 24, 2016, for a ceremony to present the Congressional Gold Medal to the foot soldiers who participated in the 1965 Selma to Montgomery marches, in recognition of their heroic bravery and sacrifice, which served as a catalyst for the Voting Rights Act of 1965. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to February 4, 2016.

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Feb. 12, 2016
[S. Con. Res. 31]

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, February 11, 2016, through Saturday, February 20, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, February 22, 2016, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time

of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, February 12, 2016, through Tuesday, February 16, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, February 23, 2016, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to February 12, 2016.

CONGRESSIONAL GOLD MEDAL CEREMONY—EMANCIPATION HALL AUTHORIZATION

Mar. 8, 2016
[H. Con. Res. 113]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO THE BORINQUENEERS.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 13, 2016, for a ceremony to present the Congressional Gold Medal collectively to the 65th Infantry Regiment, known as the "Borinqueneers", in recognition of its pioneering military service, devotion to duty, and many acts of valor in the face of adversity. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to March 8, 2016.

HOLOCAUST DAYS OF REMEMBRANCE CEREMONY—EMANCIPATION HALL AUTHORIZATION

Mar. 17, 2016
[H. Con. Res. 111]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on May 5, 2016, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to March 17, 2016.

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Mar. 23, 2016
[S. Con. Res. 34]

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on any legislative day from Wednesday, March 23, 2016, through Friday, April 8, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 3:30 p.m. on Monday, April 11, 2016, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to March 23, 2016.

KING KAMEHAMEHA I—BIRTHDAY CELEBRATION—EMANCIPATION HALL AUTHORIZATION

Apr. 13, 2016
[H. Con. Res. 115]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA I.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on May 22, 2016, to celebrate the birthday of King Kamehameha I.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to April 13, 2016.

NATIONAL PEACE OFFICERS MEMORIAL SERVICE AND NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION—CAPITOL GROUNDS AUTHORIZATION

Apr. 13, 2016
[H. Con. Res. 117]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 35th Annual National Peace Officers Memorial Service (in this resolution referred to as the "Memorial Service"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2015.

(b) DATE OF MEMORIAL SERVICE.—The Memorial Service shall be held on May 15, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on May 11, 2016.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the "Exhibition"), on the Capitol Grounds, in order to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bagpipe exhibition.

(b) DATE OF EXHIBITION.—The exhibition shall be held on May 14, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to April 13, 2016.

Apr. 13, 2016
[H. Con. Res. 120]

FALLEN FIREFIGHTERS CONGRESSIONAL FLAG PRESENTATION CEREMONY—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR FALLEN FIREFIGHTERS CONGRESSIONAL FLAG PRESENTATION CEREMONY.

(a) IN GENERAL.—The Congressional Fire Services Institute and the National Fallen Firefighters Foundation (in this resolution referred to jointly as the "sponsor") shall be permitted to sponsor a public event, the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony (in this resolution referred to as the "event"), on the Capitol Grounds in order to honor the firefighters who died in the line of duty in 2015.

(b) DATE OF EVENT.—The event shall be held on September 28, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

(b) USE OF FIRE EQUIPMENT.—Notwithstanding any other provision of law, the Capitol Police Board may allow the sponsor, as part of the event, to use traditional, hand-held fire equipment, such as axes and Pulaski tools, and any other fire equipment that the Board determines can be used in a safe manner and will not cause damage to the Capitol Grounds or harm to any individual.

Agreed to April 13, 2016.

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

June 7, 2016
[H. Con. Res. 119]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the "event"), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 18, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

Agreed to June 7, 2016.

July 14, 2016
[H. Con. Res. 142]

2024 SUMMER OLYMPIC AND PARALYMPIC GAMES—CANDIDATE HOST SITE—LOS ANGELES, CALIFORNIA

Whereas the International Olympic Committee will meet on September 13, 2017, in Lima, Peru, to consider a site for the Summer Olympic and Paralympic Games (in this preamble referred to as the "Games") in 2024;

Whereas the United States Olympic Committee has selected Los Angeles, California, as the candidate of the United States for the 2024 Games;

Whereas the Games further the cause of world peace and understanding;

Whereas the country that hosts the Games performs an act of international goodwill;

Whereas the Games have not been held in the United States since 1996;

Whereas many of the world-class venues to be used in Los Angeles' 2024 plan for the Games are already built or are planned as permanent facilities; and

Whereas Los Angeles is positioned to deliver an innovative, fiscally responsible, and sustainable Games: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) advises the International Olympic Committee that the United States would welcome the holding of the 2024 Summer Olympic and Paralympic Games in Los Angeles, California, the site designated by the United States Olympic Committee;

(2) expresses the sincere hope that the United States will be selected as the site for the 2024 Summer Olympic and Paralympic Games and pledges cooperation and support toward the successful fulfillment of those Games in the highest sense of the Olympic tradition; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the United States Olympic Committee and to the International Olympic Committee.

Agreed to July 14, 2016.

ADJOURNMENT—HOUSE OF REPRESENTATIVES

July 25, 2016
[S. Con. Res. 50]

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on any legislative day from Friday, July 15, 2016, through Friday, September 2, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2016, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to July 25, 2016.

HOLOCAUST VICTIMS—LIVING WITH DIGNITY, COMFORT, AND SECURITY

Sept. 12, 2016
[S. Con. Res. 46]

Whereas the annihilation of 6,000,000 Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic and heinous crimes in human history;

Whereas hundreds of thousands of Jews survived persecution by the Nazi regime despite being imprisoned, subjected to slave labor, moved into ghettos, forced to live in hiding or under false identity or curfew, or required to wear the "yellow star";

Whereas in fear of the oncoming Nazi Einsatzgruppen, or "Nazi Killing Squads", and the likelihood of extermination, hundreds of thousands of Jewish Nazi victims fled for their lives;

Whereas whatever type of persecution suffered by Jews during the Holocaust, the common thread that binds Holocaust victims is that they were targeted for extermination and they lived with a constant fear for their lives and the lives of their loved ones;

Whereas Holocaust victims immigrated to the United States from Europe, the Middle East, North Africa, and the former Soviet Union between 1933 and the date of adoption of this resolution;

Whereas it is estimated that there are at least 100,000 Holocaust victims living in the United States and approximately 500,000 Holocaust victims living around the world, including child survivors of the Holocaust;

Whereas tens of thousands of Holocaust victims are at least 80 years old, and the number of surviving Holocaust victims is diminishing;

Whereas at least 50 percent of Holocaust victims alive today will pass away within the next decade, and those living victims are becoming frailer and have increasing health and welfare needs;

Whereas Holocaust victims throughout the world continue to suffer from permanent physical and psychological injuries and disabilities and live with the emotional scars of a systematic genocide against the Jewish people;

Whereas many of the emotional and psychological scars of Holocaust victims are exacerbated in the old age of the Holocaust victims;

Whereas the past haunts and overwhelms many aspects of the lives of Holocaust victims when their health fails them;

Whereas Holocaust victims suffer particular trauma when their emotional and physical circumstances force them to leave the security of their homes and enter institutional or other group living residential facilities;

Whereas tens of thousands of Holocaust victims live in poverty and cannot afford, and do not receive, sufficient medical care, home care, mental health care, medicine, food, transportation, and other vital life-sustaining services that allow individuals to live their final years with comfort and dignity;

Whereas Holocaust victims often lack family support networks and require social worker-supported case management in order to manage their daily lives and access government-funded services;

Whereas in response to a letter sent by Members of Congress to the Minister of Finance of Germany in December 2015 relating to increased funding for Holocaust victims, German officials acknowledged that "recent experience has shown that the care financed by the German Government to date is insufficient" and that "it is imperative to expand these assistance measures quickly given the advanced age of many of the affected persons";

Whereas German Chancellor Konrad Adenauer acknowledged, in 1951, the responsibility of Germany to provide moral and financial compensation to Holocaust victims worldwide;

Whereas every successive German Chancellor has reaffirmed that acknowledgment, including Chancellor Angela Merkel, who, in 2007, reaffirmed that "only by fully accepting its enduring responsibility for this most appalling period and for the cruelest crimes in its history, can Germany shape the future";

Whereas, in 2015, the spokesperson of Chancellor Angela Merkel confirmed that "all Germans know the history of the murderous race mania of the Nazis that led to the break with civilization that was the Holocaust . . . we know the responsibility for this crime against humanity is German and very much our own"; and

Whereas Congress believes it is the moral and historical responsibility of Germany to comprehensively, permanently, and urgently provide resources for the medical, mental health, and long-term care needs of all Holocaust victims: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges the financial and moral commitment of the Federal Republic of Germany over the past seven decades to provide a measure of justice for Holocaust victims; and

(2) supports the goal of ensuring that all Holocaust victims in the United States and around the world are able to live with dignity, comfort, and security in their remaining years.

Agreed to September 12, 2016.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN—CAPITOL GROUNDS AUTHORIZATION

Sept. 13, 2016
[H. Con. Res. 131]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On September 30, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 31st annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds to carry the Special Olympics torch to honor local Special Olympics athletes.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to September 13, 2016.

ENROLLMENT CORRECTION—H.R. 5325

Sept. 28, 2016
[S. Con. Res. 53]

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 5325, the Clerk of the House of Representatives shall make the following correction to the title so as to read: "Making continuing appropriations for fiscal year 2017, and for other purposes.".

Agreed to September 28, 2016.

Sept. 29, 2016
[H. Con. Res. 166]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 28, 2016, through Friday, November 11, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 14, 2016, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Agreed to September 29, 2016.

Dec. 1, 2016
[H. Con. Res. 122]

PROTECTION OF THE RIGHT OF TRIBES TO STOP THE EXPORT OF CULTURAL AND TRADITIONAL PATRIMONY RESOLUTION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Protection of the Right of Tribes to stop the Export of Cultural and Traditional Patrimony Resolution" or the "PROTECT Patrimony Resolution".

SEC. 2. DEFINITIONS.

In this resolution:

(1) NATIVE AMERICAN.—The term "Native American" means—

(A) with respect to an individual, an individual who is a member of an Indian tribe (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) with respect to the cultural nature or significance of an item, right, or other object or concept, being of or significant to—

(i) an Indian tribe (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); or

(ii) a Native Hawaiian organization (as defined in that section (25 U.S.C. 3001)).

(2) TRIBAL CULTURAL ITEM.—The term "tribal cultural item" has the meaning given the term "cultural item" in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 3. FINDINGS.

Congress finds the following:

(1) Tribal cultural items—

(A) have ongoing historical, traditional, or cultural importance central to a Native American group or culture;

(B) cannot be alienated, appropriated, or conveyed by any individual; and

(C) are vital to Native American cultural survival and the maintenance of Native American ways of life.

(2) The nature and description of tribal cultural items are sensitive and to be treated with respect and confidentiality, as appropriate.

(3) Violators often export tribal cultural items internationally with the intent of evading Federal and tribal laws.

(4) Tribal cultural items continue to be removed from the possession of Native Americans and sold in black or public markets in violation of Federal and tribal laws, including laws designed to protect Native American cultural property rights.

(5) The illegal trade of tribal cultural items involves a sophisticated and lucrative black market, where the items are traded through domestic markets and then are often exported internationally.

(6) Auction houses in foreign countries have held sales of tribal cultural items from the Pueblo of Acoma, the Pueblo of Laguna, the Pueblo of San Felipe, the Hopi Tribe, and other Indian tribes.

(7) After tribal cultural items are exported internationally, Native Americans have difficulty stopping the sale of the items and securing their repatriation to their home communities, where the items belong.

(8) Federal agencies have a responsibility to consult with Native Americans to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items.

(9) An increase in the investigation and successful prosecution of violations of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) is necessary to deter illegal trading in tribal cultural items.

(10) Many Indian tribes and tribal organizations have passed resolutions condemning the theft and sale of tribal cultural items, including the following:

(A) The National Congress of American Indians passed Resolutions SAC–12–008 and SD–15–075 to call on the United States, in consultation with Native Americans—

(i) to address international repatriation; and

(ii) to take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and internationally.

(B) The All Pueblo Council of Governors, representative of 20 Pueblo Indian tribes—

(i) noted that the Pueblo Indian tribes of the Southwestern United States have been disproportionately affected by the sale of tribal cultural items both domestically and internationally in violation of Federal and tribal laws; and

(ii) passed Resolutions 2015–12 and 2015–13 to call on the United States, in consultation with Native Americans—

(I) to address international repatriation; and

(II) to take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and internationally.

(C) The United South and Eastern Tribes, an intertribal organization comprised of 26 federally recognized Indian tribes, passed Resolution 2015:007, which calls on the United States to address all means to support the repatriation of tribal cultural items from beyond United States borders.

(D) The Inter-Tribal Council of the Five Civilized Tribes, uniting the Chickasaw, Choctaw, Cherokee, Muscogee (Creek), and Seminole Nations, passed Resolution 12–07, which requests that the United States, after consultation with Native Americans, assist in international repatriation and take immediate action to address repatriation.

SEC. 4. DECLARATION OF CONGRESS.

Congress—

(1) condemns the theft, illegal possession or sale, transfer, and export of tribal cultural items;

(2) calls on the Secretary of the Interior, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the Attorney General to consult with Native Americans, including traditional Native American religious leaders, in addressing the practices described in paragraph (1)—

(A) to take affirmative action to stop the practices; and

(B) to secure repatriation of tribal cultural items to Native Americans;

(3) supports the efforts of the Comptroller General of the United States—

(A) to determine the scope of illegal trafficking in tribal cultural items domestically and internationally; and

(B) to discuss with Native Americans, including traditional Native American religious leaders, relevant Federal officials, and other individuals and entities, as appropriate, the steps required—

(i) to end illegal trafficking in, and the export of, tribal cultural items; and

(ii) to secure repatriation of tribal cultural items to the appropriate Native Americans;

(4) supports the development of explicit restrictions on the export of tribal cultural items; and

(5) encourages State and local governments and interested groups and organizations to work cooperatively in—

(A) deterring the theft, illegal possession or sale, transfer, and export of tribal cultural items; and

(B) securing the repatriation of tribal cultural items to the appropriate Native Americans.

Agreed to December 1, 2016.

ENROLLMENT CORRECTIONS—H.R. 34

Dec. 6, 2016
[H. Con. Res. 174]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 34) to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: "An Act to accelerate the discovery, development, and delivery of 21st century cures, and for other purposes."

(2) Amend the section heading for section 1001 so as to read: "**BEAU BIDEN CANCER MOONSHOT AND NIH INNOVATION PROJECTS**".

(3) Amend the table of contents in section 1 so that the item relating to section 1001 reads as follows:

"1001. Beau Biden Cancer Moonshot and NIH innovation projects.".

Agreed to December 6, 2016.

DIVIDED KOREAN AMERICAN FAMILIES—ENCOURAGING REUNIONS

Dec. 10, 2016
[H. Con. Res. 40]

Whereas the Republic of Korea (hereinafter in this resolution referred to as "South Korea") and the Democratic People's Republic of Korea (hereinafter in this resolution referred to as "North Korea") remain divided since the armistice agreement was signed on July 27, 1953;

Whereas the United States, which as a signatory to the armistice agreement as representing the United Nations Forces Command, and with 28,500 of its troops currently stationed in South Korea, has a stake in peace on the Korean Peninsula and is home to more than 1,700,000 Americans of Korean descent;

Whereas the division on the Korean Peninsula separated more than 10,000,000 Korean family members, including some who are now citizens of the United States;

Whereas there have been 19 rounds of family reunions between South Koreans and North Koreans along the border since 2000;

Whereas Congress signaled its interest in family reunions between United States Citizens and their relatives in North Korea in section 1265 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), signed into law by President George W. Bush on January 28, 2008;

Whereas the number of more than 100,000 estimated divided family members in the United States last identified in 2001 has been significantly dwindling as many of them have passed away;

Whereas many Korean Americans are waiting for a chance to meet their relatives in North Korea for the first time in more than 60 years; and

Whereas peace on the Korean Peninsula remains a long-term goal for the Governments of South Korea and the United States,

and would mean greater security and stability for the region and the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) encourages North Korea to allow Korean Americans to meet with their family members from North Korea; and

(2) calls on North Korea to take concrete steps to build goodwill that is conducive to peace on the Korean Peninsula.

Agreed to December 10, 2016.

Dec. 10, 2016
[H. Con. Res. 179]

ENROLLMENT CORRECTIONS—S. 2943

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 2943, the Secretary of the Senate shall make the following corrections:

(1) In section 212(a), strike "less two" and insert "less than two".

(2) In section 217(a)(1), strike "is amended" and insert "as amended by section 821(a), is further amended" and strike "2338" and insert "2339".

(3) In section 217(a)(2), strike "is amended" and insert ", as amended by section 821(b), is further amended" and strike "2338" and insert "2339".

(4) In section 217(b)(1)(A), strike "section 2338" and insert "sections 2338 and 2339".

(5) In section 512(c), strike "Section 7511" and insert "Section 7511(b)".

(6) In section 707(b)(4), strike "pursuant to section 709" and insert "pursuant to section 708".

(7) In the tables in section 4701, relating to Department of Energy National Security Programs, Infrastructure and Operations, Construction, strike "04–D–125–04 RLUOB equipment installation" and insert "04–D–125 Chemistry and metallurgy research replacement project, LANL".

Agreed to December 10, 2016.

Dec. 10, 2016
[H. Con. Res. 181]

ENROLLMENT CORRECTIONS—S. 1635

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 1635, the Secretary of the Senate shall make the following corrections:

(1) In section 113, in the proposed subsection (j)(1) of section 4 of the Foreign Service Buildings Act, 1926, strike "subject to paragraphs (2) and (3), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for fiscal year 2018 for any other purpose related to the administration of foreign affairs on or after January 1, 2017, if the Secretary determines such transfer is necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary" and insert "subject to paragraph

(2), the Secretary may transfer to, and merge with, any appropriation for fiscal year 2018 under the heading 'Diplomatic and Consular Programs', including for Worldwide Security Protection, and under the heading 'Embassy Security, Construction, and Maintenance' funds appropriated under such headings if the Secretary determines such transfer is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements".

(2) In section 113, in the proposed subsection (j) of section 4 of the Foreign Service Buildings Act, 1926, strike the proposed paragraph (2).

(3) In section 113, in the proposed subsection (j) of section 4 of the Foreign Service Buildings Act, 1926, redesignate the proposed paragraph (3) as paragraph (2).

(4) In paragraph (7) of section 307, strike "Office of Inspector General of the Department of State and the Broadcasting Board of Governors" and insert "offices of inspectors general of relevant United Nations agencies".

Agreed to December 10, 2016.

ENROLLMENT CORRECTION—S. 612

Dec. 10, 2016
[H. Con. Res. 183]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 612, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: "An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.".

Agreed to December 10, 2016.

PROCLAMATIONS

Proclamation 9383 of December 21, 2015

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America
A Proclamation

1. In Proclamation 7970 of December 22, 2005, the President designated the Republic of Burundi (Burundi) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974 (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (AGOA) (title I of Public Law 106–200).

2. Section 506A(a)(3) of the 1974 Act (19 U.S.C. 2466a(a)(3)), authorizes the President to terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A, if he determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act.

3. Pursuant to section 506A(a)(3) of the 1974 Act, I have determined that Burundi is not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act. Accordingly, I have decided to terminate the designation of Burundi as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act, effective on January 1, 2016.

4. Schedule XX, as defined by 19 U.S.C. 3501(5), sets forth certain tariff-rate quotas. To implement these tariff-rate quotas, section 404(a) of the Uruguay Round Agreements Act (19 U.S.C. 3601(a)) requires the President ''to take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.''

5. I have determined that, in order to reduce administrative burden and encourage electronic administration of the quota classifications of sugars, syrups, and molasses (sugar), and to avoid the disruption of the orderly marketing of sugar, it is necessary to add additional tariff lines to Chapter 99 of the Harmonized Tariff Schedule (HTS) of the United States as provided for in Annex I of this proclamation.

6. Presidential Proclamation 8294 of September 26, 2008, implemented amendments to the Burmese Freedom and Democracy Act of 2003 (the ''BFDA'') (Public Law 108–61), as amended by section 6(a) of the Tom Lantos Block Burmese JADE Act of 2008 (Public Law 110–286). That proclamation, in part, modified the HTS to include additional U.S. Note 4 to chapter 71 of the HTS, which prohibited the importation of certain goods of Burma. The BFDA, as amended, expired on July 28, 2013.

7. Executive Order 13651 of August 6, 2013, as authorized by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the National Emergencies Act (50 U.S.C. 1601 *et seq.*), prohibits the importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma on or after August 7, 2013. I have determined that modifications to additional U.S. Note 4 to chapter 71 of the HTS, as set forth in Annex II, are necessary to account for the

expiration of the BFDA and the implementation of Executive Order 13651.

8. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (USIFTA), which the Congress approved in the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'') (19 U.S.C. 2112 note).

9. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

10. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement'').

11. In Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

12. Each year from 2008 through 2014, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

13. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; and Proclamation 9223 of December 23, 2014, modified the HTS to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

14. On December 8, 2015, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2016, to allow for further negotiations on an agreement to replace the 2004 Agreement.

15. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2016, for specified quantities of certain agricultural products of Israel.

16. In Presidential Proclamation 8921 of December 20, 2012, pursuant to section 502(e) of the 1974 Act (19 U.S.C. 2462(e)), I determined that The Federation of Saint Kitts and Nevis had become a high-income country and terminated its designation as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP). General note 4(a) to the HTS erroneously continues to include ''St. Kitts and Nevis'' on the list of Member Countries of the Caribbean Common Market (CARICOM) that are eligible for preferential tariff treatment under the GSP. I have determined that a modification to the HTS is necessary to correct this error and to provide the intended tariff treatment.

17. Presidential Proclamation 8894 of October 29, 2012, implemented the United States-Panama Trade Promotion Agreement with respect to the United States and, pursuant to the United States-Panama Trade Promotion Agreement Implementation Act (Public Law 112–43, 125 Stat. 497), modified the HTS to include the schedule of duty reductions necessary or appropriate to carry out the United States-Panama Trade Promotion Agreement. Those modifications to the HTS were set out in Publication 4349 of the International Trade Commission (Commission), entitled *Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Panama Trade Promotion Agreement,* which was incorporated by reference into Proclamation 8894. Annexes I and II to that publication included technical errors that affected the tariff treatment accorded to certain goods of Panama. I have determined that modifications to the HTS are necessary to correct the technical errors.

18. Presidential Proclamation 8818 of May 14, 2012, implemented the United States-Colombia Trade Promotion Agreement with respect to the United States and, pursuant to the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42, 125 Stat. 462), modified the HTS to include the schedule of duty reductions necessary or appropriate to carry out the United States-Colombia Trade Promotion Agreement. Those modifications to the HTS were set out in Publication 4320 of the Commission, entitled *Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Colombia Trade Promotion Agreement,* which was incorporated by reference into Proclamation 8818. Annex II to that publication included a technical error that affected the tariff treatment accorded to certain goods of Colombia. I have determined that modifications to the HTS are necessary to correct the technical error.

19. Presidential Proclamation 8039 of July 27, 2006, implemented the United States-Bahrain Free Trade Agreement with respect to the United States and, pursuant to the United States-Bahrain Free Trade Agreement Implementation Act (Public Law 109–169, 119 Stat. 3581), modified the HTS to include the schedule of duty reductions necessary or appropriate to carry out the United States-Bahrain Free Trade Agreement. Those modifications to the HTS were set out in Publication 3830 of the Commission, entitled *Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Bahrain Free Trade Agreement,* which was incorporated by reference into Proclamation 8039. Presidential Proclamation 9223 of December 23, 2014, created a new subheading in chapter 29 of the HTS, but inadvertently omitted the tariff treatment for goods of Bahrain previously accorded to these covered goods under Proclamation 8039. I have determined

that modifications to the HTS are necessary to correct the technical error.

20. Presidential Proclamation 8783 of March 6, 2012, implemented the United States-Korea Free Trade Agreement and, pursuant to the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41, 125 Stat. 428), modified the HTS to include the schedule of duty reductions necessary or appropriate to carry out the United States-Korea Free Trade Agreement. Those modifications to the HTS were set out in Publication 4308 of the Commission, entitled *Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Korea Free Trade Agreement,* which was incorporated by reference into Proclamation 8783. Annex II to Publication 4308 incorrectly stated certain staged reductions in rates of duty for originating goods of Korea classified in chapter 17 of the HTS. I have determined that modifications to the HTS are necessary to correct the technical errors.

21. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuation, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 506A(a)(3) of the 1974 Act, 19 U.S.C. 3601(a), 50 U.S.C. 1701 *et seq.,* 50 U.S.C. 1601 *et seq.,* section 4(b) of the USIFTA Act, section 502(e) of the 1974 Act, the United States-Panama Trade Promotion Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, the United States-Bahrain Free Trade Agreement Implementation Act, the United States-Korea Free Trade Agreement Implementation Act, and section 604 of the 1974 Act, do proclaim that:

(1) The designation of Burundi as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act is terminated, effective on January 1, 2016.

(2) In order to reflect in the HTS that beginning on January 1, 2016, Burundi shall no longer be designated as a beneficiary sub-Saharan African country, general note 16(a) to the HTS is modified by deleting ''Republic of Burundi'' from the list of beneficiary sub-Saharan African countries.

(3) In order to ensure that imports of sugar do not disrupt the orderly marketing of commodities in the United States, the HTS is modified as set forth in Annex I to this proclamation.

(4) In order to implement Executive Order 13651 of August 6, 2013, as authorized by the International Emergency Economic Powers Act and the National Emergencies Act, the HTS is modified as provided in Annex II to this proclamation.

(5) In order to implement U.S. tariff commitments under the 2004 Agreement through December 31, 2016, the HTS is modified as provided in Annex III to this proclamation.

(6)(a) The modifications to the HTS set forth in Annex III to this proclamation shall be effective with respect to eligible agricultural

products of Israel that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2016.

(b) The provisions of subchapter VII of chapter 99 of the HTS, as modified by Annex III to this proclamation, shall continue in effect through December 31, 2016.

(7) In order to make technical corrections necessary to provide the intended tariff treatment to goods of St. Kitts and Nevis in accordance with Presidential Proclamation 8921 of December 20, 2012, the HTS is modified as set forth in Annex IV to this proclamation.

(8) In order to make technical corrections necessary to provide the intended tariff treatment to goods of Panama in accordance with Presidential Proclamation 8894 of October 29, 2012, the HTS is modified as set forth in Annex IV to this proclamation.

(9) In order to make technical corrections necessary to provide the intended tariff treatment to goods of Colombia in accordance with Presidential Proclamation 8818 of May 14, 2012, the HTS is modified as set forth in Annex IV to this proclamation.

(10) In order to make technical corrections necessary to provide the intended tariff treatment to goods of Bahrain in accordance with Presidential Proclamation 8039 of July 27, 2006, the HTS is modified as set forth in Annex IV to this proclamation.

(11) In order to make technical corrections necessary to provide the intended tariff treatment to goods of Korea in accordance with Presidential Proclamation 8783 of March 6, 2012, the HTS is modified as set forth in Annex IV to this proclamation.

(12) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

ANNEX I

MODIFICATIONS TO THE QUANTITATIVE LIMITATIONS ON THE IMPORTATION OF CERTAIN SUGARS, SYRUPS AND MOLASSES IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to certain sugars, syrups and molasses under the terms of additional U.S. note 5 to chapter 17 to the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2016, the HTS is hereby modified as follows:

1. Additional U.S. note 5(a)(i) to chapter 17 is modified by inserting after "2106.90.44" the phrase "(under the terms of subheadings 9903.17.01 through 9903.18.10 and applicable note thereto)".

2. Subchapter III of chapter 99 of the HTS is modified by inserting in numerical sequence the following new U.S. note:

"15. (a) The aggregate quantitative limitations that may be established under any of subheadings 9903.17.01 through 9903.17.10 shall apply only to sugar, syrups and molasses that (1) is not eligible for an allocation provided to any specified country or area under the terms of additional U.S. note 5 to chapter 17, and (2) is not eligible to be imported under any quantity that may be reserved for specialty sugars, as defined by the United States Trade Representative, under the terms of subdivision (b) to this note. Such limitations shall apply during any effective period announced in the Federal Register by the United States Trade Representative for such a subheading in any year, during which period only the aggregate quantity of the specified goods shall be allowed entry into the customs territory of the United States. Such limitations shall apply notwithstanding any other quantitative limitations on such goods that may be provided for in the tariff schedule. Any quantity set forth in a notice issued by the United States Trade Representative for any subheading specified herein shall thereby supersede any quantity that may have been announced under additional U.S. note 5 to chapter 17.

(b) The aggregate quantitative limitations that may be established under any of subheadings 9903.17.21 through 9903.17.33 shall apply only to specialty sugars, as defined by the United States Trade Representative, imported during any effective period announced in the Federal Register by the United States Trade Representative for such a subheading in any year, during which period only the aggregate quantity of the specified goods shall be allowed entry into the customs territory of the United States. Such limitations shall apply notwithstanding any other quantitative limitations on such goods that may be provided for in the tariff schedule. Any quantity set forth in such a notice issued by the United States Trade Representative for any subheading specified herein may be allocated among supplying countries and areas and shall thereby supersede any quantity or allocation that may have been announced under additional U.S. note 5 to chapter 17.

(c) The quantitative limitations that may be established under any of subheadings 9903.18.01 through 9903.18.10 shall apply to sugar, syrups and molasses described therein during any effective period announced in the Federal Register by the United States Trade Representative for such a subheading in any year, during which period only the aggregate quantity of the specified goods shall be allowed entry into the customs territory of the United States. Such limitation shall apply notwithstanding any other quantitative limitation on such goods that may be provided for in the tariff schedule and the availability of any quantitative limitation set forth for such goods in chapter 17 or chapter 21 of the tariff schedule or allocation thereof. Any quantity set forth in a notice issued by the United States Trade Representative for any subheading specified herein may be allocated among supplying countries and areas and shall thereby supersede any quantity or allocation that may have been announced under additional U.S. note 5 to chapter 17."

3. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III of chapter 99 of the HTS, with the material inserted in columns entitled "Heading/Subheading", "Article Description", and "Quota Quantity", respectively:

	"Sugars, syrups and molasses provided for in subheading 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10 or 2106.90.44, under the terms of U.S. note 15 to this subchapter:	
	Described in U.S. note 15(a) to this subchapter:	
9903.17.01	Eligible to be imported under the first quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.02	Eligible to be imported under the second quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.03	Eligible to be imported under the third quota period specified in a notice issued by the United States Trade Representative in any 12-	

	month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.04	Eligible to be imported under the fourth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.05	Eligible to be imported under the fifth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.06	Eligible to be imported under the sixth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.07	Eligible to be imported under the seventh quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.08	Eligible to be imported under the eighth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice

9903.17.09	Eligible to be imported under the ninth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.10	Eligible to be imported under the tenth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
	Described in U.S. note 15(b) to this subchapter:	
9903.17.21	Eligible to be imported under the first quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.22	Eligible to be imported under the second quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.23	Eligible to be imported under the third quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice

9903.17.24	Eligible to be imported under the fourth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.25	Eligible to be imported under the fifth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.26	Eligible to be imported under the sixth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.27	Eligible to be imported under the seventh quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.17.28	Eligible to be imported under the eighth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice

9903.17.29	Eligible to be imported under the ninth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.30	Eligible to be imported under the tenth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.31	Eligible to be imported under the eleventh quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.32	Eligible to be imported under the twelfth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.17.33	Eligible to be imported under the thirteenth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
	Described in U.S. note 15(c) to this subchapter:	
9903.18.01	Eligible to be imported under the first quota period specified in a notice issued by the United States	

	Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.02	Eligible to be imported under the second quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.03	Eligible to be imported under the third quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.04	Eligible to be imported under the fourth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.05	Eligible to be imported under the fifth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.06	Eligible to be imported under the sixth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year	The quantity specified in such notice
9903.18.07	Eligible to be imported under the	

	seventh quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.18.08	Eligible to be imported under the eighth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.18.09	Eligible to be imported under the ninth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice
9903.18.10	Eligible to be imported under the tenth quota period specified in a notice issued by the United States Trade Representative in any 12-month period commencing on October 1 in any year.....	The quantity specified in such notice"

ANNEX II
MODIFICATIONS TO CHAPTER 71 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after Aug. 7, 2013, additional U.S. note 4 to chapter 71 of the Harmonized Tariff Schedule is deleted and replaced with the following text:

"4. Pursuant to Executive Order 13651 of August 6, 2013 (78 F.R. 48793), the importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma is prohibited, effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after August 7, 2013. Except as provided herein, this prohibition shall apply to the following goods:

(a) any jadeite classifiable under heading 7103 of the tariff schedule;

(b) any rubies classifiable under heading 7103; and

(c) any article of jewelry containing jadeite or rubies, the foregoing comprising (A) any article of jewelry classifiable under heading 7113 of the tariff schedule that contains jadeites or rubies, or (B) any article of jadeite or rubies classifiable under heading 7116 of the tariff schedule

Pursuant to such Executive Order, this note shall not apply to such jadeite or rubies mined or extracted from Burma or any articles of jewelry containing such jadeite or rubies that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States."

ANNEX III

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 2016 and before the close of December 31, 2016, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by deleting "December 31, 2015" and by inserting in lieu thereof "December 31, 2016".

2. U.S. note 3 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2016 466,000".

3. U.S. note 4 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2016 1,304,000".

4. U.S. note 5 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2016 1,534,000".

5. U.S. note 6 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2016 131,000".

6. U.S. note 7 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2016 707,000".

ANNEX IV

TO MAKE TECHNICAL RECTIFICATIONS IN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

1. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2014, general note 4(a) to the Harmonized Tariff Schedule of the United States (HTS) is modified by deleting, from the list of Member Countries of the Caribbean Common Market (CARICOM) treated as one country, the country "St. Kitts and Nevis".

2. Effective with respect to goods of Panama, under the terms of general note 35 to the HTS, entered, or withdrawn from warehouse for consumption, on or after October 31, 2012, the HTS is modified as follows:

(a) the rate of duty specified in the "Rates of Duty 1-Special" subcolumn followed by the symbol "PA" in parentheses for subheading 2202.90.28 (as previously proclaimed in Annex II to Proclamation 8894 of October 29, 2012) is modified by deleting the abbreviation "kg" and by inserting in lieu thereof "liter";

(b) subheadings 2207.10.60 and 2207.20.00 are each modified by deleting from the "Rates of Duty 1-Special" subcolumn, for each duty rate shown before the symbol "PA" in parentheses, the subheading number "9822.09.24" and by inserting in lieu thereof "9822.09.26";

(c) with respect to such goods of Panama entered, or withdrawn from warehouse, on or after January 1 and before the close of December 31 in each of the years 2018 and 2019, the rate of duty in the "Rates of Duty 1-Special" subcolumn for each of the subheadings enumerated in the first column below is superseded by the rate enumerated in the columns below "2018" and "2019", respectively:

Subheading	2018	2019
0711.20.28	1.7¢/kg on drained weight	1.1¢/kg on drained weight
1806.32.16	11.1¢/kg + 1.2%	7.4¢/kg + 0.8%
1806.32.70	11.1¢/kg + 1.8%	7.4¢/kg + 1.2%
1806.90.28	11.1¢/kg + 1.8%	7.4¢/kg + 1.2%
2202.90.28	7¢/liter + 4.4%	4.7¢/liter + 2.9%
2309.90.48	24.1¢/kg + 1.9%	16¢/kg + 1.2%
5101.21.70	1.9¢/kg + 1.5%	1.3¢/kg + 1%
5101.29.70	1.9¢/kg + 1.5%	1.3¢/kg + 1%
5101.30.70	1.9¢/kg + 1.5%	1.3¢/kg + 1%

3. Effective with respect to goods of Colombia, under the terms of general note 34 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after May 5, 2012, the rate of duty specified in the "Rates of Duty 1-Special" subcolumn followed by the symbol "CO" in parentheses for subheading 9918.04.80 (as previously proclaimed in Annex IIB to

Proclamation 8818 of May 14, 2012) is modified by deleting the abbreviation "kg" and by inserting in lieu thereof "liter";

4. Effective with respect to goods of Bahrain, under the terms of general note 30 to the HTS, entered, or withdrawn from warehouse for consumption, on or after January 29, 2015:

(a) subheading 2918.29.06 is modified by inserting in alphabetical sequence in the parenthetical expression following "Free" in the "Rates of Duty 1-Special" subcolumn, the symbol "BH,"; and
(b) the article description for subheading 2918.29.06 is modified to read "1,6-Hexanediol bis(3,5-dibutyl-4-hydroxyphenyl)propionate".

5. Effective with respect to goods of Korea, under the terms of general note 33 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after March 15, 2012, each previously proclaimed rate of duty specified in the "Rates of Duty 1-Special" subcolumn followed by the symbol "KR" in parentheses is modified as follows for the years set forth below:

(a) for subheadings 1701.13.10 and 1701.14.10, for the year 2014, the expression "less 0.01¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.3¢/kg is deleted from each such subheading; and for the year 2015, the expression "less 0.01¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.1¢/kg" is likewise deleted.
(b) for subheadings 1701.13.20 and 1701.14.20—
  (i) for the year 2014, the expression "less 0.01¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.6¢/kg" is deleted from each such subheading;
  (ii) for the year 2015, the expression "less 0.01¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.5¢/kg" is likewise deleted;
  (iii) or the year 2016, the expression "less 0.1¢/kg for each degree (and fractions of a degree in proportion) but not less than 0.4¢/kg" is likewise deleted ;
(c) for subheading 1701.13.20, for the year 2019, such rate of duty is modified by deleting "less", and for the year 2020, such rate of duty is modified by deleting "l" after "kg";
(d) for subheading 1701.14.20, for the year 2017, the "l" after "kg" is deleted, and for the years 2019 and 2020, such rate of duty is modified by deleting "less"; and
(e) for subheading 1701.91.10, for the year 2015, the "l" after "kg" is deleted.

Proclamation 9384 of December 23, 2015

To Modify the Harmonized Tariff Schedule of the United States

By the President of the United States of America
A Proclamation

1. On September 9, 2012, leaders of the 21 Asia-Pacific Economic Cooperation (APEC) economies agreed to reduce applied tariff rates to 5 percent or less by the end of 2015 on 54 environmental goods. On November 19, 2015, leaders of the APEC economies reaffirmed that commitment.

2. Section 103(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4202(a)), authorizes the President, under certain circumstances, to proclaim such modification of any existing duty as the President determines to be required or appro-

priate to carry out an agreement entered into in accordance with section 103(a). The President may proclaim such modification provided that the modification does not reduce the rate of duty to a rate that is less than 50 percent of the rate of such duty that applied on June 29, 2015.

3. Section 502 of the Protecting Americans from Tax Hikes Act of 2015 authorizes the President to exercise the authority under section 103(a)(1)(B) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to implement an agreement by members of APEC to reduce any rate of duty on certain environmental goods included in Annex C of the APEC Leaders' Declaration issued on September 9, 2012.

4. The United States applies duties to imports of certain environmental goods included in Annex C of the APEC Leaders' Declaration issued on September 9, 2012, of 8 percent, 5.6 percent, and 6.7 percent, the same rates that applied on June 29, 2015. On September 9, 2012, the United States agreed to cut applied duties on these environmental goods to 5 percent. The United States reaffirmed that commitment on November 19, 2015.

5. Section 604 of the Trade Act of 1974 (the ''1974 Act'') (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 103(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, section 502 of the Protecting Americans from Tax Hikes Act of 2015, and section 604 of the 1974 Act, do proclaim that:

(1) In order to reduce the applied tariff rates of the United States to the level agreed upon by APEC leaders, the HTS is modified as set forth in the Annex to this proclamation.

(2) The modifications to the HTS set forth in the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after December 31, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

ANNEX
MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after December 31, 2015, the Harmonized Tariff Schedule of the United States is hereby modified as set forth herein.

1. Subheading 4418.72.95 is modified by deleting from the "Rates of Duty 1-General" subcolumn the duty rate "8%" and by inserting in lieu thereof the duty rate "5%".

2. Subheading 8404.20.00 is modified by deleting from the "Rates of Duty 1-General" subcolumn the duty rate "5.6%" and by inserting in lieu thereof the duty rate "5%".

3. Subheadings 8406.90.20, 8406.90.30, 8406.90.40 and 8406.90.45 are each modified by deleting from the "Rates of Duty 1-General" subcolumn the duty rate "6.7%" and by inserting in lieu thereof in each such subheading the duty rate "5%".

Proclamation 9385 of December 31, 2015

National Mentoring Month, 2016

By the President of the United States of America
A Proclamation

At the heart of America's promise is the belief that we all do better when everyone has a fair shot at reaching for their dreams. Throughout our Nation's history, Americans of every background have worked to uphold this ideal, joining together in common purpose to serve as mentors and lift up our country's youth. During National Mentoring Month, we honor all those who continuously strive to provide young people with the resources and support they need and deserve, and we

recommit to building a society in which all mentors and mentees can thrive in mutual learning relationships.

By sharing their own stories and offering guidance and advice, mentors can instill a sense of infinite possibility in the hearts and minds of their mentees, demonstrating that with hard work and passion, nothing is beyond their potential. Whether simply offering a compassionate ear or actively teaching and inspiring curiosity, mentors can play pivotal roles in young peoples' lives. When given a chance to use their talents and abilities to engage in their communities and contribute to our world, our Nation's youth rise to the challenge. They make significant impacts in their communities and shape a brighter future for coming generations.

My Administration is committed to fostering opportunities for mentorship—because when our children have strong, positive role models to look up to, they grow up to be good neighbors and good fellow citizens. Through the My Brother's Keeper initiative, we are working with local governments, businesses, and charitable organizations across our country to connect more of our youth to effective mentoring programs and support networks to reinforce the fact that all young people are valued and to empower them with the skills they need to reach their full potential. We have achieved the highest high school graduation rate on record—82 percent—and we remain focused on setting high standards that will help our students graduate ready for college and careers. In addition, we are supporting job-driven training initiatives like apprenticeships so our doers and dreamers can earn and learn at the same time. And through First Lady Michelle Obama's Reach Higher initiative, we are working to ensure every student has the opportunity to pursue their education and life goals.

Every young person can benefit from having a mentor, and all people carry unique ideas and experiences they can employ as a mentor. I encourage all Americans to visit www.Serve.gov/Mentor to learn more about opportunities to make a lasting difference in the lives of our youth. This month, let us pledge our support for our Nation's young people, and let us honor those who give of themselves to uplift our next generation. Working together, we can provide every child with the tools, guidance, and confidence they need to flourish and succeed.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2016 as National Mentoring Month. I call upon public officials, business and community leaders, educators, and Americans across the country to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9386 of December 31, 2015

National Slavery and Human Trafficking Prevention Month, 2016

By the President of the United States of America
A Proclamation

One hundred and fifty years ago, our Nation codified the fundamental truth that slavery is an affront to human dignity. Still, the bitter fact remains that millions of men, women, and children around the globe, including here at home, are subject to modern-day slavery: the cruel, inhumane practice of human trafficking. This month, we rededicate ourselves to assisting victims of human trafficking and to combating it in all its forms.

Human trafficking occurs in countries throughout the world and in communities across our Nation. Children are forced to fight as soldiers, young people are coerced into prostitution, and migrants are exploited. People from all walks of life are trafficked every day, and the United States is committed to remaining a leader in the global movement to end this abhorrent practice. My Administration has made addressing human trafficking issues in supply chains a priority. Earlier this year, the White House brought together private sector and non-governmental organizations to discuss ways to prevent and eliminate trafficking-related activities in Federal contracts and in private sector supply chains. Our National Convening on Trafficking and Child Welfare helped promote partnership and establish coordinated action plans to end human trafficking. Additionally, my Interagency Task Force to Monitor and Combat Trafficking in Persons has proposed a robust set of initiatives. Our anti-trafficking efforts are supported by a newly established Federal Office on Trafficking in Persons, under the Department of Health and Human Services, which helps ensure trafficking victims can access the services they need.

As we work to end human trafficking here in the United States, we will continue to lead the effort to root it out around the world. Our intelligence teams have devoted more resources to identifying trafficking networks, law enforcement officers have been working to dismantle those networks, and prosecutors have striven to punish traffickers. We have also enhanced our domestic protections so foreign-born workers better understand their rights. Additionally, my Administration has been working closely with technology companies and law enforcement to better utilize technology to combat human trafficking. And our Nation will continue promoting development and economic growth across the globe to address the underlying conditions that enable human trafficking in the first place.

All nations have a part to play in keeping our world safe for all people—regardless of age, background, or belief. During National Slavery and Human Trafficking Prevention Month, let us recognize the victims of trafficking, and let us resolve to build a future in which its perpetrators are brought to justice and no people are denied their inherent human rights of freedom and dignity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January

2016 as National Slavery and Human Trafficking Prevention Month, culminating in the annual celebration of National Freedom Day on February 1. I call upon businesses, national and community organizations, families, and all Americans to recognize the vital role we can play in ending all forms of slavery and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9387 of December 31, 2015

National Stalking Awareness Month, 2016

By the President of the United States of America

A Proclamation

Every person deserves to live freely and without the fear of being followed or harassed. Stalking is a violation of our fundamental freedoms, and it insults our most basic values as a Nation. Often perpetrated by those we know—and sometimes by strangers—stalking is a serious offense that occurs too frequently and goes unreported in too many cases. During National Stalking Awareness Month, we stand with victims of stalking, pledge to bring their stalkers to justice, and rededicate our efforts to ridding our schools, workplaces, and neighborhoods of this crime.

A repeated display of unwanted attention that instills fear, stalking affects people from all walks of life and makes us all less safe. Seven and a half million people are stalked in the United States each year, and 1 in 6 women will experience it at some point in their lives. People are stalked under a variety of circumstances and through a number of mediums. Text messages, emails, and phone calls are some of the most common means by which a stalker will harass someone, and offenders usually, although not always, have a prior association with the victim. Often offenders are or have been in an intimate relationship in which they have abused the victim, and in many instances stalking is a part of ongoing violence. Stalking is not only a tremendous breach of one's privacy and liberty, but its purpose is to cause victims to feel scared or anxious, terrorizing them and sometimes causing anxiety, insomnia, social dysfunction, and depression. It also has the potential to cause post-traumatic stress symptoms such as flashbacks, nightmares, and being constantly on guard. It is an affront to our basic humanity, and in some cases it can lead to more violent acts by the offenders.

In 2013, I signed the reauthorization of the Violence Against Women Act (VAWA)—a groundbreaking law that recognizes stalking as the crime it is and provides more resources to victims. The Act also created new protections for lesbian, gay, bisexual, and transgender victims, as well as for immigrants and Native American women. Earlier this year, I signed an Executive Order that allows victims to use sick leave for absences related to stalking and that protects victims' privacy

in the workplace. In my 2016 budget, I proposed additional funding to assist people being stalked who must make emergency moves to safer and more stable housing. And to build on these efforts, my Administration has implemented measures requiring institutions of higher education to collect and report information on stalking and other crimes as outlined in VAWA. Under the new regulations, these institutions are required to make their disciplinary processes more transparent and to provide ongoing prevention and awareness campaigns for students and employees—because our classrooms should be safe havens where everyone can pursue their dreams and fulfill their potential free from the fear of being stalked or harassed.

As we embark on a new year, let us resolve to make it one in which every person can safely and confidently make of their lives what they will. By holding stalkers accountable and providing victims and survivors with the support and assistance they need, we can ensure ours is a Nation dedicated to promoting safety, common decency, and respect.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2016 as National Stalking Awareness Month. I call upon all Americans to recognize the signs of stalking, acknowledge stalking as a serious crime, and urge those affected not to be afraid to speak out or ask for help. Let us also resolve to support victims and survivors, and to create communities that are secure and supportive for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9388 of January 11, 2016

To Take Certain Actions Under the African Growth and Opportunity Act

By the President of the United States of America

A Proclamation

1. In Proclamation 7350 of October 2, 2000, the President designated the Republic of South Africa (South Africa) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974 (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200) (AGOA).

2. Sections 506A(d)(4)(C) (19 U.S.C. 2466a(d)(4)(C)) and 506A(c)(1) (19 U.S.C. 2466a(c)(1)) of the 1974 Act authorize the President to suspend the application of duty-free treatment provided for any article described in section 506A(b)(1) of the 1974 Act (19 U.S.C. 2466a(b)(1)) or 19 U.S.C. 3721 with respect to a beneficiary sub-Saharan African country if he determines that the beneficiary country is not meeting the

requirements described in section 506A(a)(1) of the 1974 Act and that suspending such duty-free treatment would be more effective in promoting compliance by the country with those requirements than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act.

3. Pursuant to section 506A(c)(1) of the 1974 Act, I have determined that South Africa is not meeting the requirements described in section 506A(a)(1) of the 1974 Act and that suspending the application of duty-free treatment to certain goods would be more effective in promoting compliance by South Africa with such requirements than terminating the designation of South Africa as a beneficiary sub-Saharan African country. Accordingly, I have decided to suspend the application of duty-free treatment for all AGOA-eligible goods in the agricultural sector from South Africa for purposes of section 506A of the 1974 Act, effective on March 15, 2016.

4. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 506A(d)(4)(C), 506A(c)(1), and 604 of the 1974 Act, do proclaim that:

(1) The application of duty-free treatment for all AGOA-eligible goods in the agricultural sector from South Africa is suspended for purposes of section 506A of the 1974 Act, effective on March 15, 2016.

(2) In order to reflect in the HTS that beginning on March 15, 2016, the application of duty-free treatment for all AGOA-eligible goods in the agricultural sector from South Africa shall be suspended, the HTS is modified as set forth in the Annex to this proclamation.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

ANNEX

TO MODIFY GENERAL NOTE 16 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after March 15, 2016, general note 16 to the Harmonized Tariff Schedule of the United States (HTS) is modified as follows:

1. Subdivision (c) of such note is redesignated as subdivision (d); and

2. The following new subdivision (c) is inserted in alphabetical sequence:

"(c) Articles provided for in a provision of chapters 1 through 97, inclusive, for which a rate of duty of "Free" appears in the "Special" subcolumn of rate of duty column 1 followed by the symbol "D*" in parentheses, if imported from a designated beneficiary sub-Saharan African country set out opposite a provision enumerated below, are not eligible for the duty-free treatment provided in subdivision (b) of this note:

0101.30.00	South Africa	0202.10.05	South Africa	0207.13.00	South Africa
0101.90.40	South Africa	0202.10.10	South Africa	0207.14.00	South Africa
0102.29.40	South Africa	0202.20.02	South Africa	0207.24.00	South Africa
0102.39.00	South Africa	0202.20.04	South Africa	0207.25.20	South Africa
0102.90.00	South Africa	0202.20.06	South Africa	0207.25.40	South Africa
0104.20.00	South Africa	0202.20.10	South Africa	0207.26.00	South Africa
0105.11.00	South Africa	0202.20.30	South Africa	0207.27.00	South Africa
0105.12.00	South Africa	0202.20.50	South Africa	0207.41.00	South Africa
0105.13.00	South Africa	0202.30.04	South Africa	0207.43.00	South Africa
0105.14.00	South Africa	0202.30.06	South Africa	0207.44.00	South Africa
0105.15.00	South Africa	0202.30.30	South Africa	0207.45.00	South Africa
0105.94.00	South Africa	0202.30.50	South Africa	0207.51.00	South Africa
0105.99.00	South Africa	0203.12.10	South Africa	0207.53.00	South Africa
0106.19.30	South Africa	0203.19.20	South Africa	0207.54.00	South Africa
0201.10.05	South Africa	0204.10.00	South Africa	0207.55.00	South Africa
0201.10.10	South Africa	0204.21.00	South Africa	0207.60.10	South Africa
0201.20.02	South Africa	0204.22.20	South Africa	0207.60.30	South Africa
0201.20.04	South Africa	0204.22.40	South Africa	0207.60.40	South Africa
0201.20.06	South Africa	0204.23.20	South Africa	0207.60.60	South Africa
0201.20.10	South Africa	0204.23.40	South Africa	0208.10.00	South Africa
0201.20.30	South Africa	0204.30.00	South Africa	0208.30.00	South Africa
0201.20.50	South Africa	0204.41.00	South Africa	0208.40.01	South Africa
0201.30.02	South Africa	0204.42.20	South Africa	0208.50.00	South Africa
0201.30.04	South Africa	0204.42.40	South Africa	0208.60.00	South Africa
0201.30.06	South Africa	0204.43.20	South Africa	0208.90.91	South Africa
0201.30.10	South Africa	0204.43.40	South Africa	0210.11.00	South Africa
0201.30.30	South Africa	0207.11.00	South Africa	0210.19.00	South Africa
0201.30.50	South Africa	0207.12.00	South Africa	0401.10.00	South Africa

0401.20.20	South Africa	0404.10.50	South Africa	0406.30.22	South Africa
0401.40.02	South Africa	0404.90.28	South Africa	0406.30.24	South Africa
0401.40.05	South Africa	0404.90.30	South Africa	0406.30.32	South Africa
0401.50.02	South Africa	0404.90.70	South Africa	0406.30.34	South Africa
0401.50.05	South Africa	0405.10.05	South Africa	0406.30.42	South Africa
0401.50.42	South Africa	0405.10.10	South Africa	0406.30.44	South Africa
0401.50.50	South Africa	0405.20.10	South Africa	0406.30.49	South Africa
0402.10.05	South Africa	0405.20.20	South Africa	0406.30.51	South Africa
0402.10.10	South Africa	0405.20.40	South Africa	0406.30.55	South Africa
0402.21.02	South Africa	0405.20.50	South Africa	0406.30.56	South Africa
0402.21.05	South Africa	0405.20.60	South Africa	0406.30.57	South Africa
0402.21.27	South Africa	0405.90.05	South Africa	0406.30.61	South Africa
0402.21.30	South Africa	0405.90.10	South Africa	0406.30.65	South Africa
0402.21.73	South Africa	0406.10.12	South Africa	0406.30.69	South Africa
0402.21.75	South Africa	0406.10.14	South Africa	0406.30.73	South Africa
0402.29.05	South Africa	0406.10.24	South Africa	0406.30.77	South Africa
0402.29.10	South Africa	0406.10.34	South Africa	0406.30.81	South Africa
0402.91.03	South Africa	0406.10.44	South Africa	0406.30.85	South Africa
0402.91.06	South Africa	0406.10.54	South Africa	0406.30.89	South Africa
0402.91.10	South Africa	0406.10.64	South Africa	0406.30.95	South Africa
0402.91.30	South Africa	0406.10.74	South Africa	0406.40.20	South Africa
0402.99.03	South Africa	0406.10.84	South Africa	0406.40.40	South Africa
0402.99.06	South Africa	0406.10.95	South Africa	0406.40.51	South Africa
0402.99.10	South Africa	0406.20.10	South Africa	0406.40.52	South Africa
0402.99.30	South Africa	0406.20.22	South Africa	0406.40.54	South Africa
0402.99.68	South Africa	0406.20.24	South Africa	0406.40.58	South Africa
0402.99.70	South Africa	0406.20.29	South Africa	0406.90.05	South Africa
0403.10.05	South Africa	0406.20.31	South Africa	0406.90.06	South Africa
0403.10.10	South Africa	0406.20.34	South Africa	0406.90.08	South Africa
0403.10.90	South Africa	0406.20.36	South Africa	0406.90.14	South Africa
0403.90.02	South Africa	0406.20.43	South Africa	0406.90.16	South Africa
0403.90.04	South Africa	0406.20.44	South Africa	0406.90.20	South Africa
0403.90.20	South Africa	0406.20.49	South Africa	0406.90.25	South Africa
0403.90.37	South Africa	0406.20.54	South Africa	0406.90.28	South Africa
0403.90.41	South Africa	0406.20.55	South Africa	0406.90.31	South Africa
0403.90.47	South Africa	0406.20.56	South Africa	0406.90.33	South Africa
0403.90.51	South Africa	0406.20.57	South Africa	0406.90.34	South Africa
0403.90.57	South Africa	0406.20.61	South Africa	0406.90.36	South Africa
0403.90.61	South Africa	0406.20.65	South Africa	0406.90.38	South Africa
0403.90.72	South Africa	0406.20.69	South Africa	0406.90.39	South Africa
0403.90.74	South Africa	0406.20.73	South Africa	0406.90.43	South Africa
0403.90.85	South Africa	0406.20.77	South Africa	0406.90.44	South Africa
0403.90.87	South Africa	0406.20.81	South Africa	0406.90.46	South Africa
0403.90.90	South Africa	0406.20.85	South Africa	0406.90.49	South Africa
0404.10.08	South Africa	0406.20.89	South Africa	0406.90.51	South Africa
0404.10.11	South Africa	0406.20.95	South Africa	0406.90.52	South Africa
0404.10.20	South Africa	0406.30.12	South Africa	0406.90.59	South Africa
0404.10.48	South Africa	0406.30.14	South Africa	0406.90.61	South Africa

0406.90.63	South Africa	0710.80.45	South Africa	0807.19.10	South Africa
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0406.90.76	South Africa	0710.80.97	South Africa	0808.40.40	South Africa
0406.90.82	South Africa	0711.20.38	South Africa	0809.10.00	South Africa
0406.90.86	South Africa	0711.20.40	South Africa	0809.30.20	South Africa
0406.90.90	South Africa	0711.51.00	South Africa	0809.40.40	South Africa
0406.90.93	South Africa	0711.59.10	South Africa	0810.20.10	South Africa
0406.90.95	South Africa	0712.20.20	South Africa	0811.90.22	South Africa
0406.90.99	South Africa	0712.20.40	South Africa	0811.90.40	South Africa
0408.11.00	South Africa	0712.31.20	South Africa	0812.10.00	South Africa
0408.19.00	South Africa	0712.39.20	South Africa	0812.90.10	South Africa
0408.91.00	South Africa	0712.90.20	South Africa	0812.90.20	South Africa
0408.99.00	South Africa	0712.90.78	South Africa	0812.90.30	South Africa
0409.00.00	South Africa	0714.40.10	South Africa	0812.90.40	South Africa
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0601.10.85	South Africa	0714.90.05	South Africa	0812.90.90	South Africa
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0704.90.40	South Africa	0802.80.20	South Africa	0901.90.20	South Africa
0706.10.05	South Africa	0802.90.10	South Africa	0904.21.40	South Africa
0706.10.20	South Africa	0802.90.98	South Africa	0904.22.40	South Africa
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0709.92.00	South Africa	0805.40.40	South Africa	1006.20.40	South Africa
0709.93.30	South Africa	0805.40.60	South Africa	1006.30.90	South Africa
0709.99.30	South Africa	0805.40.80	South Africa	1006.40.00	South Africa
0709.99.45	South Africa	0805.50.20	South Africa	1008.21.00	South Africa
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0710.40.00	South Africa	0806.20.20	South Africa	1008.60.00	South Africa
0710.80.20	South Africa	0806.20.90	South Africa	1008.90.01	South Africa
0710.80.40	South Africa	0807.11.40	South Africa	1101.00.00	South Africa

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1103.11.00	South Africa	1514.91.90	South Africa	1901.90.44	South Africa
1103.19.90	South Africa	1514.99.50	South Africa	1901.90.46	South Africa
1104.19.10	South Africa	1514.99.90	South Africa	1901.90.48	South Africa
1104.19.90	South Africa	1515.11.00	South Africa	1901.90.56	South Africa
1104.29.10	South Africa	1515.19.00	South Africa	1901.90.70	South Africa
1105.20.00	South Africa	1515.21.00	South Africa	1903.00.40	South Africa
1107.10.00	South Africa	1515.29.00	South Africa	1904.20.10	South Africa
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1108.13.00	South Africa	1516.20.90	South Africa	2001.90.35	South Africa
1202.30.05	South Africa	1517.10.00	South Africa	2001.90.60	South Africa
1202.41.05	South Africa	1517.90.45	South Africa	2002.10.00	South Africa
1202.42.05	South Africa	1517.90.50	South Africa	2002.90.80	South Africa
1204.00.00	South Africa	1517.90.90	South Africa	2003.10.01	South Africa
1205.10.00	South Africa	1518.00.20	South Africa	2003.90.80	South Africa
1205.90.00	South Africa	1522.00.00	South Africa	2004.10.80	South Africa
1207.21.00	South Africa	1602.10.00	South Africa	2004.90.85	South Africa
1207.29.00	South Africa	1602.20.20	South Africa	2005.51.20	South Africa
1208.10.00	South Africa	1602.41.90	South Africa	2005.60.00	South Africa
1208.90.00	South Africa	1602.42.40	South Africa	2005.70.50	South Africa
1209.22.20	South Africa	1602.50.60	South Africa	2005.70.60	South Africa
1209.24.00	South Africa	1603.00.10	South Africa	2005.70.70	South Africa
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1209.91.50	South Africa	1702.50.00	South Africa	2005.99.30	South Africa
1212.91.00	South Africa	1704.90.10	South Africa	2005.99.50	South Africa
1212.99.30	South Africa	1704.90.52	South Africa	2005.99.80	South Africa
1214.10.00	South Africa	1704.90.54	South Africa	2006.00.20	South Africa
1302.13.00	South Africa	1704.90.74	South Africa	2006.00.40	South Africa
1302.39.00	South Africa	1704.90.90	South Africa	2006.00.50	South Africa
1401.90.20	South Africa	1806.20.79	South Africa	2006.00.60	South Africa
1404.90.10	South Africa	1806.20.81	South Africa	2007.10.00	South Africa
1404.90.20	South Africa	1806.20.85	South Africa	2007.91.10	South Africa
1501.10.00	South Africa	1806.20.95	South Africa	2007.99.15	South Africa
1501.20.00	South Africa	1806.20.99	South Africa	2007.99.35	South Africa
1501.90.00	South Africa	1901.10.05	South Africa	2007.99.55	South Africa
1502.10.00	South Africa	1901.10.15	South Africa	2007.99.60	South Africa
1502.90.00	South Africa	1901.10.35	South Africa	2007.99.65	South Africa
1503.00.00	South Africa	1901.10.45	South Africa	2007.99.70	South Africa
1507.10.00	South Africa	1901.10.55	South Africa	2008.11.22	South Africa
1507.90.40	South Africa	1901.10.60	South Africa	2008.11.42	South Africa
1508.10.00	South Africa	1901.10.80	South Africa	2008.19.20	South Africa
1508.90.00	South Africa	1901.10.95	South Africa	2008.19.40	South Africa
1512.11.00	South Africa	1901.90.10	South Africa	2008.19.50	South Africa
1512.19.00	South Africa	1901.90.20	South Africa	2008.19.85	South Africa
1512.21.00	South Africa	1901.90.32	South Africa	2008.20.00	South Africa
1512.29.00	South Africa	1901.90.33	South Africa	2008.30.20	South Africa
1514.11.00	South Africa	1901.90.34	South Africa	2008.30.30	South Africa

2008.30.35	South Africa	2105.00.50	South Africa	2309.90.95	South Africa
2008.30.40	South Africa	2106.90.22	South Africa	2401.10.61	South Africa
2008.30.46	South Africa	2106.90.24	South Africa	2401.10.63	South Africa
2008.30.55	South Africa	2106.90.28	South Africa	2401.20.05	South Africa
2008.30.66	South Africa	2106.90.32	South Africa	2401.20.31	South Africa
2008.30.70	South Africa	2106.90.34	South Africa	2401.20.33	South Africa
2008.30.80	South Africa	2106.90.38	South Africa	2401.20.83	South Africa
2008.30.85	South Africa	2106.90.48	South Africa	2401.20.85	South Africa
2008.40.00	South Africa	2106.90.62	South Africa	2401.30.25	South Africa
2008.60.00	South Africa	2106.90.64	South Africa	2401.30.27	South Africa
2008.70.10	South Africa	2106.90.78	South Africa	2401.30.35	South Africa
2008.80.00	South Africa	2106.90.83	South Africa	2401.30.37	South Africa
2008.97.10	South Africa	2106.90.85	South Africa	2402.10.30	South Africa
2008.99.05	South Africa	2106.90.95	South Africa	2402.10.60	South Africa
2008.99.10	South Africa	2202.90.10	South Africa	2402.20.80	South Africa
2008.99.18	South Africa	2202.90.22	South Africa	2402.90.00	South Africa
2008.99.25	South Africa	2202.90.24	South Africa	2403.11.00	South Africa
2008.99.29	South Africa	2202.90.30	South Africa	2403.19.20	South Africa
2008.99.60	South Africa	2202.90.35	South Africa	2403.19.30	South Africa
2008.99.70	South Africa	2204.21.20	South Africa	2403.19.60	South Africa
2009.11.00	South Africa	2204.21.50	South Africa	2403.91.43	South Africa
2009.12.25	South Africa	2204.29.20	South Africa	2403.91.45	South Africa
2009.12.45	South Africa	2204.29.40	South Africa	2403.99.20	South Africa
2009.19.00	South Africa	2204.29.60	South Africa	2403.99.30	South Africa
2009.21.20	South Africa	2204.29.80	South Africa	2403.99.60	South Africa
2009.21.40	South Africa	2204.30.00	South Africa	3301.13.00	South Africa
2009.29.00	South Africa	2205.90.40	South Africa	3502.11.00	South Africa
2009.31.40	South Africa	2206.00.30	South Africa	3502.19.00	South Africa
2009.31.60	South Africa	2206.00.60	South Africa	3503.00.20	South Africa
2009.39.60	South Africa	2207.10.60	South Africa	3503.00.40	South Africa
2009.41.20	South Africa	2207.20.00	South Africa	3823.13.00	South Africa
2009.41.40	South Africa	2208.40.20	South Africa	3823.19.40	South Africa
2009.49.20	South Africa	2208.40.60	South Africa	3823.70.20	South Africa
2009.49.40	South Africa	2302.50.00	South Africa	3823.70.40	South Africa
2009.61.00	South Africa	2303.10.00	South Africa	3823.70.60	South Africa
2009.69.00	South Africa	2304.00.00	South Africa	4101.20.30	South Africa
2009.89.40	South Africa	2306.10.00	South Africa	4101.50.30	South Africa
2009.90.40	South Africa	2308.00.10	South Africa	4102.10.30	South Africa
2101.30.00	South Africa	2308.00.98	South Africa	4102,29.30	South Africa
2103.20.40	South Africa	2309.90.22	South Africa	4103.30.20	South Africa
2105.00.05	South Africa	2309.90.24	South Africa	4103.90.20	South Africa
2105.00.10	South Africa	2309.90.42	South Africa		
2105.00.25	South Africa	2309.90.44	South Africa		
2105.00.30	South Africa	2309.90.60	South Africa		

3. For each of the subheadings of the HTS enumerated below, the symbol "D" in the parentheses following the rate of duty of "Free" in the "Special" subcolumn of column 1 is deleted and the symbol "D*" is inserted in lieu thereof:

0101.30.00	0204.22.20	0401.50.05	0404.10.50	0406.20.89
0101.90.40	0204.22.40	0401.50.42	0404.90.28	0406.20.95
0102.29.40	0204.23.20	0401.50.50	0404.90.30	0406.30.12
0102.39.00	0204.23.40	0402.10.05	0404.90.70	0406.30.14
0102.90.00	0204.30.00	0402.10.10	0405.10.05	0406.30.22
0104.20.00	0204.41.00	0402.21.02	0405.10.10	0406.30.24
0105.11.00	0204.42.20	0402.21.05	0405.20.10	0406.30.32
0105.12.00	0204.42.40	0402.21.27	0405.20.20	0406.30.34
0105.13.00	0204.43.20	0402.21.30	0405.20.40	0406.30.42
0105.14.00	0204.43.40	0402.21.73	0405.20.50	0406.30.44
0105.15.00	0207.11.00	0402.21.75	0405.20.60	0406.30.49
0105.94.00	0207.12.00	0402.29.05	0405.90.05	0406.30.51
0105.99.00	0207.13.00	0402.29.10	0405.90.10	0406.30.55
0106.19.30	0207.14.00	0402.91.03	0406.10.12	0406.30.56
0201.10.05	0207.24.00	0402.91.06	0406.10.14	0406.30.57
0201.10.10	0207.25.20	0402.91.10	0406.10.24	0406.30.61
0201.20.02	0207.25.40	0402.91.30	0406.10.34	0406.30.65
0201.20.04	0207.26.00	0402.99.03	0406.10.44	0406.30.69
0201.20.06	0207.27.00	0402.99.06	0406.10.54	0406.30.73
0201.20.10	0207.41.00	0402.99.10	0406.10.64	0406.30.77
0201.20.30	0207.43.00	0402.99.30	0406.10.74	0406.30.81
0201.20.50	0207.44.00	0402.99.68	0406.10.84	0406.30.85
0201.30.02	0207.45.00	0402.99.70	0406.10.95	0406.30.89
0201.30.04	0207.51.00	0403.10.05	0406.20.10	0406.30.95
0201.30.06	0207.53.00	0403.10.10	0406.20.22	0406.40.20
0201.30.10	0207.54.00	0403.10.90	0406.20.24	0406.40.40
0201.30.30	0207.55.00	0403.90.02	0406.20.29	0406.40.51
0201.30.50	0207.60.10	0403.90.04	0406.20.31	0406.40.52
0202.10.05	0207.60.30	0403.90.20	0406.20.34	0406.40.54
0202.10.10	0207.60.40	0403.90.37	0406.20.36	0406.40.58
0202.20.02	0207.60.60	0403.90.41	0406.20.43	0406.90.05
0202.20.04	0208.10.00	0403.90.47	0406.20.44	0406.90.06
0202.20.06	0208.30.00	0403.90.51	0406.20.49	0406.90.08
0202.20.10	0208.40.01	0403.90.57	0406.20.54	0406.90.14
0202.20.30	0208.50.00	0403.90.61	0406.20.55	0406.90.16
0202.20.50	0208.60.00	0403.90.72	0406.20.56	0406.90.20
0202.30.04	0208.90.91	0403.90.74	0406.20.57	0406.90.25
0202.30.06	0210.11.00	0403.90.85	0406.20.61	0406.90.28
0202.30.30	0210.19.00	0403.90.87	0406.20.65	0406.90.31
0202.30.50	0401.10.00	0403.90.90	0406.20.69	0406.90.33
0203.12.10	0401.20.20	0404.10.08	0406.20.73	0406.90.34
0203.19.20	0401.40.02	0404.10.11	0406.20.77	0406.90.36
0204.10.00	0401.40.05	0404.10.20	0406.20.81	0406.90.38
0204.21.00	0401.50.02	0404.10.48	0406.20.85	0406.90.39

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0710.80.60
0710.80.85
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0711.20.38
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0904.22.40
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1704.90.74
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1806.20.79
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1806.20.85
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1901.10.05
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1901.10.45
1901.10.55

1901.10.60	2008.11.42	2105.00.05	2309.90.95
1901.10.80	2008.19.20	2105.00.10	2401.10.61
1901.10.95	2008.19.40	2105.00.25	2401.10.63
1901.90.10	2008.19.50	2105.00.30	2401.20.05
1901.90.20	2008.19.85	2105.00.50	2401.20.31
1901.90.32	2008.20.00	2106.90.22	2401.20.33
1901.90.33	2008.30.20	2106.90.24	2401.20.83
1901.90.34	2008.30.30	2106.90.28	2401.20.85
1901.90.38	2008.30.35	2106.90.32	2401.30.25
1901.90.44	2008.30.40	2106.90.34	2401.30.27
1901.90.46	2008.30.46	2106.90.38	2401.30.35
1901.90.48	2008.30.55	2106.90.48	2401.30.37
1901.90.56	2008.30.66	2106.90.62	2402.10.30
1901.90.70	2008.30.70	2106.90.64	2402.10.60
1903.00.40	2008.30.80	2106.90.78	2402.20.80
1904.20.10	2008.30.85	2106.90.83	2402.90.00
1904.20.90	2008.40.00	2106.90.85	2403.11.00
2001.90.35	2008.60.00	2106.90.95	2403.19.20
2001.90.60	2008.70.10	2202.90.10	2403.19.30
2002.10.00	2008.80.00	2202.90.22	2403.19.60
2002.90.80	2008.97.10	2202.90.24	2403.91.43
2003.10.01	2008.99.05	2202.90.30	2403.91.45
2003.90.80	2008.99.10	2202.90.35	2403.99.20
2004.10.80	2008.99.18	2204.21.20	2403.99.30
2004.90.85	2008.99.25	2204.21.50	2403.99.60
2005.51.20	2008.99.29	2204.29.20	3301.13.00
2005.60.00	2008.99.60	2204.29.40	3502.11.00
2005.70.50	2008.99.70	2204.29.60	3502.19.00
2005.70.60	2009.11.00	2204.29.80	3503.00.20
2005.70.70	2009.12.25	2204.30.00	3503.00.40
2005.70.91	2009.12.45	2205.90.40	3823.13.00
2005.70.97	2009.19.00	2206.00.30	3823.19.40
2005.99.30	2009.21.20	2206.00.60	3823.70.20
2005.99.50	2009.21.40	2207.10.60	3823.70.40
2005.99.80	2009.29.00	2207.20.00	3823.70.60
2006.00.20	2009.31.40	2208.40.20	4101.20.30
2006.00.40	2009.31.60	2208.40.60	4101.50.30
2006.00.50	2009.39.60	2302.50.00	4102.10.30
2006.00.60	2009.41.20	2303.10.00	4102.29.30
2007.10.00	2009.41.40	2304.00.00	4103.30.20
2007.91.10	2009.49.20	2306.10.00	4103.90.20
2007.99.15	2009.49.40	2308.00.10	
2007.99.35	2009.61.00	2308.00.98	
2007.99.55	2009.69.00	2309.90.22	
2007.99.60	2009.89.40	2309.90.24	
2007.99.65	2009.90.40	2309.90.42	
2007.99.70	2101.30.00	2309.90.44	
2008.11.22	2103.20.40	2309.90.60	

Proclamation 9389 of January 15, 2016

Religious Freedom Day, 2016

By the President of the United States of America
A Proclamation

Since our country's founding, religious freedom has been heralded as one of our most cherished ideals. The right to practice religion freely has brought immigrants from all over the world to our shores, often in the face of great adversity, so they could live their lives in accordance with the dictates of their consciences. Some of America's earliest settlers, the Pilgrims, arrived at our shores in search of a more tolerant society, free from religious persecution. Since that time, people of many religious traditions have added their own threads to the fabric of our Nation, helping advance a profound and continuous vindication of the idea of America.

When the Virginia Statute for Religious Freedom was adopted on January 16, 1786, it formed a blueprint for what would become the basis for the protection of religious liberty enshrined in our Constitution. Drafted by Thomas Jefferson, the statute proclaims that ''all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.'' The First Amendment prohibits Government from establishing religion, and it protects the free exercise of every faith. Our Government does not sponsor a religion, nor does it pressure anyone to practice a particular faith, or any faith at all. The United States stands for the protection of equal rights for all people to practice their faith freely, without fear or coercion, and as Americans, we understand that when people of all religions are accepted and are full and equal members of our society, we are all stronger and freer.

Our commitment to religious freedom has fostered unprecedented religious diversity and freedom of religious practice. But these ideals are not self-executing. Rather, they require a sustained commitment by each generation to uphold and preserve them. Here at home, my Administration is working to preserve religious liberty and enforce civil rights laws that protect religious freedom—including laws that protect employees from religious discrimination and require reasonable accommodation of religious practices on the job. We will keep upholding the right of religious communities to establish places of worship and protecting the religious rights of those so often forgotten by society, such as incarcerated persons and individuals confined to institutions. We will also continue to protect students from discrimination and harassment that is based on their faith, and we will continue to enforce hate crime laws, including those perpetrated based on a person's actual or perceived religion. This work is crucial, particularly given the recent spike in reports of threats and violence against houses of worship, children, and adults simply because of their religious affiliation.

As we strive to uphold religious freedom at home, we recognize that this basic element of human dignity does not stop at our shores, and we work to promote religious freedom around the globe. We are working with a broad coalition against those who have subjected religious minorities to unspeakable violence and persecution, and we are mobilizing religious and civic leaders to defend vulnerable religious com-

munities. In addition, we are calling for the elimination of improper restrictions that suppress religious practice, coordinating with governments around the world to promote religious freedom for citizens of every faith, and expanding training for our diplomats on how to monitor and advocate for this freedom. All people deserve the fundamental dignity of practicing their faith free from fear, intimidation, and violence.

On Religious Freedom Day, let us recommit ourselves to protecting religious minorities here at home and around the world. May we remember those who have been persecuted, tortured, or murdered for their faith and reject any politics that targets people because of their religion, including any suggestion that our laws, policies, or practices should single out certain faiths for disfavored treatment. And as one Nation, let us state clearly and without equivocation that an attack on any faith is an attack on every faith and come together to promote religious freedom for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2016 as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that teach us about this critical foundation of our Nation's liberty, and that show us how we can protect it for future generations at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9390 of January 15, 2016

Martin Luther King, Jr., Federal Holiday, 2016

By the President of the United States of America

A Proclamation

With profound faith in our Nation's promise, the Reverend Dr. Martin Luther King, Jr., led a non-violent movement that urged our country's leaders to expand the reach of freedom and provide equal opportunity for all. Dr. King joined a long line of heroes and vindicated the belief at the heart of our founding: that humble citizens, armed with little but faith, can come together to change the world and remake an America that more closely aligns with our highest ideals.

Dr. King recognized that, as a country built on the foundation of self-governance, our success rested on engaging ordinary citizens in the work of securing our birthright liberties. Together, with countless unsung heroes equally committed to the idea that America is a constant work in progress, he heeded the call etched into our founding documents nearly two centuries before his time, marching and sacrificing for the idea of a fair, just, and inclusive society. By preaching his dream of a day when his children would be judged by the content of their character—rather than by the color of their skin—he helped awak-

en our Nation to the bitter truth that basic justice for all had not yet been realized. And in his efforts, he peaceably yet forcefully demonstrated that it is not enough to only have equal protection under the law, but also that equal opportunity for all of our Nation's children is necessary so that they can shape their own destinies.

Today, we celebrate the long arc of progress for which Dr. King and so many other leaders fought to bend toward a brighter day. It is our mission to fulfill his vision of a Nation devoted to rejecting bigotry in all its forms; to rising above cynicism and the belief that we cannot change; and to cherishing dignity and opportunity not only for our own daughters and sons, but also for our neighbors' children.

We have made great advances since Dr. King's time, yet injustice remains in many corners of our country. In too many communities, the cycle of poverty persists and students attend schools without adequate resources—some that serve as a pipeline to prison for young people of color. Children still go to bed hungry, and the sick go without sufficient treatment in neighborhoods across America. To put up blinders to these realities or to intimate that they are inherent to a Nation as large and diverse as ours would do a disservice to those who fought so hard to ensure ours was a country dedicated to the proposition that all people are created equal.

''We may have all come on different ships, but we're in the same boat now,'' Dr. King once said. As the most diverse country on Earth, ensuring this creed is reflected in our hearts, minds, and policies is the imperative of our citizenship. As Americans of all races and beliefs come together on this day of service to honor the life and legacy of the Reverend Dr. Martin Luther King, Jr., let us pledge to recognize the common humanity of all people, regardless of the color of their skin or the station into which they were born.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 18, 2016, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service projects in honor of Dr. King and to visit www.MLKDay.gov to find Martin Luther King, Jr., Day of Service projects across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9391 of January 29, 2016

American Heart Month, 2016

By the President of the United States of America

A Proclamation

Affecting people of all races and ethnicities, cardiovascular disease is the single leading cause of death for both men and women in the United States, responsible for one in three deaths in the United States each year. Though usually preventable, heart disease can manifest itself in sudden and unforeseen ways, and it costs our Nation hundreds of billions of dollars annually. During American Heart Month, we remember those we have lost to this devastating disease, promote healthy lifestyles that mitigate its impacts, and pledge to continue our fight against it.

Heart disease must be addressed with urgency. Every person can take steps to reduce the risk factors associated with heart disease in themselves and in those they care about—whether as parents, caretakers, or friends—by encouraging healthy eating, physical activity, and by discouraging the use of tobacco. Almost half of all Americans face increased risk of heart disease for reasons that include being a smoker, having high blood pressure, or having high cholesterol. You can reduce your chances of developing heart disease by reducing alcohol intake, exercising regularly, maintaining a nutritious diet, living tobacco-free, and staying aware of early warning signs. For more resources and information, visit www.CDC.gov/HeartDisease.

Testing cholesterol levels for individuals particularly vulnerable to heart disease and checking blood pressure regularly are both critical preventive measures for detecting heart disease early on, and thanks to the Affordable Care Act, tens of millions of Americans now have access to recommended preventive services for free. First Lady Michelle Obama's *Let's Move!* initiative is working to reduce obesity—another primary contributing factor to cardiovascular issues—among children to offset their susceptibility to heart disease and other obesity-related health problems. Additionally, my Administration launched Million Hearts 5 years ago, a national initiative aimed at preventing 1 million heart attacks and strokes by 2017. Moving forward, we will continue to invest in research that helps target medical treatments and gives all of us access to the personalized information we need to keep ourselves and our families healthy.

Michelle and I encourage everyone to participate in National Wear Red Day on Friday, February 5, by wearing red in honor of those we have lost to heart disease and to raise awareness of this devastating disease and the steps we can all take to prevent it. Every 43 seconds, someone in the United States suffers a heart attack, and many of them are fatal. Combating heart disease is imperative for improving public health in America, and together, we can work to ensure everybody knows its signs and symptoms and can access needed care. This month, let us renew our efforts to raise awareness of this disease and its consequences, and let us recommit to building a healthier, heartier future for all.

In acknowledgment of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved De-

cember 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim February 2016 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 5, 2016. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9392 of January 29, 2016

National African American History Month, 2016

By the President of the United States of America

A Proclamation

America's greatness is a testament to generations of courageous individuals who, in the face of uncomfortable truths, accepted that the work of perfecting our Nation is unending and strived to expand the reach of freedom to all. For too long, our most basic liberties had been denied to African Americans, and today, we pay tribute to countless good-hearted citizens—along the Underground Railroad, aboard a bus in Alabama, and all across our country—who stood up and sat in to help right the wrongs of our past and extend the promise of America to all our people. During National African American History Month, we recognize these champions of justice and the sacrifices they made to bring us to this point, we honor the contributions of African Americans since our country's beginning, and we recommit to reaching for a day when no person is judged by anything but the content of their character.

From the Revolutionary War through the abolitionist movement, to marches from Selma to Montgomery and across America today, African Americans have remained devoted to the proposition that all of us are created equal, even when their own rights were denied. As we rejoice in the victories won by men and women who believed in the idea of a just and fair America, we remember that, throughout history, our success has been driven by bold individuals who were willing to speak out and change the status quo.

Refusing to accept our Nation's original sin, African Americans bound by the chains of slavery broke free and headed North, and many others who knew slavery was antithetical to our country's conception of human rights and dignity fought to bring their moral imagination to life. When Jim Crow mocked the advances made by the 13th Amendment, a new generation of men and women galvanized and organized

with the same force of faith as their enslaved ancestors. Our Nation's young people still echo the call for equality, bringing attention to disparities that continue to plague our society in ways that mirror the non-violent tactics of the civil rights movement while adapting to modern times. Let us also not forget those who made the ultimate sacrifice so that we could make our voices heard by exercising our right to vote. Even in the face of legal challenges, every eligible voter should not take for granted what is our right to shape our democracy.

We have made great progress on the journey toward ensuring our ideals ring true for all people. Today, African American high school graduation and college enrollment rates are at an all-time high. The African-American unemployment rate has been halved since its Great Recession peak. More than 2 million African Americans gained health insurance thanks to the Affordable Care Act. The incarceration rates for African-American men and women fell during each year of this Administration and are at their lowest points in over two decades. Yet challenges persist and obstacles still stand in the way of becoming the country envisioned at our founding, and we would do a disservice to all who came before us if we remained blind to the way past injustices shape the present. The United States is home to 5 percent of the world's population, but 25 percent of the world's prisoners—a disproportionate number of whom are African American—so we must find ways to reform our criminal justice system and ensure that it is fairer and more effective. While we've seen unemployment rates decrease, many communities, particularly those of color, continue to experience significant gaps in educational and employment opportunities, causing too many young men and women to feel like no matter how hard they try, they may never achieve their dreams.

Our responsibility as citizens is to address the inequalities and injustices that linger, and we must secure our birthright freedoms for all people. As we mark the 40th year of National African American History Month, let us reflect on the sacrifices and contributions made by generations of African Americans, and let us resolve to continue our march toward a day when every person knows the unalienable rights to life, liberty, and the pursuit of happiness.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2016 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9393 of January 29, 2016

National Teen Dating Violence Awareness and Prevention Month, 2016

By the President of the United States of America
A Proclamation

Teen dating violence is a serious violation that can affect a young person's safety, development, and sense of comfort. Perpetrated by a current or past intimate partner, dating violence takes many forms, including physical, sexual, or emotional abuse, and can occur in person or through electronic communication and social media. Violent dating relationships can lead to depression, anxiety, drug and alcohol use, and thoughts of suicide, and victims may continue to experience detrimental effects throughout their lives. During National Teen Dating Violence Awareness and Prevention Month, we recognize the urgency needed in addressing this problem and recommit to preventing it by educating our youth about its dangers and consequences, and reaffirm the basic human right to be free from violence and abuse.

Dating violence may include physical force, such as kicking, hitting, and shoving; emotional abuse, consistent monitoring, and isolation; or sexual assault. Dating violence can occur in any relationship, whether it is casual and short-term or long-term and monogamous, and any young person can experience dating violence or other unhealthy relationship behaviors—regardless of gender, race, religion, ethnicity, sexual orientation, or socioeconomic status. Approximately 1 in 10 teenagers reports being physically or sexually victimized by a dating partner, and too many other victims do not report it. The cycle of violence can begin with anyone at any time, and as a society, we must acknowledge that we each have a role to play in teaching children about healthy relationships. In their formative years, teens are influenced by their early relationships, and the example set by those around them can have lasting consequences.

My Administration is working diligently to address teen dating violence in a number of ways. Vice President Joe Biden's *1is2many* initiative is strengthening efforts to reduce dating violence among those most vulnerable, particularly young women between the ages of 16 and 24, and is utilizing technology to engage students, teens, and young adults in this cause. To build on our efforts, I established the White House Task Force to Protect Students from Sexual Assault. The Task Force will, in addition to working to combat sexual violence on college campuses, explore ways its recommendations may apply to elementary and secondary schools across our country. My Administration will keep forging a future in which no teenager must suffer due to having an abusive partner.

All Americans have a role to play in ending dating violence and fostering safe, healthy environments for our young people. This month, let us seize our responsibility to set positive examples for our Nation's teenagers by celebrating and demonstrating healthy relationships, and let us recommit to ensuring all people who may be in an abusive relationship have access to help and support. Together, we can reach a day when no young person knows the pain caused by dating violence.

If you or someone you know is involved in an abusive relationship of any kind, you can get immediate and confidential support by calling 1–866–331–9474, texting ''LoveIs'' to 22522, or visiting LoveIsRespect.org. For additional information and resources on dating violence, please visit VetoViolence.CDC.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2016 as National Teen Dating Violence Awareness and Prevention Month. I call upon all Americans to support efforts in their communities and schools, and in their own families, to empower young people to develop healthy relationships throughout their lives and to engage in activities that prevent and respond to teen dating violence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9394 of February 12, 2016

Establishment of the Castle Mountains National Monument

By the President of the United States of America

A Proclamation

The Castle Mountains area, bounded on three sides by Mojave National Preserve (Preserve), possesses outstanding natural, cultural, and historical values representing some of the finest characteristics of the eastern Mojave Desert. It connects water flow and wildlife corridors of the Preserve, and completes the boundary of the Preserve along the California-Nevada border. Beneath the shadow of Hart Peak lie rich cultural and historic resources, including Native American archeological sites and the historic gold mining ghost town of Hart. Exposed geologic features contribute to the area's outstanding scenery.

Shaped by millions of years of geologic forces, the rugged Castle Mountains are emblematic of the Mojave landscape. The Castle Mountains rise from the broad sweep of the Lanfair Valley to a height of over 5,000 feet, presenting a picturesque skyline visible from many locations within the Preserve, while also affording spectacular views of the Preserve and beyond. Hart Peak is the prominent feature in the Castle Mountains skyline at 5,543 feet. Views from Hart Peak encompass vast wilderness and distinctive peaks, including Spirit Mountain in Nevada, a sacred site to many Native American tribes. The remoteness of the Castle Mountains area offers visitors the chance to experience the solitude of the desert and its increasingly rare natural soundscapes and dark night skies.

The Castle Mountains area provides a critical linkage for plants, animals, and water between two mountain ranges within the Preserve, the New York Mountains to the northwest and the Piute Mountains to the

southeast. The area's high quality desert habitat includes some of the finest Joshua tree forest in the Mojave Desert, as well as pinyon pine and juniper forest at the upper elevations. The area's native desert grassland is a hotspot of botanical diversity. The unique plant assemblage includes 28 species of native grasses, about half of which are rare, including burrograss and false buffalograss.

Protection of this relatively intact and undisturbed habitat is important not just to the long-term survival of many plant species but also to significant wildlife populations. A herd of desert bighorn sheep lives on the steep, rocky slopes of the Castle Mountains. They and other wildlife traverse the area between the Piute Mountains and the New York Mountains. Numerous bat species live in rock crevices and mine remnants in the area. Wildlife species of special concern include the Townsend's big-eared bat, California leaf-nosed bat, Swainson's hawk, golden eagle, desert tortoise, Bendire's thrasher, and gray vireo.

With its habitat linkages, wildlife corridors, and intact ecosystems, the area offers exceptional opportunities to study plant and animal movement and connections between diverse natural systems, especially in the context of climate change. Ongoing studies of desert bighorn sheep and other plant and animal species have shown the priority of this area for scientific research. A recent study using network models of bighorn sheep genetic and demographic connectivity as tools for landscape-scale conservation found the Castle Mountains habitat to be one of the most important in the Mojave Desert. Botanists are finding new and rare plant populations, and significant new information regarding the range of species such as Mexican panicgrass, in the Castle Mountains area.

The Castle Mountains area is the only remaining portion of the 226-square mile Lanfair Valley watershed that is not part of the Preserve. Underlying much of the Lanfair Valley, including the Castle Mountains area, is a large groundwater aquifer of critical importance to the desert ecosystem. With its primary recharge zone in the New York Mountains, this aquifer feeds Piute Spring, located in the Preserve just south of the Castle Mountains area. Piute Spring is the only perennial stream and riparian corridor in the Preserve, and attracts numerous flora and fauna.

As a rare desert water source, Piute Spring attracted Native American habitation for thousands of years, followed by Euro-American exploration and settlement. Drawn to this reliable source of potable water, in 1867 the U.S. Army established Fort Piute (listed on the National Register of Historic Places) adjacent to the spring to provide protection to travelers on the Old Spanish Trail (known locally as the Mojave Road) that crossed the Mojave Desert from the Colorado River to San Bernardino, California. Maintenance of the groundwater resources and flow to Piute Spring is essential to the historical and scientific value of both the area and the Preserve.

The Castle Mountains area also contains other cultural resources that reflect a long history of prehistoric and historic human use. Prehistoric rock art and archeological sites are found throughout the area. The rock art indicates sites of significant cultural import to both the Fort Mojave and Chemehuevi Tribes, marking routes through the Castle Mountains likely traveled by both tribes. The Castle Mountains area links places to the south, like Piute Spring, to areas north, such as an obsidian col-

lection site. Western expansion brought ranching, mining, and the railroad to the area. Some of the best-preserved segments of a wagon road that linked the Arizona Territory (Hardyville, now Bullhead City, Arizona) to settlements in southern California can be found in the Castle Mountains area. Ranchers grazed cattle in the area. By 1894, the Rock Springs Land and Cattle Company had consolidated its holdings in the eastern Mojave Desert. Much of their historic ranch lies within the Preserve, and features of this and other grazing enterprises of the era can still be seen in the Castle Mountains area. In 1907, brothers Bert and Clark Hitt found rich gold ore, staking claims that became the Oro Belle and Big Chief Mines. With James Hart, they founded the town of Hart at the base of Hart Peak. Between 1908 and 1910, the town of Hart underwent a rapid boom and bust, and by 1920, Hart had become a ghost town. Throughout this period of western expansion, railroads served the ranchers, miners, Hart residents, and others in the eastern Mojave Desert. Part of the former 23-mile Barnwell and Searchlight Railway, later incorporated into the California Eastern Railway, ran through the Castle Mountains area.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve and protect the historic and scientific objects in the Castle Mountains area;

WHEREAS, the protection of the Castle Mountains area's outstanding objects of historic and scientific interest would also contribute to the protection of the resources and values of the Preserve;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Castle Mountains National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 20,920 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretary of the Interior (Secretary) shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and cultural sites in the monument and provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

The Secretary shall manage these lands through the National Park Service, pursuant to applicable authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan to implement the purposes of this proclamation, with full public involvement, within 3 years of the date of this proclamation. For the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.

The Secretary shall continue to manage the Federal lands and interests in lands within the adjacent area labelled ''Castle Mountain Mine Area'' on the accompanying map through the Bureau of Land Management, pursuant to applicable authorities. Upon the determination of the Secretary that either (1) all mining and mining-related activities have terminated and reclamation has been completed, or (2) a period of 10 years from the date of this proclamation has elapsed during which no commercial mining activities have occurred pursuant to a Bureau of Land Management approved plan of operations, the Secretary shall, consistent with applicable legal authorities, transfer jurisdiction of the lands within the Castle Mountain Mine Area to the National Park Service and ensure that the lands are managed in a manner compatible with the proper care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California with respect to fish and wildlife management.

The Federal land managing agencies shall, in cooperation with appropriate State officials and subject to applicable State and Federal law, ensure the availability of water resources, including groundwater resources, needed for monument purposes.

Nothing in this proclamation shall restrict or preclude low level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation, consistent with the care and management of the objects to be protected.

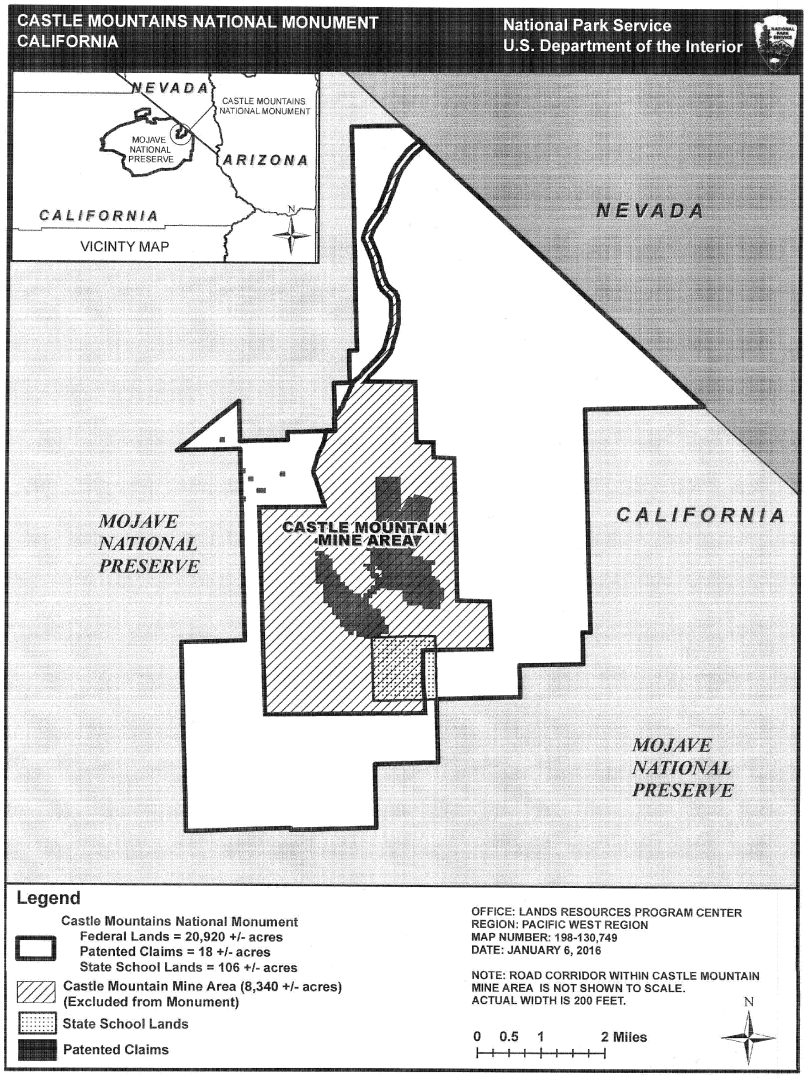
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA



Proclamation 9395 of February 12, 2016

Establishment of the Mojave Trails National Monument

By the President of the United States of America
A Proclamation

The Mojave Trails area of southern California is a stunning mosaic of rugged mountain ranges, ancient lava flows, and spectacular sand dunes. It is a landscape defined by scarcity and shaped by travel. The area exemplifies the remarkable ecology of the Mojave Desert, where the hearty insistence of life is scratched out from unrelenting heat and

dryness. This punishing environment has also forged the unique human history of the area, from ancient settlements uprooted by a changing climate to the armies of General George S. Patton, Jr., as they trained for battle in North Africa. With historic American trading routes, trails followed by Spanish explorers, a transcontinental rail line, and the Nation's most famous highway, the Mojave Trails area tells the American story of exploration, migration, and commerce. The Mojave Trails area is an invaluable treasure and will continue to serve as an irreplaceable national resource for geologists, ecologists, archaeologists, and historians for generations to come.

The Mojave Trails area has been a focus of geological research for decades. This unique landscape contains a stunning diversity of lava flows, mountains, playas, sand dunes, bajadas, washes, and other features. The area contains a number of significant sand dune features, most notably the stunning Cadiz Dunes, which have been extensively studied. The mountains of the Mojave Trails area include several significant formations, and seismologists have studied this area for insight into faulting, tectonics, and magmatism. A number of young volcanoes and their associated lava flows in the area have been heavily studied by volcanologists. Amboy Crater, designated as a National Natural Landmark in 1973, has been the focus of research on a number of volcanic phenomena. The Pisgah Volcano lava flow's vast network of lava tubes constitutes southern California's highest density of caves, and is used by both speleologists and recreational cavers. The area's terrain and geology have provided a surrogate for lunar and Martian landscapes, and many of the robotic and imaging technologies used to better understand volcanism and Aeolian processes have been developed and tested in the Mojave Trails area.

Outstanding paleontological resources can be found throughout the Mojave Trails area. The Cady Mountains contain important fossil fauna assemblages dating to the Miocene Period. The Marble Mountain Fossil Bed area contains one of the classic Cambrian trilobite fossil sites in the Western United States. Set in the green-brown lower Cambrian Latham Shale, the fossil beds also contain the fossilized remains of brachiopods, mollusks, echinoderms, and algal bodies that are of great interest to paleontologists. The southern Bristol Mountains contain Tertiary fossils such as camel tracks, invertebrates, and numerous plants; this fossil history has also been used to understand the climate history of the Mojave Desert. Significant vertebrate fossils and other fossil resources have also been identified in Piute Valley and Cadiz Valley as well as the Ship Mountains, Little Piute Mountains, and Sacramento Mountains.

The Mojave Trails area has been important for ecological research, including studies on the effects of climate change and land management practices on ecological communities and wildlife. It provides opportunity for further research on ecological connectivity in the Mojave Desert region, as it is among the most ecologically intact areas in southern California. The species that have managed to thrive here are specialists in perseverance and resourcefulness and are remarkable for their ability to withstand the desert extremes. The area's scarce springs and riparian areas such as Afton Canyon, Chuckwalla Spring, Hummingbird Spring, Barrel Spring, and Fenner Spring provide refuges for a wide variety of plants and animals. The complex network of groundwater underlying the Mojave Trails area has been the subject of past

and ongoing hydrological study. Underground aquifers feed springs and seeps that are important for sensitive ecosystems and wildlife, though specific connections are not yet well understood.

Rare plant species such as the scrub lotus, rosy two-tone beardtongue, whitemargin beardtongue, Emory's crucifixion-thorn, small-flowered androstephium, white-margined penstemon, and Borrego milkvetch rely on the specific habitat types found in the Mojave Trails area. The Piute Valley area in the northeastern part of the Mojave Trails area is home to the northernmost occurrences of smoke trees in the California desert, as well as the Homer Mountain Ocotillo Assemblage. The lowlands and middle elevations are also home to other unique or ecologically significant plants such as the endemic Orocopia Mountains spurge. Numerous cactus species are also found here, including the densest concentration of Bigelow cholla cactus in California. Ongoing research in the Mojave Trails area has identified other plant species that are new to science, many of which have not yet been described.

Birds including the endangered Least Bell's vireo, southwestern willow flycatcher, and yellow-billed cuckoo depend on this area, as do raptors such as the burrowing owl, red-tailed hawk, golden eagle, American kestrel, and prairie falcon. Fragile desert fish species such as the bonytail chub rely on the scarce waters of the desert riparian ecosystems. A wide variety of fascinating native mammal species can be found in the Mojave Trails area, including the kit fox, ringtail, American badger, mountain lion, and bighorn sheep. Reptiles and amphibians, including the Mojave Desert's largest lizard, the chuckwalla, have been extensively studied in the Mojave Trails area. The area contains some of the Mojave Desert's best habitat for the threatened desert tortoise and provides important dispersal corridors for that fragile species. An unusual community of invertebrates associated with lava tubes in the Pisgah area offers an ongoing opportunity for entomological research.

Humans have lived in and moved through the Mojave Trails area for more than 10,000 years. The archeological record tells of a human existence shaped by a changing climate. During the Paleo-Indian period, now-dry lakes provided fresh water to small groups of nomadic people and the animals they hunted. From around 7,000 to 2,000 BC, rising temperatures resulted in a change from wet to dry conditions. Associated ecological changes in the region led to new patterns of subsistence for native peoples. Although people remained closely tied to water sources following the temperature increase, desert inhabitants adjusted their diets to rely more heavily on plants and fish, invented new tools, and expanded the sizes of their social groups. During the Formative Period (2,500 to 1,500 BC), dry conditions meant the inhabitants of the Mojave Desert remained in small groups. They relied heavily for their survival on the Mojave River, a name derived from the traditional name for these people, Pipa Aha Macav (''the people by the river''). The Mojave people left their mark on the landscape through petroglyphs, pictographs, old trails, and stone work, some of which can still be found today, especially near springs and rivers and along the shores of now-extinct lakes.

The Mojave were not the only people to use or pass through this landscape. Ancestors of the Chemehuevi Indian Tribe, a branch of the Southern Paiute, have been persistent occupants of the Mojave Desert for thousands of years. Sacred Chemehuevi trails are often tied to tradi-

tional and ceremonial songs. The Salt Song Trail, one of the longest song trails of the Chemehuevi people, passes through the Mojave Trails area near the town of Fenner and the Ward Valley. Natural land patterns form the route of this trail, with specific songs sung at specific wayside locations. Other Native Americans who have lived in or passed through the Mojave Desert include the Shoshone, Serrano, Kawaiisu, and the Paiute. The Ward Valley, located between the Old Woman and Piute Mountains, is sacred to a number of these tribes, as are the Mesquite and Crucero Hills, which contain over 50 archaeological sites including petroglyphs, milling stations, temporary camps, intaglios, lithic scatters, and pottery dating as far back as 4,000 years.

The Mojave Trails area has been a critical travel corridor for millennia, linking the Pacific Coast to the deserts of the southwest and beyond. The Mojave Indian Trail is the earliest known travel route passing through the Mojave Trails area, used by Native Americans for thousands of years and by early Spanish explorers and traders. In 1829, Mexican explorer Antonio Armijo pioneered the Old Spanish Trail through this area. Evidence of the trail, now designated a National Historic Trail, can still be found at Afton Canyon.

By the end of the 19th century, transcontinental rail travel had changed the American West in profound ways. In 1882, Southern Pacific constructed a railroad route from Barstow to Needles. In addition to the major rail stops established at Needles and Barstow, several smaller towns and rail stops were established along this stretch, including the alphabetically named Amboy, Bristol, Cadiz, Danby, Essex, Fenner, and Goffs. These towns remain, some as inhabited hamlets and others as abandoned ghost towns, and some historical artifacts from the original rail line still exist, including original rail ties and track and later improvements of communications poles, insulators, and wires.

A modest dirt road—an original trackside component of the railroad project—would later become the most famous highway in America. In 1911, in the infancy of the automobile era, the County of San Bernardino paved the first stretch of that road from Barstow to Needles. The next year, this stretch became part of the National Old Trails Road, which extended more than 3,000 miles from New York, New York, to Los Angeles, California, and connected the American coasts by pavement for the first time. In 1926, the road was officially designated as U.S. Highway 66, a designation soon known around the world as Route 66. During the 1930s, Route 66 became an important route for migrants escaping economic hardships of the Great Depression and droughts in the Central plains. As the national economy rebounded following World War II, Americans took to the highways in unprecedented numbers. The road became an American icon, earning the nickname the ''Main Street of America'' and inspiring popular culture through music, literature, and film.

The popularity of Route 66, however, hastened its downfall; increasing traffic quickly exceeded its two-lane capacity. In 1985, Route 66 was officially decommissioned, leaving behind a powerful albeit fragmented narrative history of America's automobile culture of the first half of the 20th century and its legacy of related commerce and architecture. The Mojave Trails area contains the longest remaining undeveloped stretch of Route 66, offering spectacular and serene desert vistas and a glimpse into what travelers experienced during the peak of the route's popularity in the mid-20th century. Today, the ghost towns

along this stretch of Route 66 are a visual legacy of how the automobile shaped the American landscape.

In addition to its important role in the transportation history of the United States, the Mojave Trails area is a unique resource for understanding one of the most formative periods in American military history. During the height of World War II, the United States military recognized a need to develop a desert training program in order to prepare its troops to fight the tank armies of Nazi Germany in North Africa. Major General George S. Patton, Jr., commander of the I Armored Corps, selected the site of the Desert Training Center in the Mojave Trails area, the largest training area in the world at the time. More than one million troops trained in the area between 1942 and 1944, including at Camp Ibis, Camp Clipper, Camp Iron Mountain, Camp Granite, and Camp Essex. Remnants of these camps can still be found today, including rock-lined streets, staging areas, flag circles, altars, tent areas, and even tank tracks on some of the area's hardpan playas.

The protection of the Mojave Trails area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Mojave Trails lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Mojave Trails National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.6 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument or disposal for the limited purpose of providing materials for repairing or maintaining roads and bridges within the monu-

ment consistent with care and management of the objects identified above.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the Bureau of Land Management (BLM) as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities, to protect the objects identified above.

For purposes of the care and management of the objects identified above, the Secretary, through the BLM, shall within 3 years of the date of this proclamation prepare and maintain a management plan for the monument and shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with tribal, State, and local governments.

Nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation or maintenance of, or with the replacement, modification, or upgrade within or adjacent to an existing authorization boundary of, existing flood control, utility, pipeline, or telecommunications facilities that are located within the monument in a manner consistent with the care and management of the objects identified above. Existing flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, but only to the extent consistent with the care and management of the objects identified above.

The Secretary shall work with appropriate State officials to ensure the availability of water resources, including groundwater resources, needed for monument purposes.

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads existing as of the date of this proclamation. Non-motorized mechanized vehicle use shall be permitted only on roads and trails designated for their use consistent with the care and management of the objects identified above. The Secretary shall prepare a transportation plan that designates the roads and trails where motorized or non-motorized mechanized vehicle use will be permitted.

Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction, including provisions specific to the California Desert Conservation Area, shall continue to apply with regard to the lands in the monument, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low level overflights of military aircraft, the designation of new units of special use airspace, the use or establishment of military flight training routes over the lands reserved by this proclamation, or related military uses, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall alter the Department of Defense's use of the Restricted Airspace established by the Federal Aviation Administration. Further, nothing in this proclamation shall preclude (i) air or ground access for existing or new electronic tracking and communications; (ii) landing and drop zones; and (iii) readiness and training by the U.S. Armed Services, Joint and Coalition forces, including training using motorized vehicles both on and off road, in accordance with applicable interagency agreements.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

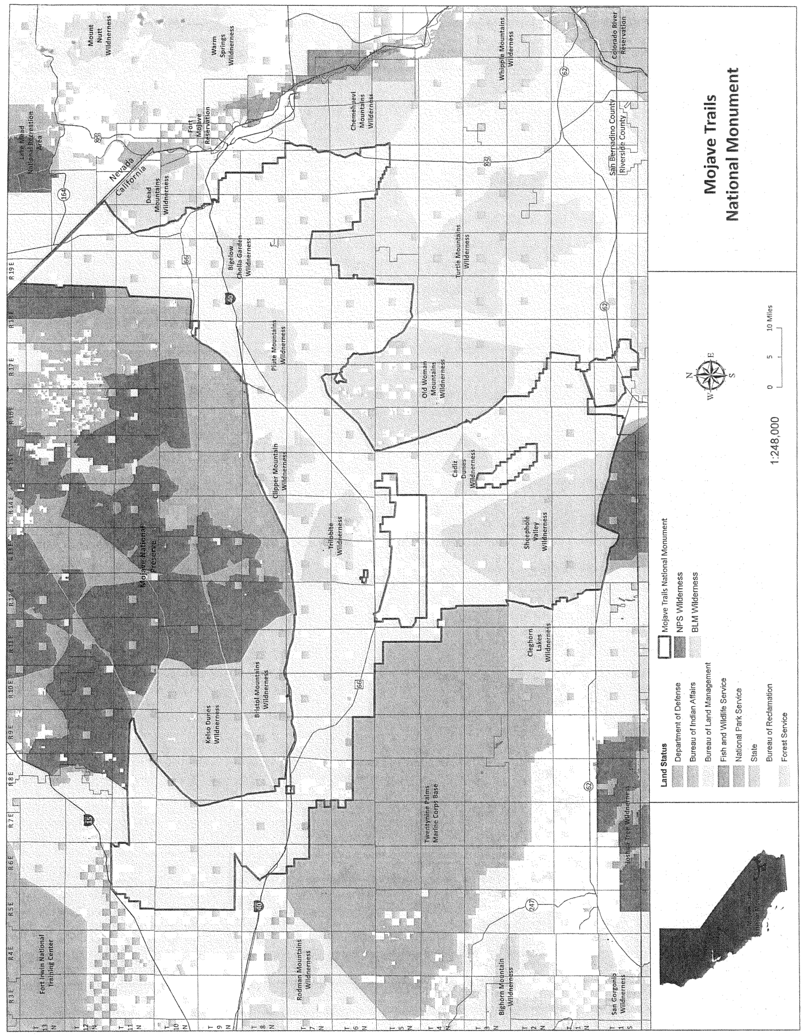
Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretary shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and cultural sites in the monument and provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA


Mojave Trails
National Monument
Land Status
Department of Defense
Bureau of Indian Affairs
Bureau of Land Management
Fish and Wildlife Service
National Park Service
State
Bureau of Reclamation
Forest Service
Mojave Trails National Monument
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Riverside County
Colorado River Reservation
San Gorgonio Wilderness
Nevada
California
Mojave National Preserve
Twentynine Palms Marine Corps Base
Fort Irwin National Training Center
Kelso Dunes Wilderness
Bristol Mountains Wilderness
Cleghorn Lakes Wilderness
Sheephole Valley Wilderness
Cadiz Dunes Wilderness
Trilobite Wilderness
Clipper Mountain Wilderness
Old Woman Mountains Wilderness
Piute Mountains Wilderness
Turtle Mountains Wilderness
Whipple Mountains Wilderness
Chemehuevi Mountains Wilderness
Fort Mojave Reservation
Dead Mountains Wilderness
Warm Springs Wilderness
Mount Nutt Wilderness
Bigelow Cholla Garden Wilderness
Rodman Mountains Wilderness
Bighorn Mountain Wilderness

Proclamation 9396 of February 12, 2016

Establishment of the Sand to Snow National Monument

By the President of the United States of America
A Proclamation

The Sand to Snow area of southern California is an ecological and cultural treasure, a microcosm of the great geographic diversity of the region. Rising from the floor of the Sonoran Desert to the tallest peak in southern California, the area features a remarkable diversity of plant and animal species. The area includes a portion of the San Bernardino National Forest and connects this area with Joshua Tree National Park to the east, knitting together a mosaic of spectacular landscapes stretching over 200 miles. The mountain peaks of the Sand to Snow area frame the northeastern reach of Coachella Valley along with the Santa Rosa and San Jacinto Mountains National Monument to the south. Home to desert oases at Big Morongo Canyon and Whitewater Canyon, the area serves as a refuge for desert dwelling animals and a stopover for migrating birds. The archaeological riches of the Black Lava Buttes and the historical remains of mining and ranching communities tell of past prosperity and struggle in this arid land. The unbroken expanse is an invaluable treasure for our Nation and will continue to serve as an irreplaceable resource for archaeologists, geologists, and biologists for generations to come.

The Sand to Snow area encompasses a rich diversity of geological and ecological resources, including a nearly 10,000-foot elevation gradient from the Sonoran Desert floor to the top of the 11,500-foot San Gorgonio Mountain, the highest mountain in southern California. From the flat desert lowlands, the mountains thrust upward in stark relief, creating indelible beauty along with a unique diversity of resources and a rich history of human habitation and movement. Along this remarkable topographic gradient lies an unusually wide range of ecosystems, ranging from lowland Mojave and Colorado deserts to scrub and woodlands and Mediterranean chaparral to subalpine and alpine conifer forests. San Gorgonio Mountain is one end of the longest recorded line of sight in the lower 48 States, the other being Mount Whitney, 190 miles away. In addition, the Henry Washington Survey Marker, located on San Bernardino Peak, serves as the starting point for surveying land in southern California and is included on the National Register of Historic Places.

San Gorgonio, so named after Saint Gorgonius by early 17th century Spanish missionaries, is just one name for this remarkable, region-defining mountain. The Cahuilla Indians call the mountain Kwiria-Kaich, which means ''bald'' or ''smooth,'' and consider it among the sacred peaks of southern California. The Gabrielino Indians from the Los Angeles Basin treat San Gorgonio Mountain with reverence and refer to it as Akvangna. The Luiseño Indians consider San Gorgonio Mountain sacred and the older brother of Mount San Jacinto; both peaks were among the first born of Earth Mother. The Luiseño refer to San Gorgonio Mountain as Pewipwi.

Thirty miles of the world famous Pacific Crest National Scenic Trail run through the Sand to Snow area, climbing 7,000 feet from the desert of Whitewater Canyon to Mission Springs in the San Bernardino Na-

tional Forest. The history of this renowned trail dates back to the 1920s when the idea of a border-to-border trail was first conceptualized. Although the establishment of the trail took decades to fully materialize, today the trail is a national icon, highlighting the wilderness treasures of the American West. Since its completion, over 3,000 people have hiked the 2,600 miles of continuous trail along the Pacific crest, including the Mission Creek Canyon segment found within the Sand to Snow area.

The Sand to Snow area first took its current shape 175 million years ago with the subduction of the Pacific Plate beneath the North American Plate. The San Bernardino Mountain range in the western half of the Sand to Snow area is unusual in California, a transverse range as distinct from the north-south mountain ranges found through most of California. This difference in direction results from a change in the San Andreas Fault, which shifts direction to the west of the Sand to Snow area. This intersection of mountains makes this area a critical bridge for wildlife traversing the high elevations of southern California's desert landscape.

Two branches of the San Andreas Fault run through the Sand to Snow area, and the faulting that created the mountains and canyons throughout this landscape also created the Morongo Valley. The Whitewater Canyon area has been featured in numerous studies of the plate tectonics and geologic rifting of southern California, including studies that examine the impact of earthquakes on fault stability. The San Bernardino Mountains and Big Morongo Canyon contain ancient rocks from the Proterozoic Eon, along with some of the oldest exposed rocks in California, nearly 2 billion years old. Granite, gneiss, and schist in these areas have been used by geologists to better understand the tectonic history of the region, and are a testament to the area's important geologic past.

Covering a range of nearly 10,000 feet in elevation, the Sand to Snow area includes an extraordinarily diverse range of ecosystems from lowland deserts, fresh water marshes, and Mojave riparian forests, to creosote bush scrub ecosystems, and alpine peaks. Hundreds of springs rise to the surface at South Fork Meadows, the origin of the South Fork of the Santa Ana River. The Sand to Snow area has been important to biological and ecological research, as well as studies of climate and land use change, the impact of fires and invasive species management.

The area has a remarkable species richness that makes it one of most biodiverse areas in southern California. The area is home to 12 federally listed threatened and endangered animal species. Species include the endangered peninsular bighorn sheep, San Bernardino Merriam's kangaroo rat, Arroyo toad, Mountain Yellow-legged frog, and unarmored threespine stickleback, as well as the threatened Santa Ana sucker, Coachella Valley fringe-toed lizard, and desert tortoise.

A tremendous diversity of other wildlife species also make their homes here. In the San Gorgonio Wilderness, black bears, mountain lions, bobcats, mule deer, and bighorn sheep can all be found. Species such as ringtails, kit fox, striped skunk, California ground squirrel, blacktail jackrabbit, and 19 species of bat live in the Big Morongo Canyon Preserve. Amphibians and reptiles including the Mohave Rattlesnake, red diamond rattlesnake, rosy boa, desert spiny lizard, California

kingsnake, Western whiptail, and Pacific tree frog also live in the Sand to Snow area.

The Sand to Snow area is famous for its oases frequented by over 240 species of birds, including the endangered Least Bell's vireo, southwestern willow flycatcher, and Yuma clapper rail, as well as the threatened coastal California gnatcatcher. Big Morongo Canyon, characterized by steep canyons, rugged terrain, and desert oases, is particularly high in biodiversity and is among the largest desert riparian habitats in California. It has been recognized as among the most important avian habitats in the State. Common birds found at Big Morongo Canyon include shore birds like the American white pelican, great blue heron, and green heron, raptors such as the Swainson's hawk, Northern Harrier, and American kestrel, owls, including the western screech-owl and great horned owl, and hummingbirds, woodpeckers, vireos, and finches. Additionally, 32 species of migratory birds of conservation concern have been identified in the Sand to Snow area, including eagles, sparrows, owls, hummingbirds, woodpeckers, and falcons, among others.

The Sand to Snow area is home to dozens of native plant species, including 14 federally listed threatened or endangered species of flowering plants. These include the endangered California dandelion, Coachella Valley milk-vetch, Cushenbury buckwheat, Cushenbury oxytheca, pedate checker-mallow, San Bernardino bluegrass, San Bernardino Mountains bladderpod, Santa Ana River woolly-star, slender-petaled mustard, and triple-ribbed milk-vetch and the threatened ash-grey paintbrush, Bear Valley sandwort, Parish's daisy, and Southern Mountain wild-buckwheat. The southern-most stand of quaking aspen trees is located here as are important stands of white fir and bigcone Douglas-fir.

The human history of the Sand to Snow area extends back thousands of years. People now identified as part of the Takic subset of the large Uto-Aztecan group of Native Americans arrived in the region around 2,500 years ago. Ancient people of the area used a wide variety of plants from both the mountains and the Mojave desert, such as honey mesquite, oak, piñon, cactus fruits, yucca roots, and tubers as well as grasses, seeds, and berries. Common tools were made of wood, bone, shell, stone, clay, and plant fibers. These people also manufactured woven goods, pipes made of stone, awls made of bone, tools associated with archery, and fire drills. They made coiled basketry and simple undecorated ceramic pots used for storage and transport.

The name ''Serrano'' was given to people living in the Sand to Snow area by the Spanish missionaries in the late 18th century and translates from Spanish as a ''person from the mountains.'' In 1834, the Spanish forcibly relocated many Serrano people to the missions. In 1840 the Serrano suffered a devastating smallpox outbreak, and the disease returned in 1860. Ruth Benedict, one of the world's foremost cultural anthropologists, studied the Serrano extensively in 1924. However, by this time there were few remaining eastern groups and no old shamans or priests survived. Today, the rich archaeological resources in this area serve to preserve the history of the Serrano people. Black Lava Butte, topped by distinctive basaltic lava flows, is sacred to the Serrano Tribe and home to a substantial number of archaeological sites, including evidence of habitation, rock art, and possible ritual activities. Black Lava Butte contains an estimated 1,700 distinct petroglyphs, most of

which have not yet been studied and may provide insight into the history of the Serrano and other tribes in the region. The mesa also contains dozens of isolated grinding and milling sites and at least one shelter site, where many milling stones are present.

After the Holcomb Valley gold rush of 1860, ranchers used the area for grazing sheep, horses, and cattle. Many of the ranchers kept their herds at lower elevations during the winter and drove their stock to the meadows of the San Bernardino Mountains to graze during the summer months. Old cattle paths, watering holes, and campsites remain a part of the landscape today. Although not particularly successful, many miners prospected in the southeastern portions of the San Bernardino Mountains. Evidence still remains in the form of old cabins, mine shafts, prospecting pits, and refuse deposits.

The protection of the Sand to Snow area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the historic and scientific values of this area remain for the benefit of all Americans. In addition to its significant scientific and historic values, the area also provides world class outdoor recreation opportunities, including hunting, fishing, hiking, camping, mountain biking, and horseback riding.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Sand to Snow lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Sand to Snow National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 154,000 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and BLM shall manage the remainder of the monument. The lands administered by USFS shall be managed as part of the San Bernardino National Forest. The lands administered by BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as deemed appropriate. In developing any management plans and any management rules and regulations governing NFS lands within the monument, the Secretary of Agriculture, through USFS, shall consult with the Secretary of the Interior through BLM. The Secretaries shall provide for public involvement in the development of the management plan including, but not limited to, consultation with tribal, State, and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or with the replacement or modification within the existing authorization boundary, of existing water resource, flood control, utility, pipeline, or telecommunications facilities that are located within the monument. Existing water resource, flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, to the extent consistent with the proper care and management of the objects identified above. This proclamation does not alter or affect the valid existing water rights of any party, including the United States. This proclamation does not reserve water as a matter of Federal law.

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads existing as of the date of this proclamation. Non-motorized mechanized vehicle use shall be permitted only on roads and trails designated for their use consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure

the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Nothing in this proclamation shall preclude low level overflights of military aircraft, the designation of new units of special use airspace, the use or establishment of military flight training routes over the lands reserved by this proclamation, or related military uses, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California, including its jurisdiction and authority with respect to fish and wildlife management.

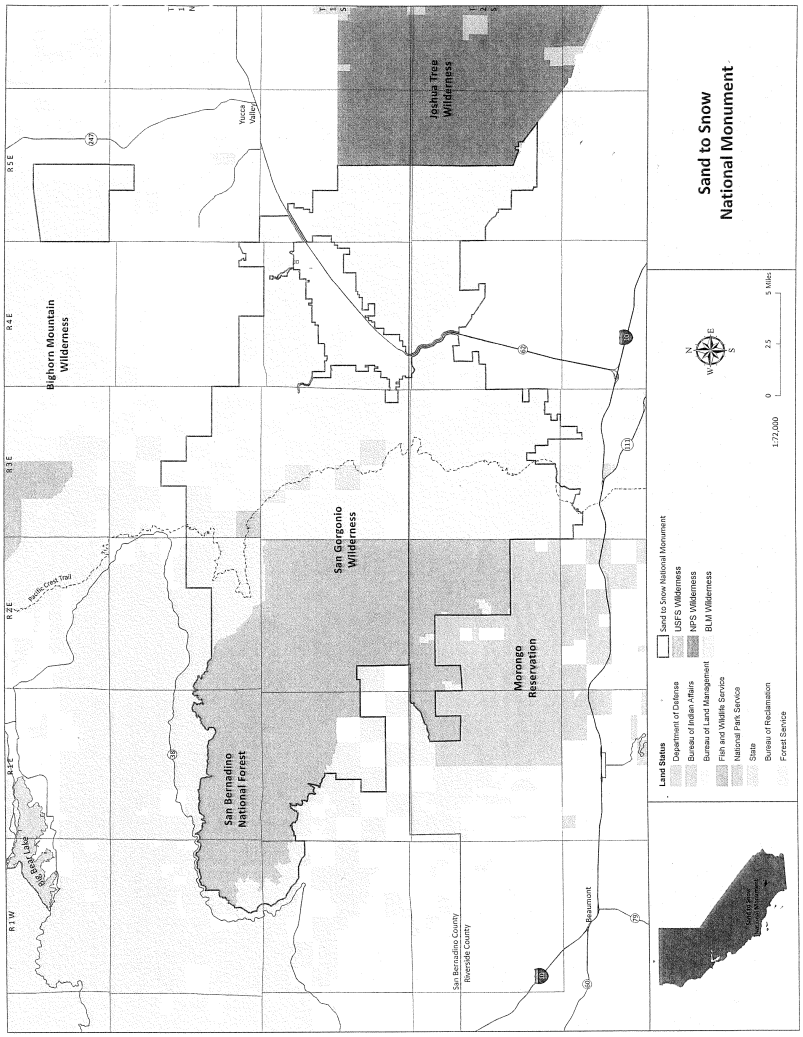
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA


Sand to Snow
National Monument
Joshua Tree
Wilderness
Bighorn Mountain
Wilderness
San Gorgonio
Wilderness
San Bernadino
National Forest
Morongo
Reservation
Big Bear Lake
Yucca Valley
Beaumont
San Bernadino County
Riverside County
Pacific Crest Trail
Land Status
Department of Defense
Bureau of Indian Affairs
Bureau of Land Management
Fish and Wildlife Service
National Park Service
State
Bureau of Reclamation
Forest Service
Sand to Snow National Monument
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NPS Wilderness
BLM Wilderness
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Proclamation 9397 of February 13, 2016

Death of Antonin Scalia

By the President of the United States of America
A Proclamation

As a mark of respect for Antonin Scalia, Associate Justice of the United States, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, including section 7 of title 4, United States Code, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9398 of February 24, 2016

Modifying and Continuing the National Emergency With Respect to Cuba and Continuing to Authorize the Regulation of the Anchorage and Movement of Vessels

By the President of the United States of America
A Proclamation

By the authority vested in me by the Constitution and the laws of the United States of America, in order to modify and continue the national emergency declared in Proclamation 6867 of March 1, 1996, and expanded by Proclamation 7757 of February 26, 2004, in light of the need to continue the national emergency based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba, and,

WHEREAS the descriptions of the national emergency set forth in Proclamations 6867 and 7757 no longer reflect the international relations of the United States related to Cuba;

WHEREAS longstanding U.S. policy towards Cuba had, at times, tended to isolate the United States from regional and international partners, constrained our ability to influence outcomes throughout the Western Hemisphere, and impaired the use of the full range of tools available to the United States to promote positive change in Cuba;

WHEREAS the following descriptions accurately describe the national emergency with respect to Cuba;

WHEREAS the United States and Cuba reestablished diplomatic relations and opened embassies in each other's capitals on July 20, 2015, and the United States continues to pursue the progressive normalization of relations while aspiring towards a peaceful, prosperous, and democratic Cuba;

WHEREAS the United States has committed to work with the Government of Cuba on matters of mutual concern that advance U.S. national interests, such as migration, human rights, counter-narcotics, environmental protection, and trafficking in persons, among other issues;

WHEREAS the United States is committed to supporting safe, orderly, and legal migration from Cuba through the effective implementation of the 1994–95 U.S.-Cuba Migration Accords;

WHEREAS the Cuban economy is in a relatively weak state, contributing to an outflow of its nationals towards the United States and neighboring countries;

WHEREAS the overarching objective of U.S. policy is stability in the region, and the outflow of Cuban nationals may have a destabilizing effect on the United States and its neighboring countries;

WHEREAS it is United States policy that a mass migration from Cuba would endanger the security of the United States by posing a disturbance or threatened disturbance of the international relations of the United States;

WHEREAS the United States continues to maintain an embargo with respect to Cuba;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of U.S. law and contrary to U.S. policy;

WHEREAS the unauthorized entry of United States-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States, and counter to the purpose of Executive Order 12807, which is to ensure, among other things, safe, orderly, and legal migration;

WHEREAS the possibility of large-scale unauthorized entries of United States-registered vessels would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, in order to modify the scope of the national emergency declared in Proclamations 6867 and 7757, and to secure the observance of the rights and obligations of the United States, hereby continue the national emergency with regard to Cuba as set forth above and authorize and direct the Secretary of Homeland Security (the ''Secretary'') to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and authorize and approve the Secretary's issuance of such rules and regu-

lations, as authorized by the Act of June 15, 1917. Accordingly, I hereby direct:

Section 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, which may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, and thereby threaten a disturbance of international relations. Any rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance as such rule or regulation shall involve a foreign affairs function of the United States.

Sec. 2. The Secretary is authorized, to the extent consistent with international law, to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel when necessary to secure the rights and obligations of the United States.

Sec. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as the Secretary deems necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities shall, consistent with other provisions of law and to the extent practicable, provide requested assistance.

Sec. 4. The Secretary may seek assistance from State and local authorities in carrying out the purposes of this proclamation. Because State and local assistance may be essential for an effective response to this emergency, I urge all State and local officials to cooperate with Federal authorities and to take all actions within their lawful authority necessary to prevent the unauthorized departure of vessels intending to enter Cuban territorial waters.

Sec. 5. All powers and authorities delegated by this proclamation to the Secretary may be delegated by the Secretary to other officers and agents of the United States Government unless otherwise prohibited by law.

Sec. 6. Any provisions of Proclamation 6867 of March 1, 1996, and expanded by Proclamation 7757 of February 26, 2004, that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.

Sec. 7. This proclamation shall be immediately transmitted to the Congress and published in the *Federal Register.*

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9399 of February 29, 2016

American Red Cross Month, 2016

By the President of the United States of America
A Proclamation

Over a century and a half ago, as gunfire echoed through America's skies and division flared between North and South, a trailblazing woman, Clara Barton, braved bullets and cannon fire to deliver much-needed care, comfort, and supplies to wounded soldiers of the Civil War. Undaunted by expectations of women at the time, Clara Barton persevered, as she had her whole life, and strived to aid those who sacrificed to save our Union. Determined that humanitarianism could thrive in peace as well as in conflict, she carried her resolve overseas upon the war's end and was introduced to a relief organization in Europe that inspired her to come home to the United States and establish the American Red Cross.

Today, supporters, volunteers, and employees of the American Red Cross reflect the best of our Nation's spirit—responding to tens of thousands of tragedies here at home each year and bringing relief and assistance to suffering individuals across the globe. In the last year, countless people from the American Red Cross and many other service organizations have served on the front lines of disaster and done the hard work of improving our country and our world, never asking for credit or glory, fame or fortune. From floods that ravaged the plains of the Midwest and the coastlines of South Carolina, to wildfires that scorched California, and an earthquake that devastated Nepal, the American Red Cross has distributed almost one million relief items and provided tens of millions of dollars in assistance to victims. And when an influx of migrants from Syria stretched the capacities of countries around the world, the American Red Cross deployed tens of thousands of volunteers across the Atlantic to provide medical care and essential resources. These selfless heroes inspire hope and offer help to those in need, and as stalwarts in our communities, they build individual resilience and safeguard our blood supply.

The spirit of resilience and service that drives our people in the wake of tragedy is what makes us an anchor of global strength and stability. When hardship strikes, countries around the world look to our Nation for help, and the American Red Cross and similar organizations demonstrate what is possible when compassionate people come together to uphold the basic values that define America—that we are each other's keepers and that we all must accept our obligations to one another. This month, let us be guided by the truth that we all share a similar destiny, and let us support organizations that work to lift up the lives of our planet's most vulnerable people. Together, we can give everyone a place to turn in times of crisis and uncertainty.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9400 of February 29, 2016

Irish-American Heritage Month, 2016

By the President of the United States of America

A Proclamation

Hailing from the Emerald Isle, generations of Irishmen and women have helped shape the idea of America, overcoming hardship and strife through strength and sacrifice, faith and family. With an undying belief that tomorrow always yields a brighter day, Irish Americans symbolize the perpetual optimism that defines our country, and they have long embodied the truth at the heart of our promise—that no matter who you are or where you come from, in America, you can make it if you try.

As we celebrate Irish-American Heritage Month, we recognize the Irish people's contributions to our country's dynamism, and we reaffirm the friendship and family ties between our two nations. For centuries, sons and daughters of Erin have come to America's shores, adding to our rich vibrancy and putting their full hearts into everything they do. From building our country's cities as preeminent architects and earnest laborers to building our national character as people of great joy and cherished culture, Irish Americans have endured intolerance and discrimination to find a place for themselves and their children here in the United States. While remembering the great Irish Americans of the past, we celebrate what forms the foundation of the lasting Irish-American story—a shared embrace of hard work and humility, fairness and dignity, and a mutual quest to secure a freer and more peaceful future.

Today, the United States and Ireland enjoy a thriving and cooperative bond buoyed by a strong legacy of exchanges between our peoples. During Irish-American Heritage Month, let us pay tribute to the extraordinary mark Irish Americans have made on our Nation, and let us look forward to continued collaboration, friendship, and partnership between our countries.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as Irish-American Heritage Month. I call upon all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9401 of February 29, 2016

National Colorectal Cancer Awareness Month, 2016

By the President of the United States of America
A Proclamation

Every year, more than 130,000 Americans are diagnosed with colorectal cancer, and it kills nearly 50,000—making it the second leading cause of cancer deaths in the United States. Colorectal cancer touches too many, and together, we must work to lift up those who have been affected by it and all who remain vulnerable to it. This month, as we remember the loved ones we have lost and lift up those who continue to fight colorectal cancer, we strive to save lives by raising awareness of this disease and encouraging everyone to take measures to prevent it.

Although age, obesity, and certain genetic mutations can increase risk of colorectal cancer, all Americans should be aware of its risk factors, which include being physically inactive, having an unhealthy diet, smoking cigarettes, and consuming alcohol in excess. People who have had inflammatory bowel disease or who have a family history of colorectal cancer may also be at particularly high risk. While people of all ages should consult a physician about their susceptibility, individuals between ages 50 and 75 are encouraged to get regular screenings. Symptoms such as blood in stool, persistent stomach pains, and inexplicable weight loss can be present, but sometimes no symptoms occur, which is why early detection and treatment are key for battling colorectal cancer. I urge all people to visit www.Cancer.gov for more information, including early warning signs and tips for prevention.

I am committed to combating all forms of cancer—including colorectal cancer—and to reaching a future when no family knows the pain cancer causes. Earlier this year, I announced a new initiative led by Vice President Joe Biden: a national effort to put the United States on a path to becoming the country that finally cures cancer once and for all—aiming within 5 years to make critical advances that may have otherwise taken more than a decade to achieve. And we have already proposed a $1 billion initiative to kick off this critical work. The Affordable Care Act now requires health care plans to cover certain recommended preventive services, including many screening tests for cancer, at no additional cost—an important provision that helps ensure more people can access critical tests. It also prohibits insurance companies from charging more for pre-existing conditions, including cancer. While work remains to be done to confront the challenges posed by colorectal cancer, we have made great progress in fighting it and informing people of its dangers.

All people deserve to lead long, happy, and healthy lives, and nobody should be robbed of that promise due to the devastating impacts of colorectal cancer. During National Colorectal Cancer Awareness Month, let us honor the legacy of those we have lost to this cancer by spreading awareness of it, uplifting all who live with it, and pledging our full talent, resources, and will to defeating it.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim March 2016 as National Colorectal Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9402 of February 29, 2016

Women's History Month, 2016

By the President of the United States of America
A Proclamation

Throughout history, women have driven humanity forward on the path to a more equal and just society, contributing in innumerable ways to our character and progress as a people. In the face of discrimination and undue hardship, they have never given up on the promise of America: that with hard work and determination, nothing is out of reach. During Women's History Month, we remember the trailblazers of the past, including the women who are not recorded in our history books, and we honor their legacies by carrying forward the valuable lessons learned from the powerful examples they set.

For too long, women were formally excluded from full participation in our society and our democracy. Because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries were revealed, barriers were broken, and progress triumphed. Whether serving in elected positions across America, leading groundbreaking civil rights movements, venturing into unknown frontiers, or programming revolutionary technologies, generations of women that knew their gender was no obstacle to what they could accomplish have long stirred new ideas and opened new doors, having a profound and positive impact on our Nation. Through hardship and strife and in every realm of life, women have spurred change in communities around the world, steadfastly joining together to overcome adversity and lead the charge for a fairer, more inclusive, and more progressive society.

During Women's History Month, we honor the countless women who sacrificed and strived to ensure all people have an equal shot at pursuing the American dream. As President, the first bill I signed into law was the Lilly Ledbetter Fair Pay Act, making it easier for working American women to effectively challenge illegal, unequal pay disparities. Additionally, my Administration proposed collecting pay data from businesses to shine a light on pay discrimination, and I signed an Executive Order to ensure the Federal Government only works with and awards contracts to businesses that follow laws that uphold fair and equal labor practices. Thanks to the Affordable Care Act, insurance

companies can no longer charge women more for health insurance simply because of their gender. And last year, we officially opened for women the last jobs left unavailable to them in our military, because one of the best ways to ensure our Armed Forces remains the strongest in the world is to draw on the talents and skills of all Americans.

Though we have made great progress toward achieving gender equality, work remains to be done. Women still earn, on average, less for every dollar made by men, which is why I continue to call on the Congress to pass the Paycheck Fairness Act—a sensible step to provide women with basic tools to fight pay discrimination. Meanwhile, my Administration has taken steps to support working families by fighting for paid leave for all Americans, providing women with more small business loans and opportunities, and addressing the challenges still faced by women and girls of color, who consistently face wider opportunity gaps and structural barriers—including greater discrepancies in pay. And although the majority of our Nation's college and graduate students are women, they are still underrepresented in science, technology, engineering, and mathematics, which is why we are encouraging more women and girls to pursue careers in these fields.

This May, the White House will host a summit on ''The United State of Women,'' to highlight the advances we have made in the United States and across the globe and to expand our efforts on helping women confront the challenges they face and reach for their highest aspirations. We must strive to build the future we want our children to inherit—one in which their dreams are not deferred or denied, but where they are uplifted and praised. We have come far, but there is still far to go in shattering the glass ceiling that holds women back. This month, as we reflect on the marks made by women throughout history, let us uphold the responsibility that falls on all of us—regardless of gender—and fight for equal opportunity for our daughters as well as our sons.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2016 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2016, with appropriate programs, ceremonies, and activities. I also invite all Americans to visit www.WomensHistoryMonth.gov to learn more about the generations of women who have left enduring imprints on our history.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9403 of March 1, 2016

Read Across America Day, 2016

By the President of the United States of America

A Proclamation

From a child's first foray into the depths of a story to an adult's escape into a world of words, reading plays an integral role in our lives. Works of fiction and non-fiction alike pique interest and inspiration and shape our understanding of each other and ourselves, teaching us lessons in kindness and humility, responsibility and respect. The moment we persuade a child to pick up a book for the first time we change their lives forever for the better, and on Read Across America Day, we recommit to getting literary works into our young peoples' hands early and often.

March 2 is also the birthday of one of America's revered wordsmiths. Theodor Seuss Geisel—or Dr. Seuss—used his incredible talent to instill in his most impressionable readers universal values we all hold dear. Through a prolific collection of stories, he made children see that reading is fun, and in the process, he emphasized respect for all; pushed us to accept ourselves for who we are; challenged preconceived notions and encouraged trying new things; and by example, taught us that we are limited by nothing but the range of our aspirations and the vibrancy of our imaginations. And for older lovers of literature, he reminded us not to take ourselves too seriously, creating wacky and wild characters and envisioning creative and colorful places.

Books reveal unexplored universes and stimulate curiosity, and in underserved communities, they play a particularly important role in prompting inquisition and encouraging ambition. Last month, the First Lady announced the launch of Open eBooks, a new project that will unlock a world of learning and possibility for millions of American children and provide over $250 million worth of reading material to students who need it most. As we work to get every child engrossed in literature, we honor the many people who devote their lives and careers to carrying forward this important cause—including our librarians, educators, and parents. We can all get lost in a good read, and we owe it to rising learners to give them the chance to experience that same enjoyment and fulfillment.

Today, and every day, let us celebrate the power of reading by promoting literacy and supporting new opportunities for students to plunge into the pages of a book. As Dr. Seuss noted, ''The more that you read, the more things you will know. The more that you learn, the more places you'll go.'' Together, we can help all children go plenty of places along their unending journey for knowledge and ensure everyone can find joy and satisfaction in the wonders of the written word.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2, 2016, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9404 of March 4, 2016

National Consumer Protection Week, 2016

By the President of the United States of America
A Proclamation

After a long road to recovery, our Nation has risen from the depths of recession thanks to the grit and determination of the American people. Ensuring hardworking families feel secure and confident that they can get ahead without being ripped off or getting sucked into vicious cycles of debt was essential to our rebound and is critical to our continuing efforts to build an economy that works better for everyone. When we uphold our country's promise of fairness and opportunity, we all do better, and during National Consumer Protection Week, we reaffirm our fidelity to this ideal by striving to build an economy based on the principles of fair play, equal access, and shared responsibility.

When I took office, big banks that made reckless bets were relying on the American people to clean up after them. That is why my Administration pursued historic Wall Street reform, enacting strong consumer protections and stabilizing the foundation of our country's economic prosperity. We proposed new rules that protect people from unscrupulous lenders—including those engaged in abusive practices involving payday loans and title loans, which too often trap families in unfair and expensive cycles of fees. Additionally, because no one should be saddled with debt before they get started in life, we capped student loan payments at 10 percent of a borrower's monthly income through the Pay As You Earn plan. We also established a Student Aid Bill of Rights that calls for all students to have access to a quality, affordable education and the resources to pay for it, as well as the right to affordable loan payments, quality customer service, reliable information, and equal treatment. And to ensure the American dream can be enjoyed by those who selflessly defend it, we announced updated rules to close loopholes that allowed predatory lenders to demand unfair payments and exorbitant fees from our men and women in uniform and their families.

While Government plays an important role in protecting our people and our financial system, individuals can take steps on their own to detect abuse and safeguard their assets and personal data. As we continue to educate the public on matters of personal finance and inform young people of the dangers of too much debt, consumers should thoroughly read and understand their loan agreements, assess their own financial capacity, and take care to guard against identity theft. To assist in this effort, my Administration will keep working to make online transactions more secure, convenient, and private. For additional information on your rights as a consumer, visit www.NCPW.gov, and to report and recover from identity theft, visit www.IdentityTheft.gov.

Throughout this week, let us celebrate the core values of honesty and fair play by upholding the basic American bargain—that hard work should pay off and responsibility should be rewarded. Together, we can ensure nobody is financially taken advantage of and everybody has an equal opportunity to go as far as their dreams and talents will take them.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 6 through March 12, 2016, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9405 of March 7, 2016

Death of Nancy Reagan

By the President of the United States of America

A Proclamation

As a mark of respect for the memory of Nancy Reagan, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9406 of March 14, 2016

To Take Certain Actions Under the African Growth and Opportunity Act

By the President of the United States of America
A Proclamation

1. In Proclamation 7350 of October 2, 2000, the President designated the Republic of South Africa (South Africa) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974 (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200) (AGOA).

2. Sections 506A(d)(4)(C) (19 U.S.C. 2466a(d)(4)(C)) and 506A(c)(1) (19 U.S.C. 2466a(c)(1)) of the 1974 Act authorize the President to suspend the application of duty-free treatment provided for any article described in section 506A(b)(1) of the 1974 Act (19 U.S.C. 2466a(b)(1)) or 19 U.S.C. 3721 with respect to a beneficiary sub-Saharan African country if he determines that the beneficiary country is not meeting the requirements described in section 506A(a)(1) of the 1974 Act and that suspending such duty-free treatment would be more effective in promoting compliance by the country with those requirements than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act.

3. In Proclamation 9388 of January 11, 2016, pursuant to section 506A(c)(1) of the 1974 Act, I determined that South Africa was not meeting the requirements described in section 506A(a)(1) of the 1974 Act and that suspending the application of duty-free treatment to certain goods would be more effective in promoting compliance by South Africa with such requirements than terminating the designation of South Africa as a beneficiary sub-Saharan African country. Thus, pursuant to section 506A(c)(1) of the 1974 Act, I suspended the application of duty-free treatment for all AGOA-eligible goods in the agricultural sector from South Africa for purposes of section 506A of the 1974 Act, effective on March 15, 2016.

4. Pursuant to section 506A of the 1974 Act, based on actions that the Government of South Africa has taken to come into compliance with the requirements described in section 506A(a)(1) of the 1974 Act, I have determined that suspending the application of duty-free treatment to certain goods is no longer necessary to promote compliance by South Africa with such requirements.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 506A(d)(4)(C) and 506A(c)(1) of the 1974 Act, do proclaim that:

(1) Proclamation 9388 of January 11, 2016, is hereby revoked.

(2) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9407 of March 18, 2016

National Poison Prevention Week, 2016

By the President of the United States of America
A Proclamation

As the leading cause of accidental injury death in the United States, poisonings can harm people of all ages and from all walks of life. More than 90 percent of poisonings occur inside the home, and most are treatable and preventable. During National Poison Prevention Week, we work to ensure the safety of our homes and communities by learning of the dangers of poison and striving to prevent poisonings.

The most common sources of poisoning in young children are items typically found at home, including cleaning, cosmetic, and personal care products, as well as over-the-counter and prescription medications. Although children are more likely to be poisoned, adults—who are most commonly poisoned by cleaning products, or by the improper use of sedatives, antidepressants, pain relievers, or prescription drugs—are far more likely to die from poison exposure.

With diligence and caution, these tragedies can be avoided. Make sure household products are kept in their original bottles and away from children, and never mix such products together. Some poisonous materials and vapors are harder to identify, including carbon monoxide—a colorless and odorless, yet very dangerous, gas. Everyone should have carbon monoxide detectors in their home, use them properly, and get them tested regularly. Medications should always be kept out of the reach of children, and whether prescription or over-the-counter, all drugs should be taken safely and in accordance with guidance on the label or as prescribed and instructed by healthcare professionals. To learn more about keeping you and your family safe from poison, visit www.PoisonHelp.HRSA.gov, and for more information on how to safely dispose of drugs, including by participating in the National Prescription Drug Take-Back Day on April 30, visit www.DEAdiversion.USDOJ.gov.

We can all play a role in preventing poisoning tragedies from occurring. Every individual can take steps on their own to make their homes safer and to learn of appropriate actions to take in the event of a poisoning incident. If you believe someone has been poisoned, immediately call the Poison Help line at 1–800–222–1222. By coming together to secure potentially-toxic materials in our homes and communities and by educating our friends and family on methods of prevention, we can help ensure no person is deprived of a full and healthy life due to poisoning.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventative measures, the Con-

gress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681) has authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 20 through March 26, 2016, as National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to protect their families from hazardous household materials and misuse of prescription medicines.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9408 of March 22, 2016

Honoring the Victims of the Attack in Brussels, Belgium

By the President of the United States of America
A Proclamation

The American people stand with the people of Brussels. We will do whatever it takes, working with nations and peoples around the world, to bring the perpetrators of these attacks to justice, and to go after terrorists who threaten our people.

As a mark of respect for the victims of the senseless acts of violence perpetrated on March 22, 2016, in Brussels, Belgium, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, March 26, 2016. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9409 of March 24, 2016

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2016

By the President of the United States of America
A Proclamation

Inspired by ancient Greece's example, America's Founding Fathers drew on Hellenic principles to guide our democracy in its nascence. Nearly half a century after the Stars and Stripes first flew over our country, a flag was raised on a mountaintop in Greece, and a revolution spawned that would bring democracy back to its birthplace and lay the cornerstone of the close relationship enjoyed by our two nations. On the 195th anniversary of Greece's independence, we celebrate the friendship between our countries and honor the contributions that Greek Americans have made to our national character.

Our common histories are reflected in our shared values. Throughout our storied pasts, our peoples have upheld the fundamental ideals we cherish by working together to safeguard the foundation of democracy upon which both our nations are built. Greeks and Americans have long stood shoulder-to-shoulder in defense of freedom, and today, the Greek American community carries forward the legacy of past Greeks who enlightened our world by continuing to enrich our society in unique ways. Driving generations, the hope that incited both our revolutions still burns in the hearts of Greek Americans and in all those across our country who seek even greater opportunity for our children and grandchildren.

The Greek people have faced extraordinary challenges in recent years, yet they remain steadfast in their resilience and perseverance. In response to an ongoing refugee and migration crisis, Greece is providing humanitarian assistance to countless men, women, and children seeking freedom from persecution and violence. As Americans, we stand with Greece as partners, friends, and NATO allies, and the Greek American community serves as an important bridge that helps bring us together. At our core, we share deep ties of culture and family, and respect for the fundamental rights of democratic States. Through good times and bad, we share a common commitment to security and liberty for people around the world. On this day, let us reflect on nearly two centuries of strong bonds between our nations, and let us recommit to working together to strengthen our respective democracies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2016, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9410 of March 30, 2016

César Chávez Day, 2016

By the President of the United States of America
A Proclamation

As a child of migrant workers who struggled just to get by, César Chávez knew the importance of having an economy that works for everyone and devoted his life to ensuring our Nation upheld the values upon which it was founded. On his birthday, we celebrate a man who reminded us—above all else—that we all share a common humanity, each of us having our own value and contributing to the same destiny, and we carry forward his legacy by echoing his peaceful and eloquent calls for a more just and equal society.

César Chávez demonstrated that true courage is revealed when the outlook is darkest, the resistance is strongest, and we still find it within ourselves to stand up for what we believe in. In the face of extraordinary adversity and opposition, he stood up for the inherent dignity of every person, no matter their race, color, creed, or sexual orientation, and for the idea that when workers are treated fairly, we give meaning to our founding ideals. Guided by his faith in his convictions, he fasted, marched, and rallied millions to ''La Causa'' to expand opportunity and demand a voice for workers everywhere. Together with Dolores Huerta, he founded the United Farm Workers, and through boycotts and protests, he ushered in a new era of respect for America's laborers and farm workers.

Today, we honor César Chávez by continuing to fight for what he believed in, including a living wage for workers and their right to unionize and provide for their family. Workers should have a safe workplace and the comfort of knowing that if they work hard, they can feed their family, earn decent benefits, and gain the skills they need to move up and get ahead. We will also keep up our efforts to reform our Nation's broken immigration system so more people can contribute to our country's success. And as we strive for well-deserved policies for America's workers, like a higher minimum wage and paid leave, we are reminded that the movement César Chávez led was sustained by a generation of organizers who spoke out and fought for a better, fairer America—and it is now upon us to do the same in our time.

Our Nation's progress has always been driven by the belief that extraordinary things happen when we come together around a common cause, and through decades of organizing and serving others, César Chávez embodied this ideal. On César Chávez Day, let us unite to reach for the America he knew was possible—one in which hard work is rewarded, prosperity is shared, and equal opportunity is the right of all our people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2016, as César Chávez Day. I call upon all Americans to observe this day with appropriate service, community, and education programs to honor César Chávez's enduring legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9411 of March 31, 2016

National Cancer Control Month, 2016

By the President of the United States of America
A Proclamation

Undaunted by challenge and unceasing in pursuit of progress, our Nation has pushed the boundaries of possibility throughout our history. Today, while cancer remains among the leading causes of death around the world and the second leading cause of death here at home, cancer research is on the cusp of major breakthroughs, offering incredible promise to those suffering from this disease. This month, we remember the loved ones we have lost, pledge support for the families we can still save, and reaffirm our commitment to curing cancer once and for all.

Cancer can affect people of all ages, races, and backgrounds, but certain risk factors exist that can often be mitigated. Limiting alcohol consumption, controlling sun exposure, exercising, getting recommended cancer screenings, and maintaining a healthy diet are all ways to reduce your risk of getting cancer. Additionally, smoking remains one of the top causes of cancer, responsible for 1 in 3 cancer deaths in the United States. By promoting resources to help people quit smoking and limiting exposure to secondhand smoke, we can reduce individuals' cancer risks. Help for quitting smoking can be found at www.SmokeFree.gov or by calling 1–800–QUIT–NOW. I urge all Americans to visit www.Cancer.gov or www.CDC.gov/Cancer to learn more.

My Administration is committed to reaching a future free from cancer in all its forms. Earlier this year, I created the White House Cancer Moonshot Task Force. Chaired by Vice President Joe Biden, this effort aims to accelerate our progress toward prevention, treatment, and cures by putting ourselves on a path to achieving at least a decade's worth of advances in 5 years. Together with patients, philanthropies, private industry, and the medical and scientific communities, the United States can be the country that finally finds a cure for this disease, and we have already proposed a $1 billion initiative to jumpstart this critical work. The Affordable Care Act continues to help people with cancer and at risk for cancer by prohibiting insurers from denying coverage to anyone based on a preexisting condition and requiring insurers to cover recommended preventive benefits without cost-sharing. And the Precision Medicine Initiative that I launched last year continues to work toward a new era of medicine that offers targeted treatment at the right time to individual patients by accounting for their unique genes, health histories, and other personal factors.

Our Nation has made extraordinary strides in the fight against cancer, but much work remains to be done. With more than one and a half

million new cases of cancer expected in the United States this year, we owe it to everyone currently living with it and to anyone at risk to support all those working to defeat it. During National Cancer Control Month, let us remember those who lost their battle with cancer, and let us renew our efforts to save lives and spare heartbreak by reaching a future without this devastating disease.

The Congress of the United States, by joint resolution approved March 28, 1938 (52 Stat. 148; 36 U.S.C. 103), as amended, has requested the President to issue an annual proclamation declaring April as ''Cancer Control Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim April 2016 as National Cancer Control Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9412 of March 31, 2016

National Child Abuse Prevention Month, 2016

By the President of the United States of America

A Proclamation

All children deserve to grow up in a caring and loving environment, yet across America, hundreds of thousands of children are neglected or abused each year, often causing lasting consequences. Although effectively intervening in the lives of these children and their families is an important responsibility at all levels of government, preventing abuse and neglect is a shared obligation. During National Child Abuse Prevention Month, we recommit to giving every child a chance to succeed and to ensuring that every child grows up in a safe, stable, and nurturing environment that is free from abuse and neglect.

Preventing child abuse is an effort that we must undertake as one American family, and in our schools, neighborhoods, and communities, we must look after every child as if they are our own. Between four and eight children die every day from abuse or neglect, but together we can prevent these tragedies from occurring. Children who are being abused or neglected may display constant alertness, sudden changes in behavior and school performance, or untreated physical or medical issues. Child abuse may take many forms, including neglect and physical, sexual, or emotional abuse. More information on preventing child abuse can be found at www.ChildWelfare.gov/Preventing.

All families can benefit from strong support systems and resources in the face of these challenges, and as parents, friends, neighbors, and fel-

low human beings, keeping our kids safe is among our highest priorities. My Administration is dedicated to fostering healthy and supportive conditions that enable our children to develop and thrive and that ensure parents and caretakers have the resources they need to properly care for their children. We are supporting efforts that lift up vulnerable families, improve the coordination of programs and services within communities, and promote meaningful and measurable changes in the lives of children across America to improve their social and emotional well-being. The effects of child abuse and neglect can negatively impact a child throughout their life. Together, we must address this issue so that our children and our children's children never know the pain caused by child abuse.

Our Nation's enduring commitment to prevent child abuse and neglect demands that individuals and communities partner together to provide safe and nurturing environments for all of America's daughters and sons. We must all join in the work of uplifting and safeguarding our youngest individuals and ensuring they are limited by nothing but the size of their dreams and the range of their aspirations. This month, let us aim to eradicate child abuse from our society, and let us secure a future for our children that is bright and full of hope, opportunity, and security.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2016 as National Child Abuse Prevention Month. I call upon all Americans to observe this month with programs and activities that help prevent child abuse and provide for children's physical, emotional, and developmental needs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9413 of March 31, 2016

National Financial Capability Month, 2016

By the President of the United States of America
A Proclamation

When every American has the tools they need to get ahead and contribute to our country's success, we are all better off. Since the recession, we have built our economy to be better and stronger than before, but we still have work to do to make hardworking families' paychecks go further. Ensuring people have the resources to make informed decisions about their finances is critical in this effort, and during National Financial Capability Month, we recommit to equipping individuals with the knowledge and protections necessary to secure a stable financial future for themselves and their families.

At some of life's most important junctures—including buying a home, pursuing an education, or saving for retirement—having access to reli-

able information about our country's financial system can help people avoid being ripped off or sucked into cycles of debt they cannot get out of. That is why my Administration is promoting tools to protect and empower individuals, working to increase borrowers' understanding of what they are getting into before they take out a loan, and educating more people on how to think about their money. I encourage all Americans to call 1–800–FED–INFO or visit www.MyMoney.gov and www.ConsumerFinance.gov for access to free and reliable financial information.

No young person should be saddled with excessive debt. In addition to striving to inform young people of the dangers of taking out too much consumer debt, my Administration launched the ''Know Before You Owe'' campaign, which is helping America's college students know their full range of options for financing a higher education. I also created the President's Advisory Council on Financial Capability for Young Americans to help educate our rising generation on important money management skills so they can live with security and make positive contributions to our economy. So more of our people can retire with dignity and stability, we established a new type of savings bond, *my*RA, to help more Americans easily save for retirement. And I signed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which, among other consumer protections, established the Consumer Financial Protection Bureau, the first agency solely dedicated to protecting consumers from unfair practices and predatory products in financial services.

As our economy continues to grow, we must preserve the basic notion in our country that hard work will be rewarded and that no matter who you are or where you come from, you can make it if you try. This month, let us encourage informed financial decisions and promote resources that help the American people make them, and let us reaffirm our belief in the idea that opportunity should be within reach for all who are willing to work for it.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2016 as National Financial Capability Month. I call upon all Americans to observe this month with programs and activities to improve their understanding of financial principles and practices.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9414 of March 31, 2016

National Sexual Assault Awareness and Prevention Month, 2016

By the President of the United States of America
A Proclamation

At our country's core is a basic belief in the inherent dignity of every person. Too many women and men of all ages suffer the outrage that is sexual assault, and too often, this crime is not condemned as loudly as it should be. Together, we must stand up and speak out to change the culture that questions the actions of victims, rather than those of their attackers. As their relatives, friends, neighbors, and fellow Americans, it's on us to support victims and survivors by providing them with the care they need, bringing perpetrators to justice, and ensuring our institutions are held responsible and do not look the other way. This month, we reaffirm our commitment to shift the attitudes that allow sexual assault to go unanswered and unpunished, and we redouble our efforts to prevent this human rights violation from happening in the first place.

Preventing sexual assault begins with everyone getting involved in promoting healthy relationships and encouraging respect for the equality of others. For decades, Vice President Joe Biden has brought unmatched passion to this cause, working to pass the Violence Against Women Act in the Senate more than two decades ago, and continuing to fight today to transform the way we think and talk about sexual assault. In 2014, we launched the ''It's On Us'' campaign—an initiative that has worked with over 300 college campuses and engaged hundreds of thousands of people around our country who have taken a pledge to stand up and speak out to express moral outrage for this intolerable crime. We launched the White House Task Force to Protect Students from Sexual Assault that year as well, which continues to offer recommendations for how we can all contribute to a society that adequately prevents and responds to sexual assault.

My Administration is taking action to eliminate sexual assault in every corner of our country. This year, we announced new grants available for the National Sexual Assault Kit Initiative, a nationwide, community-based effort to end the backlog of untested rape kits—instrumental tools used to collect evidence, prosecute perpetrators, and bring closure to victims in the aftermath of an assault. These funds are supporting efforts to ensure victims are notified of the testing, connected to support services, and given the option of participating in the criminal justice process. Additionally, we have offered new tools and resources to help States and communities take advantage of the best available measures to prevent sexual violence. The Department of Justice issued new guidance for law enforcement on identifying and preventing gender bias in response to sexual assault and domestic violence. And I have directed military leadership to prioritize this issue and equip our men and women in uniform with the knowledge and tools necessary to combat sexual violence. From our military to our schools, and in law enforcement agencies in communities across America, we will keep working to address sexual violence and root it out wherever it exists.

Anyone can be a leader in the fight to prevent and end sexual assault. As employers, educators, parents, and friends, all Americans have an obligation to uphold the basic principle that every individual should be free from violence and fear. During National Sexual Assault Awareness and Prevention Month, we recommit to embracing each of our individual responsibilities to keep our communities safe from this crime and to stand with survivors and victims of sexual assault.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2016 as National Sexual Assault Awareness and Prevention Month. I urge all Americans to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9415 of April 1, 2016

National Donate Life Month, 2016

By the President of the United States of America
A Proclamation

By becoming an organ donor, one person can save the lives of up to eight people and improve the lives of dozens—mothers and daughters, fathers and sons, brothers and sisters—who are desperately in need of a transplant. During National Donate Life Month, we lift up the thousands of selfless individuals across America who are living or registered organ donors. And as we honor those who have saved lives in the past by donating organs, we recommit to supporting the researchers, innovators, advocates, and medical professionals working to reduce the number of people awaiting vital organ transplants.

A rising demand for organs exists without enough organs to meet it, making the urgency for those willing and able to donate even more critical and the need for innovation and support even more imperative. My Administration has striven to support donors and recipients and to expand the availability of organs for transplant. In 2010, the Department of Health and Human Services (HHS), building on efforts within the transplant community, launched a nationwide kidney exchange program to bring together pairs of kidney donors and recipients in an effort to increase the quality and quantity of kidney transplants. HHS has also made more financial support available to low-income living donors to help cover expenses like travel and lodging costs that are often incurred throughout the donation process. The Affordable Care Act offers greater security to living donors by prohibiting insurers from denying health coverage to someone with a preexisting condition—donating an organ may have previously been considered a preexisting condition and prevented individuals from obtaining the care they deserved after selflessly giving an organ to someone in need. And in

2013, I signed the bipartisan HOPE Act, paving the way for the first transplants in the United States between HIV-positive donors and recipients—and the first of these life-saving transplants took place earlier this year.

Anyone can indicate their desire to be a donor, regardless of age or medical history, and I encourage all Americans to consult their family members and communicate their choice. More information on donation and opportunities to register can be found by visiting www.OrganDonor.gov.

Through Medicare, the Federal Government spends nearly $35 billion each year to care for the more than half a million patients with end-stage kidney failure in the United States. Increasing accessibility to organs can save lives while helping to defray overall healthcare costs. As we work to get more people off of the waiting list and into the operating room for a transplant, we are continuing to invest in researching new and innovative ways to address this critical issue. Over the span of three recent years, we invested nearly $3 billion into regenerative medicine research, and we are making great strides in advancing treatment and improving technological capabilities. Additionally, we have opened new doors of collaboration with businesses, universities, and foundations to progress our prevention, diagnosis, and treatment of infectious diseases. Our Nation has taken bold steps in recent years, and we will continue working to reduce the organ waiting list by building on our efforts to utilize regeneration and other methods for ensuring a balance between the supply and demand of vital organs.

Last year, the United States exceeded 30,000 annual organ transplants for the first time. Progress has been made and great promise exists, but much work remains to help the more than 120,000 Americans on the organ waiting list. This month, let us remember those we have lost and provide support to all who continue to wait and hope. Across government, industry, academia, private organizations, and the medical and philanthropic communities, we must all do our part to lift up donors, donor families, and patients by supporting efforts to shorten the organ waiting list. Together, we can improve and save lives by celebrating those who give of themselves—whether as living donors or as registered donors—to provide the greatest gift there is to offer.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2016 as National Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to boost the number of organ, eye, and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9416 of April 1, 2016

National Public Health Week, 2016

By the President of the United States of America
A Proclamation

During National Public Health Week, we join together to enhance public health—the foundation of our security and well-being—here at home and around the world. By supporting health professionals and embracing our obligations to promote public health and protect our planet, we can uphold our shared responsibility to preserve the promise of a happy and healthy life for our children and grandchildren.

Ensuring all Americans have access to quality, affordable health insurance is imperative for maintaining our public health, and I am proud that 6 years after I signed it, the Affordable Care Act has extended the peace of mind that comes with health coverage to 20 million Americans. First Lady Michelle Obama's *Let's Move!* initiative is encouraging more physical activity and nutritious food choices for our Nation's youth, engaging parents and kids in the work of building stronger, healthier communities. To spare more American families heartbreak, I have proposed over 1 billion dollars in new funding to address prescription opioid abuse and heroin use, a public health issue that has taken a devastating toll on too many. We are also striving to promote mental health as an essential component of overall health, helping ensure access to mental health care and services and working to prevent suicide. And because public safety is a critical component of addressing public health, I announced new, commonsense steps this year to help address our country's epidemic of gun violence and keep our neighborhoods safe.

Just as we must sustain a healthy world today, we must do everything in our power to preserve it for those who will inherit it. Climate change has a profound impact on our public health, contributing to intensified smog, an extended allergy season, the spread of diseases into new regions, and greater and more acute incidence of asthma. Last year, the White House hosted a Summit on Climate Change and Health to expand awareness of the real threat a changing climate poses to our health and to focus on vulnerable groups who may face more serious challenges adapting to climate change. No community is immune to this reality, nor can any nation cordon itself off from climate or the air we share. That is why last year, along with nearly 200 countries from around the world, the United States negotiated the Paris Agreement—the most ambitious climate change agreement in history that commits all participating parties to putting forward climate targets of growing stringency to reduce global greenhouse gas emissions. Adopting this agreement for an international framework builds on domestic actions we have already taken to invest in clean energy, reduce our carbon emissions, and transition to a cleaner, healthier, and more sustainable future.

Like the threat of climate change, other public health challenges—like infectious diseases—cannot be addressed by any one nation alone. In an increasingly interconnected world, we face new trials that demand international attention. My Administration is working with our international partners to combat antibiotic-resistant bacteria. We also

launched the Global Health Security Agenda, which aims to strengthen all countries' public health systems and stop the spread of disease outbreaks by ensuring nations from around the world have the capacity to prevent, detect, and respond to biological threats to our health and safety. Already, this cooperation is helping us confront the spread of the Zika virus.

America is built on the notion that we are our brothers' and our sisters' keepers, and that we all have certain obligations to one another. Never is that idea truer than when ensuring the health of the world our children will live in long after we are gone. This week, let us treat every child as if they are our own by accepting our responsibilities to leave them with a healthier, cleaner planet than we have, and let us continue reaching for a brighter, more secure future for all the world's people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 4 through April 10, 2016, as National Public Health Week. I call on all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities and take action to improve the health of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9417 of April 1, 2016

World Autism Awareness Day, 2016

By the President of the United States of America

A Proclamation

Every person deserves the chance to reach for their highest hopes and fulfill their greatest potential. On World Autism Awareness Day, we reaffirm our dedication to ensuring that belief is a reality for all those who live on the autism spectrum—including 1 in 68 children. And we uphold our obligation to help make sure every man, woman, and child, regardless of ability or background, is accepted for who they are and able to lead a life free from discrimination and filled with opportunity.

From home to school and in businesses and communities around the world, people living with autism spectrum disorder contribute in immeasurable ways to our society. They remind us each day that every person is born with unique talents and should be treated with respect, play an active role in planning for their futures, and feel empowered to fully participate in and contribute to their communities. When those with autism have access to equal opportunities, we all do better, and that begins with making sure our country lives up to its commitment to ensure all things are possible for all people.

Individuals with autism are just as deserving of the peace of mind that comes with having quality, affordable health insurance as anyone else.

The Affordable Care Act helps ensure no person is prevented from obtaining health coverage simply because they live with a preexisting condition like autism, and it requires most plans to cover recommended preventive services—including critical screenings that test for autism in children. My Administration is dedicated to ensuring educational opportunities for autistic students are worthy of their extraordinary potential and to providing Americans with autism the chance to earn good jobs and hone their skills and talents. We are working to break down barriers to competitive, integrated employment for people with disabilities, including people with autism. We are also promoting inclusivity for kids with autism in high-quality, early childhood education programs. In 2014, I signed the Autism CARES Act, which supports autism-related research and helps us to better understand the particular challenges faced by students and young adults living on the autism spectrum. And this month marks 3 years since my Administration launched the BRAIN Initiative—a collaborative effort by Federal agencies, philanthropies, universities, foundations, and others in the medical and scientific communities that aims to accelerate our work to solve some of the most intricate mysteries of human brain function and reveal new insights into conditions like autism. In my most recent budget proposal, I was proud to support increased funding for this important initiative.

Americans with autism play an important role in our national story, and in their daily lives they embody the belief at the heart of our founding: that in America, with hard work and equal access, all people can realize their aspirations. Today, and every day, let us reach for a future in which no person living on the autism spectrum is limited by anything but the size of their dreams—one in which all people have the opportunity to live a life filled with a sense of identity, purpose, and self-determination.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2016, as World Autism Awareness Day. I encourage all Americans to learn more about autism and what they can do to support individuals on the autism spectrum and their families, and to help shape a world in which all people, including those with autism, are accepted for who they are.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9418 of April 8, 2016

National Crime Victims' Rights Week, 2016

By the President of the United States of America

A Proclamation

In the aftermath of a crime, it is imperative that victims have access to the resources they need to recover and to ensure that justice is done. During the 35th National Crime Victims' Rights Week, we stand with victims and their families, and we strive to ensure every person—regardless of age, color, or creed—who is victimized by crime knows they are protected, respected, and heard.

Certain populations are more vulnerable to crime, and my Administration is committed to defending the rights of crime victims everywhere and safeguarding their access to essential resources and services. Violence against women, including sexual assault, domestic violence, dating violence, and stalking, is too prevalent in our society, and we will continue doing everything we can to shine a light on these crimes wherever they exist, including on our campuses and in our military. We are taking action to reduce the number of untested rape kits in America—critical tools that can deliver justice for victims in the wake of an assault—and the Department of Justice issued new guidance to prevent gender bias when responding to cases of sexual assault and domestic violence. Additionally, the *My Brother's Keeper* initiative is working to reduce violence and secure second chances for our youth to ensure all young people—including those from communities disproportionately affected by violent crime—have the opportunities and resources they need to reach their full potential.

A victim's immediate interactions after a crime are often with the law enforcement officials who are the first to respond. In 2014, I created the President's Task Force on 21st Century Policing (Task Force), and in addition to promoting ways to enhance public safety across America, the Task Force issued recommendations to strengthen public trust between local law enforcement and communities, which increases the likelihood that victims and witnesses will cooperate with law enforcement after a crime. My Administration will also continue working to support the most vulnerable among us who are subject to heinous crimes—including children who are forced into sex trafficking and denied their inherent human rights, and seniors who, in too many cases, are exposed to abuse, neglect, and exploitation.

When a crime does occur, we owe it to those who suffer in its aftermath to uplift them and stand beside them. This week, as we honor those dedicated to ensuring services and support are available for victims of crime, let us rededicate ourselves to protecting crime victims' rights and upholding the basic belief that all people should be able to live safely and free from fear, violence, and intimidation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 10 through April 16, 2016, as National Crime Victims' Rights Week. I call upon all Americans to observe this week by participating in events that raise awareness of victims' rights and services, and by volunteering to serve victims in their time of need.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9419 of April 8, 2016

National Volunteer Week, 2016

By the President of the United States of America
A Proclamation

Each day, humble people of every background and belief come together to fulfill the timeless responsibility we have as Americans: to accept certain obligations to one another. People of all ages can volunteer, and anyone can, through the smallest of acts, do their part to improve the lives of others. This week, we celebrate the selfless individuals around our country who channel their civic virtues through volunteerism, and we encourage more people to make service an integral part of their lives.

In National Parks and public schools, food pantries and animal shelters, volunteers fan out in communities across America, devoted to a cause bigger than themselves. In crisis and disaster, they offer not only goods and resources, but also understanding and sympathy to those desperate and distraught. In underserved neighborhoods, they help cultivate hope and inspiration, rolling back poverty and roadblocks to opportunity. Generations of these often unsung heroes—driven by their conviction that we all have a stake in each other—have lifted up those they know and those they do not, making our Nation and our world a better place.

My Administration is dedicated to giving people more opportunities to serve. I established a Task Force on Expanding National Service that supports the expansion of service and volunteer projects to address some of our Nation's highest priorities. Through the Corporation for National and Community Service, AmeriCorps and Senior Corps have mobilized millions of Americans, sending them to areas in need of dedicated volunteers. Under these programs, we have established campaigns that address specific needs in vulnerable communities, such as increasing access to college, improving STEM education, and preserving our environment. I have also called on 200,000 Federal scientists and engineers to help mentor young people in STEM fields. And in 2014, I launched the Employers of National Service initiative, connecting employers with AmeriCorps and Peace Corps alumni—because often the most talented, tireless, and mission-driven employees are those who have given of themselves for the betterment of others. In the time since, hundreds of employers have signed up to participate in this program.

Volunteers help drive our country's progress, and day in and day out, they make extraordinary sacrifices to expand promise and possibility. During National Volunteer Week, let us shed the cynicism that says one person cannot make a difference in the lives of others by embrac-

ing each of our individual responsibilities to serve and shape a brighter future for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 10 through April 16, 2016, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives. To find a service opportunity nearby, visit www.Serve.gov.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9420 of April 8, 2016

Pan American Day and Pan American Week, 2016

By the President of the United States of America

A Proclamation

A decade before the turn of the 19th century, representatives of countries from across the Western Hemisphere formed what would become the Organization of American States, striving to ensure peace and democracy through unity and cooperation among our nations. As we mark 126 years since its founding, we also celebrate the 15th anniversary of the Inter-American Democratic Charter—a declaration of our belief in democracy as the common form of government for all countries in our hemisphere. On Pan American Day and during Pan American Week, we reflect on the progress our countries have made together, and we recommit to reaching for a brighter day for all our peoples.

Throughout our hemisphere, increased integration has generated greater growth and prosperity. Since I took office, exports and imports between the United States and the rest of the hemisphere have increased by more than 50 percent. We are involved in more trade and economic partnerships that reduce poverty, spur opportunity, and empower young people with the skills and job training they need to compete in the global economy. Our nations have partnered to develop clean, affordable, and reliable energy sources and ensure all countries have open access to data to combat climate change—a reality that threatens all our peoples and that we addressed in Paris late last year, when the world came together to negotiate the most ambitious climate agreement in history.

The nations of the Americas have made tremendous progress on important issues, and our work remains rooted in the bonds of friendship and family between our peoples. For too long, the United States and Cuba remained isolated, and while our governments will continue to have areas of disagreement, our people have long shared common values and ideals. That is why we reestablished diplomatic relations between our countries—for the first time in over 50 years, the American flag flies above our reopened embassy in Havana; and I recently visited

our neighbor 90 miles to the South, becoming the first United States President to do so in nearly nine decades. By extending a new hand of friendship to the Cuban people, we mark the beginning of a relationship that will offer fresh hope for both our futures and improve the lives of those living in both our countries. Following my trip to Cuba, I visited Argentina, which has begun advancing ambitious reforms to spur economic growth and has pledged to help address important global challenges, such as peacekeeping and the Syrian refugee crisis.

Across the board, the United States has deepened our engagement in the Americas. We initiated the 100,000 Strong in the Americas initiative to encourage more exchanges between our hemisphere's students. Last year, I launched the Young Leaders of the Americas Initiative, which will address opportunity gaps that persist for too many of our neighboring nations' youth by empowering them with the tools and resources they need to reach their full potential. Just as our countries must foster hope and prosperity, we must also address serious challenges. We will continue defending and strengthening civil society, because when all our people have a voice in shaping the future of our hemisphere, we all do better. The United States is working with Colombia to reduce violence and achieve peace, as we do throughout Central America. We will also keep coordinating with the nations of the Americas to prevent, detect, and respond to the spread of Zika. And later this year, I look forward to joining other leaders of the Asia-Pacific Economic Cooperation forum in Peru for the next Economic Leaders' meeting.

Millions of people in the United States are tied to the rest of the countries in our hemisphere through commerce and family. We are more than just nations—we are neighbors, bound in common cause and possibility not by our leaders, but by the citizens of the Americas and the interests we share. Let us move forward, as one people, in a spirit of unity and cooperation. Together, we can reach a future in which every young person—from Argentina to Alaska—knows peace, dignity, and opportunity, and can embark on paths that stretch beyond their neighborhood and into the wider Western Hemisphere and the entire world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2016, as Pan American Day and April 10 through April 16, 2016, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9421 of April 8, 2016

National Former Prisoner of War Recognition Day, 2016

By the President of the United States of America
A Proclamation

Under the flag of the United States, generations of women and men, united in a common cause greater than themselves, have served to defend the ideals that bind us together as a Nation and that preserve our country as a beacon of hope and freedom around the world. On National Former Prisoner of War Recognition Day, we salute the selfless service members throughout our history who gave of their own liberty to ensure ours, and we renew our commitment to remaining a Nation worthy of their extraordinary sacrifices.

In wars and engagements since America's founding, brave patriots have experienced indescribable suffering as prisoners of war. Often physically and mentally tortured, starved, and put through the worst most of us could imagine, these heroes are owed a debt we can never fully repay, and their families—who exhibited tremendous fortitude in the face of grueling uncertainty—are worthy of our profound gratitude. The values of honor, courage, and selflessness that drive our Armed Forces are particularly acute in those who have been taken as prisoners of war, sustaining them through days, weeks, and sometimes years of profound hardship endured for the sake of securing the blessings of liberty for all.

America's former prisoners of war—and all who don our uniform to keep us safe—have helped make our Nation the strongest and most prosperous in the history of the world. Our eternal obligation is to care for them and uphold our everlasting promise to never leave our men and women on the battlefield behind. Let us reaffirm our adherence to these ideals and honor our former prisoners of war by paying them the gratitude and respect they deserve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2016, as National Former Prisoner of War Recognition Day. I call upon all Americans to observe this day of remembrance by honoring all American prisoners of war, our service members, and our veterans. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9422 of April 11, 2016

National Equal Pay Day, 2016

By the President of the United States of America
A Proclamation

Our Nation is built on the basic promise of a fair shot for all our people. Women in the United States still do not always receive equal pay for equal work. When women are paid less for doing the same jobs as men, it undermines our most fundamental beliefs as Americans. Every year, we mark how far into the new year women would have to work in order to earn the same as men did in the previous year, and on this day, we reaffirm our commitment to ensuring equal pay for all.

Although small gains have been made in recent years, the typical woman working full-time, year-round earns only 79 cents for every dollar earned by the typical man, and women of color earn even less relative to the typical white, non-Hispanic man—60 cents on the dollar for the typical black woman and 55 cents on the dollar for the typical Hispanic woman. Women are increasingly the breadwinners of American households, and when they are not paid equally, or are underrepresented in certain higher-paying occupations, their ability to save for retirement is hindered and hardworking families face greater difficulty meeting their basic financial needs. Pay discrimination puts greater strain on families to cover costs like child care or health care, and it holds our economy back from achieving its full potential. We must continue taking action to address issues of equal pay, pay secrecy, pregnancy discrimination, and unconscious bias. The gender pay gap in the United States is among the largest of many industrialized nations, and because women make up nearly half our workforce, this disparity impacts us all. The pay gap between men and women offends our values as Americans, and as long as it exists, our businesses, our communities, and our Nation will suffer the consequences.

My Administration is dedicated to reaching a day in which all women are paid equally for their work. Earlier this year, the Equal Employment Opportunity Commission, in partnership with the Department of Labor, announced a new proposal to gather pay data by race, ethnicity, and gender from businesses with at least 100 employees. This will help businesses make sure their employees are being treated equally, and it will help us enforce existing equal pay laws. This proposal originated in part with my National Equal Pay Task Force, which has helped coordinate a Federal effort to crack down on violations of equal pay laws. Our Nation has taken significant steps toward achieving pay equity over the last 7 years—from the first piece of legislation I signed as President, the Lilly Ledbetter Fair Pay Act, which makes it easier for women to challenge unequal pay, to my Executive Order prohibiting Federal contractors from discriminating against employees who discuss their compensation. But much work remains to be done, which is why I continue to call on the Congress to pass the Paycheck Fairness Act—a commonsense measure that would bolster the ability of women to fight pay discrimination.

When all people know their country is invested in their success, we are all better off. Together, we must rid our society of the injustice that is pay discrimination and restore the promise that is the right of every

American: the idea that with hard work, anyone can reach for their dreams and know no limits but the scope of their aspirations. On National Equal Pay Day, we renew our belief in equal pay for equal work, and we rededicate ourselves to building a future in which women are paid based on their merits.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 12, 2016, as National Equal Pay Day. I call upon all Americans to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9423 of April 12, 2016

Establishment of the Belmont-Paul Women's Equality National Monument

By the President of the United States of America

A Proclamation

The Sewall-Belmont House (House), located at 144 Constitution Avenue, Northeast, in Washington, D.C.—a few steps from the U.S. Capitol—has been home to the National Woman's Party (NWP) since 1929. From this House, the NWP's founder Alice Paul wrote new language in 1943 for the Equal Rights Amendment, which became known as the ''Alice Paul Amendment,'' and led the fight for its passage in the Congress. From here, throughout the 20th century, Paul and the NWP drafted more than 600 pieces of legislation in support of equal rights and advocated tirelessly for women's political, social, and economic equality not just in the United States but also internationally.

While the House's role in women's history makes it a nationally significant resource, the building itself has an interesting past. Robert Sewall constructed the House on Jenkins Hill, known today as Capitol Hill, around 1800. Secretary of the Treasury Albert Gallatin used the House during the Jefferson Administration, and the House was the site of the only resistance to the British invasion of Washington, D.C., during the War of 1812. In retaliation, the British set fire to the House, but by 1820, Sewall had rebuilt it. The House remained in the Sewall family until 1922, when it was acquired by Vermont Senator Porter Dale.

The NWP purchased the House in 1929 to serve as its headquarters. The NWP named it the ''Alva Belmont House'' in honor of its former president and major benefactor who had helped purchase the NWP's previous headquarters. A prominent suffragist herself, Belmont said of the new headquarters, ''may it stand for years and years to come, tell-

ing of the work that the women of the United States have accomplished; the example we have given foreign nations; and our determination that they shall be—as ourselves—free citizens, recognized as the equals of men.'' What is now called the Sewall-Belmont House became the staging ground for the NWP's advocacy for an equal rights amendment and other significant domestic and international action for women's equality.

Alice Paul, the women's suffrage and equal rights leader closely associated with the Sewall-Belmont House, led the NWP from its headquarters at the House from 1929 to 1972. A Quaker and well educated, before her work in the United States, Paul had been inspired by the women's suffrage movement in Britain in the early 20th century. During her years there from 1907 to 1910, she joined with Emmeline Pankhurst, her daughters, and other suffragettes to secure the vote for British women. Paul's participation in meetings, demonstrations, and depositions to Parliament led to multiple arrests, hunger strikes, and force-feedings.

Paul brought home her focus on women's suffrage when she returned to the United States in 1910. After earning a Ph.D. in economics at the University of Pennsylvania in 1912, she devoted herself to the American suffrage movement. She feared that the movement was waning at the national level because efforts had shifted to State suffrage. Paul believed that the movement needed to concentrate on the passage of a Federal suffrage amendment to the United States Constitution.

Paul became a member of the National American Woman Suffrage Association (NAWSA) and by 1912 served as the chair of its Congressional Committee in Washington, D.C. In 1913, she and Lucy Burns created a larger organization, the Congressional Union of Woman Suffrage, which soon disagreed with NAWSA over tactics. The Congressional Union split from NAWSA in 1914 and evolved into the NWP through steps taken in 1916 and 1917.

Paul was the most prominent figure in the final phase of the battle for the Nineteenth Amendment to the United States Constitution, ratified in 1920, granting women the right to vote. As part of her strategy, she adopted the philosophy to ''hold the party in power responsible'' from her work on women's suffrage in Britain. The NWP withheld its support from the existing political parties until women gained the right to vote, and ''punished'' those parties in power that did not support suffrage. In 1913, the day before Woodrow Wilson's first inauguration, Paul organized a women's suffrage parade of more than 5,000 participants from every State in the Union. Through a series of dramatic nonviolent protests, the NWP demanded that President Wilson and the Congress address women's issues. The NWP organized ''Silent Sentinels'' to stand outside the White House holding banners inscribed with incendiary phrases directed toward President Wilson. The colorful, spirited suffrage marches, the suffrage songs, the violence the women faced as they were physically attacked and had their banners torn from their hands, the daily pickets and arrests at the White House, the recurring jail time, the hunger strikes which resulted in force-feedings and brutal prison conditions, the national speaking tours, and newspaper headlines all created enormous public support for suffrage.

Through most of the last century, the NWP remained a leading advocate of women's political, social, and economic equality. Following

ratification of the Nineteenth Amendment, the NWP, under the leadership of Alice Paul, turned its attention towards the larger issue of complete equality of men and women under the law. Paul reorganized the NWP in 1922 to focus on eliminating all discrimination against women. In 1923, at the 75th anniversary of the Seneca Falls Convention, the first women's rights convention, Paul proposed an equal rights amendment to the Constitution, which became known as the ''Lucretia Mott Amendment,'' and launched the campaign to win full equality for women. In 1943, Alice Paul rewrote the amendment, which then became known as the ''Alice Paul Amendment.'' What we now refer to as the ''Equal Rights Amendment'' was introduced in every session of Congress from 1923 until it finally passed in 1972, though it still has not been ratified by the required majority: three-fourths of the States.

Throughout the 1920s and 1930s, the NWP drafted more than 600 pieces of legislation in support of equal rights for women on the State and local levels, including bills covering divorce and custody rights, jury service, property rights, ability to enter into contracts, and the retention of one's maiden name after marriage. It launched two major ''Women for Congress'' campaigns in 1924 and 1926 and lobbied for the appointment of women to high Federal positions. The NWP also worked for Federal and State ''blanket bills'' to ensure women equal rights and helped change Federal laws to equalize nationality and citizenship laws for women. The NWP fought successfully for the repeal of a statute that prohibited Federal employees from working for the Federal Government if their spouses also were Federal employees. The NWP helped eliminate many of the sex discrimination clauses in the ''codes of fair competition'' established under the New Deal's National Recovery Administration, and assisted in the adoption of the Fair Labor Standards Act of 1938. Paul and the NWP also played a role in getting language protecting women included in the Civil Rights Act of 1964.

Alice Paul and the NWP did not limit their fight for women's rights to domestic arenas but also became active in international feminism as early as the 1920s. Among other actions, in 1938 Paul formed the World Woman's Party, which served as the NWP's international organization. It first assisted Jewish women fleeing the Holocaust and then became the NWP's office for promoting equal rights for women around the world. The NWP helped both Puerto Rican and Cuban women in seeking the vote, and in 1945 advocated successfully for the incorporation of language on women's equality in the United Nations Charter and for the establishment of a permanent United Nations Commission on the Status of Women.

The political strategies and tactics of Alice Paul and the NWP became a blueprint for civil rights organizations and activities throughout the 20th century. In 1997, the NWP ceased to be a lobbying organization and became a non-profit, educational organization. Today, the House tells the story of a century of courageous activism by American women.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in the President's discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Fed-

eral Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, in 1974, the Secretary of the Interior designated the Sewall-Belmont House a National Historic Landmark for its association with Alice Paul, the NWP, and the fight for equal rights, and later the same year the Congress enacted legislation creating the Sewall-Belmont House National Historic Site, an affiliated area of the National Park System;

WHEREAS, the National Park Service completed a study in November 2014, which recommended that the Sewall-Belmont House become a unit of the National Park System and operate through cooperative management between the National Park Service and the NWP;

WHEREAS, for the purpose of establishing a national monument to be administered by the National Park Service, the NWP has donated to the Federal Government fee title to the Sewall-Belmont House and the approximately 0.34 acres of land on which it is located;

WHEREAS, the National Park Service and the NWP agree that the NWP should continue to own and manage its collection, which includes an extensive library and archival and museum holdings relating to the women's movement, and the NWP has indicated its intention to enter into appropriate arrangements with the National Park Service that would further the preservation of the permanent collection at the Sewall-Belmont House and provide for cooperative interpretation and management activities with the National Park Service;

WHEREAS, it is in the public interest to preserve and protect the Sewall-Belmont House and the historic objects associated with it;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Belmont-Paul Women's Equality National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 0.34 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights.

The Secretary of the Interior (Secretary) shall manage the monument through the National Park Service, pursuant to applicable legal authori-

ties, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan, with full public involvement and in coordination with the NWP, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with the monument, and (2) to interpret the monument's objects, resources, and values related to the women's rights movement. The management plan shall, among other things, set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

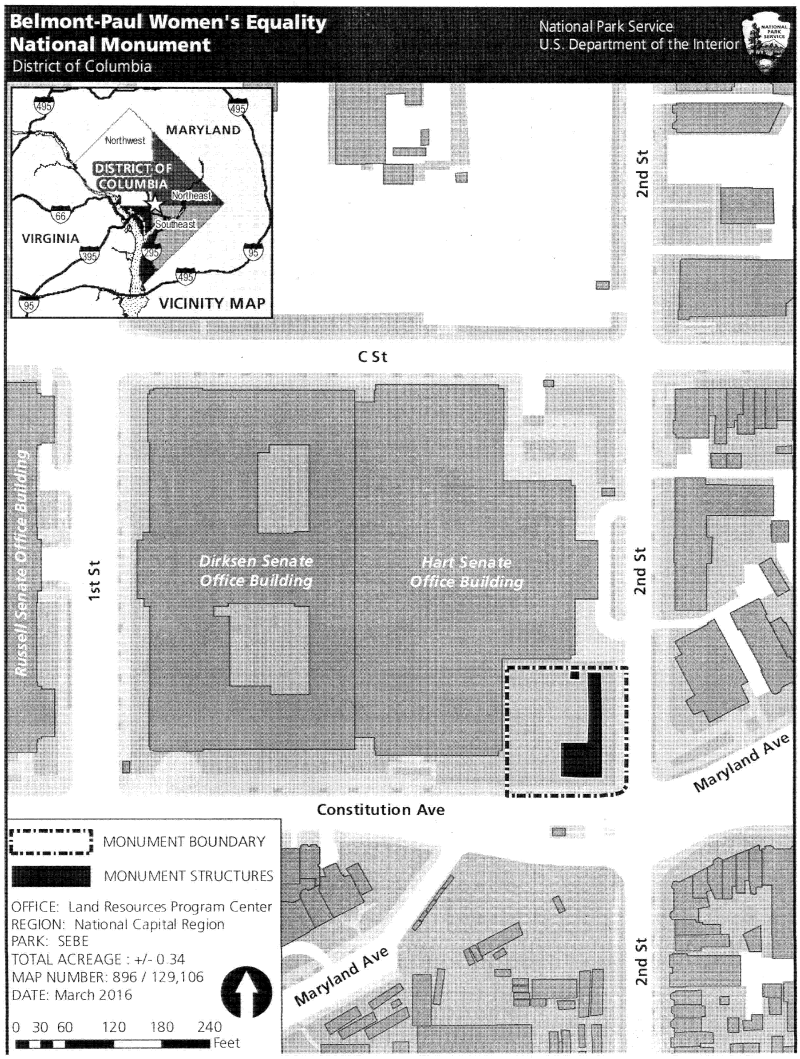
The National Park Service is directed to use applicable authorities to seek to enter into agreements with others, and the NWP in particular, to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA


Belmont-Paul Women's Equality National Monument
District of Columbia
National Park Service
U.S. Department of the Interior
MARYLAND
DISTRICT OF COLUMBIA
VIRGINIA
Northwest
Northeast
Southeast
VICINITY MAP
2nd St
C St
Russell Senate Office Building
1st St
Dirksen Senate Office Building
Hart Senate Office Building
2nd St
Maryland Ave
Constitution Ave
MONUMENT BOUNDARY
MONUMENT STRUCTURES
OFFICE: Land Resources Program Center
REGION: National Capital Region
PARK: SEBE
TOTAL ACREAGE : +/- 0.34
MAP NUMBER: 896 / 129,106
DATE: March 2016
0 30 60 120 180 240
Feet
Maryland Ave
2nd St

Proclamation 9424 of April 15, 2016

National Park Week, 2016

By the President of the United States of America
A Proclamation

Our National Parks have allowed generations to discover history, nature, and wildlife in irreplaceable ways. From the highest peaks of Denali to the lowest dips of the Grand Canyon, families around our country enjoy the splendor of the outdoors. Throughout National Park Week, as we celebrate the ways in which our treasured outdoor spaces enrich our lives and uplift our spirits, the National Park Service will again offer free admission to America's National Parks so more people can explore our country's vast natural beauty.

National Parks provide unique opportunities to connect with one another and the world around us, and my Administration has encouraged more Americans to take advantage of these wonders. Through the ''Find Your Park'' campaign, we are helping more people visit public lands and landmarks—from State and local parks that capture our Nation's natural beauty to historical sites that offer unparalleled perspectives into our past. Whether breathtaking sceneries or rushing bodies of water, our National Parks have something for everyone—young and old—and I am committed to helping all Americans discover the outdoors and interact with our unique and magical landscapes.

Exposure to the outdoors can stimulate thought and inspiration, and my Administration has been working to provide more of our young people with the opportunity to grow to learn and love our National Parks. We launched the ''Every Kid in a Park'' initiative, giving all fourth grade students and their families free admission to our parks and other Federal lands and waters. Our parks are beloved parts of America, and ensuring their survival for generations to come is imperative, which is why I have acted to protect more public land and water than any President in history—more than 265 million acres—and I have called on the Congress to boost maintenance and modernization of our National Parks so our children and grandchildren will be able to enjoy their magnificence. And because we must protect the one and only planet we have, my Administration will continue working to combat climate change.

This week, in honor of the upcoming National Park Service (NPS) centennial and the rich heritage the NPS has helped protect, let us embrace the opportunity to participate in a variety of scientific, artistic, and athletic activities in our National Parks. And together, let us recommit to promoting environmental stewardship and conserving our public lands so all our daughters and sons can experience the grandeur of our outdoor spaces for years to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 16 through April 24, 2016, as National Park Week. I encourage all Americans to visit their National Parks and be reminded of these unique blessings we share as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9425 of April 18, 2016

Education and Sharing Day, U.S.A., 2016

By the President of the United States of America
A Proclamation

Our Nation has long been driven by the promise that anyone willing to work hard can make of their lives what they will, and ensuring opportunity is within reach for all requires us to provide every young person with access to a high-quality education. Our future is written in our classrooms, and on Education and Sharing Day, U.S.A., we reaffirm our belief that no matter who they are, where they come from, or what they look like, every child deserves an education that will help them develop their unique talents and passions, dream beyond their present circumstances, and unlock their greatest potential.

Investing in the education of our daughters and sons is among the best investments we can make as a Nation. My Administration has worked to expand high-quality early education—something that can pay off over a child's entire lifetime—and we have proposed a plan to offer 2 years of free community college to anyone willing to work for it, because in America, a quality education cannot be a privilege reserved for a few. Last year, I was proud to sign the Every Student Succeeds Act—bipartisan legislation that will help prepare more of our young people to seize tomorrow's possibilities. By adopting higher academic standards, increasing accountability for underperforming schools, making testing more efficient, and empowering State and local leaders to develop their own systems for school improvement based on evidence, rather than impose piecemeal solutions to serious problems, this law provides schools across America with the resources and flexibility needed for students to thrive. And earlier this year, I announced Computer Science for All, a collaborative effort to give every child in America the opportunity to learn computer science, and in the time since, a growing coalition of businesses, school leaders, and State and local governments have joined this initiative.

As we continue to build strong foundations for our students here at home, we recognize those around the world who are prevented from obtaining a quality education. That is why my Administration launched the *Let Girls Learn* initiative, spearheaded by First Lady Michelle Obama, to help adolescent girls worldwide get the quality education they need to reach their full potential. Through this campaign, we are helping to break down barriers for girls across the globe and working to shift attitudes and beliefs, affirm the inherent dignity and worth of every child, and harness the power of our society to rise above our present obstacles to forge the future we know is possible.

The advances we have made in education are a result of the many educators, administrators, and advocates who have opened the doors of opportunity for countless young people. Today, we pay special tribute to Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, for his tireless devotion to extending access to education to more people—regardless of their gender or background. The Rebbe's lifetime of contribution imparts a reminder of the tremendous importance of making sure every child has the tools and resources they need to grow, flourish, and pursue their dreams. On this day, let us carry forward the Rebbe's legacy by recognizing the limitless potential of each young person and empowering the next generation to lead our country, and our world, toward an ever brighter tomorrow.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19, 2016, as Education and Sharing Day, U.S.A. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9426 of April 21, 2016

Earth Day, 2016

By the President of the United States of America

A Proclamation

On April 22, 1970, millions of people from every corner of our country joined in common cause to demand basic protections to safeguard our planet for future generations. The first Earth Day helped transform the ways we interact with the world around us, and it changed how we view our impact on the natural world—inspiring the creation of the Environmental Protection Agency and landmark legislation that protects the air we breathe, the water we drink, and the animals that live alongside us. Today, we resolve to build on the progress made in the nearly half-century since, and we reaffirm our commitment to leaving a clean, healthy Earth for our children and grandchildren.

Just as the people who came together on Earth Day in 1970 embraced their responsibility to preserve our planet, today we face a threat that also requires collective action. Human activity is disrupting the climate, and the challenge of combating climate change is one that will define the contours of our time. The effects of climate change are already evident in stronger storms, deeper droughts, more rapidly eroding soil, and longer wildfire seasons—and as of last year, 14 of the 15 warmest years on record have occurred since 2000. This urgent threat will worsen with each passing year unless we act now.

No country can solve this challenge alone. This Earth Day, nations from across the globe are gathering in New York to sign an agreement reached by nearly 200 countries in Paris late last year that establishes

an enduring framework to reduce global carbon pollution and set the world on a path to a low-carbon future. Under the Paris Agreement, countries pledge to limit global warming to 2 degrees Celsius at most, and to pursue efforts to keep it below 1.5 degrees Celsius. Science tells us these levels will help prevent some of the most devastating impacts of climate change, including more frequent and extreme droughts, storms, fires, and floods, as well as catastrophic increases in sea level.

The Paris Agreement demonstrates what is possible when the world is united by a common concern and a shared purpose. The Agreement sets ambitious and specific targets for each nation that are necessary to solving the climate crisis. It applies to all countries, establishes meaningful accountability and reporting requirements, and brings countries back to the table every 5 years to grow their commitments as markets change and technologies improve. It also provides financing mechanisms so developing economies can move forward using clean energy, and it creates a collaborative process through which countries can establish and achieve their targets.

Key to reaching the Paris Agreement was principled American leadership. Over the past decade, the United States has cut our total carbon pollution more than any other nation on Earth. We are committed to upholding our responsibility in the global effort to combat climate change and protect our planet, and my Administration has taken action to reduce our carbon pollution and lead the world in transitioning to a clean energy future. For example, we have made significant investments in clean energy—since I took Office, the amount of electricity generated from wind energy has tripled, and the amount generated from solar energy has increased more than thirtyfold. Last year, I announced the first set of nationwide standards to end the limitless dumping of carbon pollution from our country's power plants. To prepare for the impacts of climate change that we cannot prevent, we are working with States and cities to help communities build climate-resilient infrastructure. And I have protected more public lands and waters than any other President in history—more than 265 million acres.

We each have a role to play in ensuring that we do not pass a world beyond repair on to our children. Everyone must do their part, and as long as we unite to protect the one planet we have, we can leave it in better shape for future generations. On Earth Day, let us all accept our individual responsibilities to care for the world we live in, and let us marshal our best efforts toward building a safer, more stable, and more sustainable world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 22, 2016, as Earth Day. I encourage all Americans to participate in programs and activities that will protect our environment and contribute to a healthy, sustainable future.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9427 of April 27, 2016

National Physical Fitness and Sports Month, 2016

By the President of the United States of America

A Proclamation

For generations, sports have brought Americans of all ages together and helped us celebrate our country's competitive spirit. When we work to instill an appreciation for physical fitness in our people, we do more than honor an age-old tradition—we take a critical step toward ensuring the prospect of a long and healthy life. During National Physical Fitness and Sports Month, we highlight the importance of staying active, and we encourage all Americans to partake in physical activity to maintain their health and well-being.

Sports and other forms of physical activity inspire us—they bridge differences, unite Americans from every walk of life, and teach the importance of teamwork. Whether exploring the great outdoors or shooting hoops with friends, regular physical activity can also relieve stress, boost energy and self-esteem, and prevent numerous chronic diseases, including some of the leading causes of death, such as cancer, stroke, and heart disease. Children should engage in physical activity for at least 1 hour each day, and adults should do so for at least 30 minutes. Critical to enabling our youth to reach their fullest potential, regular exercise must go hand-in-hand with healthy eating and proper nutrition—because our children's well-being tomorrow depends on what they eat today.

This year, we celebrate six decades since President Dwight Eisenhower established the President's Council on Youth Fitness, known today as the President's Council on Fitness, Sports, and Nutrition. The Council partners with the public, private, and non-profit sectors to empower people to lead healthy and active lives. Through their *I Can Do It, You Can Do It!* program, the Council facilitates physical activity for individuals with disabilities and offers opportunities for regular exercise at sites across our country. My Administration's *Go4Life* campaign is motivating older Americans to recommit to making exercise a part of their daily lives. And First Lady Michelle Obama's *Let's Move!* initiative continues to inspire a rising generation to eat healthily and get plenty of physical activity so they can grow up strong and pursue their dreams. For more information on my Administration's actions to promote sports and physical fitness—and for ways you can get involved—visit www.Fitness.gov and www.LetsMove.gov.

Participation in sports and other physical activity represents our country's promise: the idea that if you work hard, commit to a goal, and never give up on yourself, there is nothing you cannot achieve. This month, let us each strive to make fitness a greater part of our lives, and let us join together as one American team to promote physical activity and chart a healthier, fitter future for our country.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as National Physical Fitness and Sports Month. I call upon the people of the United States to make daily physical activity, sports participation, and good nutrition a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9428 of April 27, 2016

Law Day, U.S.A., 2016

By the President of the United States of America
A Proclamation

Underpinning American democracy and upholding the founding principles of our Nation, the law enshrines our bedrock belief in equality and justice for all. Central to securing these ideals is ensuring that every American's fundamental, constitutionally-guaranteed individual rights are protected, and by respecting these rights, our Nation demonstrates its unwavering dedication to the law. Our fidelity to the rule of law has guided our country in times of trial and triumph, and it helps us keep faith with our Founders and with generations to come.

On this year's Law Day, we celebrate 50 years since the Supreme Court's ruling in *Miranda* v. *Arizona*. This landmark decision made clear that the Fifth Amendment ''. . . serves to protect persons in all settings in which their freedom of action is curtailed in any significant way from being compelled to incriminate themselves.'' *Miranda* v. *Arizona* institutionalized the important practice of explaining constitutional rights prior to interrogation. And it established the important general rule that individuals interrogated in police custody cannot have their answers admitted into evidence against them unless they had first been informed of their rights—including the right to remain silent and the right to have an attorney present.

The Court's decision in *Miranda* v. *Arizona* affirmed that ''Equal Justice Under Law'' is more than just words, but a cornerstone of our Nation's legal system—the idea that no matter who you are or where you come from, you will be treated equally and afforded due process. Today, our society faces new challenges to this age-old tenet. Our criminal justice system is in serious need of reform; disparities in stops, arrests, and sentencing persist; and in too many places distrust exists between community members and law enforcement officers. I am committed to ensuring our Nation's criminal justice system is fair, smart, and effective. By engaging people across America, my Task Force on 21st Century Policing has provided a roadmap for strengthening relationships between local police and the communities they serve, helping to uphold the integrity of our criminal justice system. My Administration has also taken action to address unfair sentencing disparities that undermine the equitable application of the law, and we will continue working to bring greater fairness to our criminal justice system and to ensure that the rule of law remains the foundation of our country.

Miranda v. *Arizona* imparts an important lesson: Knowledge of our constitutional rights is an essential component to fully exercising those

rights. Safeguarding the promise of equal justice requires the participation of all our citizens, and across America, community and court programs that offer civic education and prepare members of the public to fulfill their civic responsibilities are vital to this task.

Chief Justice Earl Warren, the author of the Supreme Court's decision in *Miranda* v. *Arizona,* once observed that, ''In civilized life, law floats in a sea of ethics.'' The law informs right from wrong—it affects the daily reality of our lives and safeguards the birthrights of all Americans. On Law Day, let us recommit to building a future rooted in the rule of law, in which our laws apply equally to everyone and all our children know a fair and just world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2016, as Law Day, U.S.A. I call upon all Americans to acknowledge the importance of our Nation's legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9429 of April 27, 2016

Loyalty Day, 2016

By the President of the United States of America
A Proclamation

America endures because of the generations of our people who have endeavored alongside one another, joining their voices and their efforts to ensure our Nation lives up to its highest ideals. Driven by the determination to continue making our society more just and more equal, our work to fulfill our country's potential has always relied on our willingness to see ourselves in our fellow citizens.

Our Nation has always been at its finest when guided by a spirit of shared sacrifice and common purpose. It is that spirit that led a small band of patriots to declare our fledgling democracy free from the grasp of tyranny, that slaves and abolitionists carried in their hearts as they marched forward on the long journey toward freedom, and that guides the men and women who wear our country's uniform in their selfless service. From the unlit paths of the Underground Railroad to the lunch counters of Greensboro, the first streets draped in the colors of pride to the highest Court in our land, we have seen throughout our history that America is inexorably driven forward by those who commit themselves to expanding our founding promise through extraordinary acts of courage and heroism. We honor that legacy—that demonstrates that the forces of hope and love of country are strong enough to overcome even our most deeply entrenched obstacles—by resolving to carry it

forward, by rejecting appeals to prejudice and division in our time, and by drawing on the hopes and dreams that bind us.

While ours has always been a large and complicated democracy, full of differing views and boisterous debates, our history also makes clear that we are strongest when we find in our diversity a deeper, richer unity, stemming from an overarching belief in the possibilities our shared future holds. This Loyalty Day, let us remember that what defines us as one American people is our dedication to common ideals—rather than similarities of origin or creed—and let us reaffirm that embracing this truth lies at the heart of what it means to be a citizen. As long as we stay true to that mission and uphold our responsibility to deliver a freer, fairer Nation to the next generation, a future of ever greater progress will remain within our reach.

In order to recognize the American spirit of loyalty and the sacrifices that so many have made for our Nation, the Congress, by Public Law 85–529 as amended, has designated May 1 of each year as ''Loyalty Day.'' On this day, let us reaffirm our allegiance to the United States of America and pay tribute to the heritage of American freedom.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 1, 2016, as Loyalty Day. This Loyalty Day, I call upon all the people of the United States to join in support of this national observance, whether by displaying the flag of the United States or pledging allegiance to the Republic for which it stands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9430 of April 27, 2016

Workers Memorial Day, 2016

By the President of the United States of America

A Proclamation

The story of America is the story of its workers. With faith in one another and hope for what their country could be, generations of laborers fought, sacrificed, and organized for the rights and protections that workers across our Nation have today—including requirements to protect their health and safety. Today, we honor this legacy by reflecting on those who have lost their lives in the workplace, and we reaffirm our dedication to ensuring that people can work knowing the fullest measure of stability, security, and opportunity.

In 1969 and 1970, two pieces of legislation of enormous consequence forever changed the lives of workers across our Nation. Passed by a Democratic Congress and signed by a Republican President, the Federal Coal Mine Health and Safety Act—which required Federal inspections of coal mines, established processes and protections for ensuring the health and safety of coal miners, and was later amended to cover all

miners—and the Occupational Safety and Health Act—which created new standards for worker protections in industries across America—represented milestone achievements for a cause borne out of decades of toil and struggle. Spurred by working men and women of every origin and background, the movement for worker safety was inspired by a simple notion: that those who contribute so much to the economy and spirit of our country should have every chance to share in its promise.

Since I took office, my Administration has advanced protections for America's workers. In 2014, I signed an Executive Order aimed at cracking down on Federal contractors who violate our labor laws, and in the time since, we have enhanced our rigorous processes for companies contracting with the Federal Government while working to enforce and raise standards for employers throughout our economy. We have implemented rules that cut the amount of coal dust inhaled by coal miners, and we have taken steps to protect more workers from diseases caused by exposure to silica and other harmful substances. And we will enhance our efforts to support workers injured on the job, because if you are hurt at the workplace after giving your all, you should still be able to keep food on the table.

The history of America's workers reminds us that, far from being inevitable, the progress each generation has known has been the result of the courage, determination, and solidarity demonstrated by the last. This Workers Memorial Day, as we join in solemn remembrance of those who lost their lives undertaking their labor, let us carry forward the vision of just and safe working conditions for all of America's workers. If we stay true to that essential mission, we can deliver to our children and grandchildren a future of ever greater possibility and security.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2016, as Workers Memorial Day. I call upon all Americans to participate in ceremonies and activities in memory of those killed or injured due to unsafe working conditions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9431 of April 28, 2016

Jewish American Heritage Month, 2016

By the President of the United States of America
A Proclamation

At America's birth, our Founders fought off tyranny and declared a set of ideals—including life, liberty, and the pursuit of happiness—that would forever guide our country's course. For generations since, Jewish Americans, having shared in the struggle for freedom, have been

instrumental in ensuring our Nation stays true to the principles enshrined in our founding documents. They have helped bring about enduring progress in every aspect of our society, shaping our country's character and embodying the values we hold dear. This month, as we pay tribute to their indelible contributions, we recommit to ridding our world of bigotry and injustice and reflect on the extraordinary ways in which Jewish Americans have made our Union more perfect.

Many of the Jewish people who reached our Nation's shores throughout our history did so fleeing the oppression they encountered in areas around the world. Driven by the possibility of charting a freer future, they endeavored, on their own and as a community, to make real the promise of America—in their individual lives and in the life of our country. Determined to confront the racism that kept this promise from being fully realized, many Jewish Americans found a cause in the Civil Rights Movement that—in its call for freedom and justice—echoed the timeless message of Exodus and the Jewish people's journey through the ages. Reflecting on the march in Selma, Rabbi Abraham Joshua Heschel once noted, ''I felt my legs were praying.'' From the fight for women's rights to LGBT rights to workers' rights, many in the Jewish American community, drawing on lessons from their own past, have trumpeted a clarion call for equality and justice.

We cannot pay proper respect to the legacy of Jewish Americans without also reflecting on the rise of anti-Semitism in many parts of the world, and in remembering the lessons of the Holocaust, we recognize the imperative need to root out prejudice. Subjecting men, women, and children to persecution on the basis of their ancestry and faith, the scourge of anti-Semitism demands that we declare through action and solidarity that an attack on one faith is an attack on all faiths. That is why the United States is leading the international effort to combat anti-Semitism—we helped organize the first United Nations General Assembly meeting on anti-Semitism last year, and we are asking countries around the world to join us in giving this challenge the focus it demands. In celebrating Jewish Americans' contributions to our country, we also reaffirm our unshakeable commitment to Israel's security and the close bonds between our two nations and our peoples. Throughout my Administration, the multifaceted relationship between our countries has grown and strengthened to an unprecedented degree, particularly with regard to U.S.-Israeli security assistance and cooperation.

The Jewish American experience and our Nation as a whole have always been held together by the forces of hope and resilience. During Jewish American Heritage Month, as we reflect on our past and look toward the future, let us carry forward our mutual legacy, grounded in our interconnected roots, and affirm that it is from the extraordinary richness of our bond that we draw strength. And let us renew our dedication to the work of building a fully inclusive tomorrow—one where a great diversity of origins is not only accepted, but also celebrated—here at home and around the world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as Jewish American Heritage Month. I call upon all Americans to visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9432 of April 28, 2016

National Foster Care Month, 2016

By the President of the United States of America
A Proclamation

The success of our country tomorrow depends on the well-being of our children today. As a Nation, we have a duty to empower each child so they have the same sense of promise and possibility as any other young person no matter who they are, where they come from, or what their circumstances are. Foster youth deserve the security and strong support structures they need to achieve their dreams. During National Foster Care Month, we lift up our Nation's foster children, celebrate the selfless men and women who embrace children in the foster care system, and we recommit to helping more children find permanency so they can feel stable, grounded, and free to fulfill their limitless potential.

With open hearts, families and professionals across America work each day to give foster youth the resources, warmth, and care they need. Over 400,000 children remain in the foster care system, and tens of thousands of youth age out of foster care before they find their forever family. Only half of children in foster care complete high school by age 18, and less than 5 percent graduate college. Young people who age out of foster care without a permanent home are often at higher risk of entering the criminal justice system, and they can face greater challenges to completing an education, obtaining high-quality health care, and securing gainful employment. We also know kids are better off when raised by loving families, not institutions. These difficult outcomes are often exaggerated further when children are placed in group homes.

I am committed to preventing youth from falling into these situations. I have proposed allowing child welfare agencies to use Federal funds to provide critical services and shelter to foster youth who have aged out of the system until they are 23. My Administration is also working to reduce abuse and neglect by focusing resources on strengthening families so children stay out of foster care in the first place. Children living in foster care are more likely than other children to be overprescribed medication for social-emotional and mental health disorders. That is why my Administration is encouraging greater use of evidence-based screening, assessment, and treatment of trauma and mental health disorders for kids in foster care. And because every child deserves access to quality, affordable health insurance, the Affordable Care Act requires each State to extend Medicaid coverage to foster children who have aged out of the foster care system until the age of 26.

Children grow to become their best selves when they are surrounded by supportive families. Caretakers support foster youth and help them see a future of greater promise and hope. Last summer, the Supreme Court ruled that the Constitution guarantees marriage equality, giving more kids in foster care the opportunity to be part of a loving family. My Administration will continue fighting to ensure eligible and qualified caretakers have the chance to become an adoptive or foster parent regardless of race, religion, gender identity, or sexual orientation. The commitment and dependability of a family can provide foster youth with the confidence to write and control their own destiny. Family is the bedrock of the American story, and we must do everything we can to support all young people so they can be free from harm, healthy, and ready to chart the course of our Nation's unwritten history.

When we create environments for all young people to grow and flourish and safely live as who they are regardless of race, background, religion, sexual orientation or gender identity our country is stronger. This month, and every month, let us pay tribute to the children in foster care and the dedicated parents and professionals who tirelessly work to shape their lives. And as a country, let us embrace the spirit that every child matters and continue working to provide all of our daughters and sons with an equal chance to lead productive and fulfilling lives, limited by nothing but the power of their imaginations and the scope of their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help youth in foster care and recognizing the commitment of all who touch their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9433 of April 28, 2016

National Mental Health Awareness Month, 2016

By the President of the United States of America

A Proclamation

Nearly 44 million American adults, and millions of children, experience mental health conditions each year, including depression, anxiety, bipolar disorder, schizophrenia, and post-traumatic stress. Although we have made progress expanding mental health coverage and elevating the conversation about mental health, too many people still do not get the help they need. Our Nation is founded on the belief that we must look out for one another—and whether it affects our family members, friends, co-workers, or those unknown to us—we do a service for each other when we reach out and help those struggling with mental health issues. This month, we renew our commitment to rid-

ding our society of the stigma associated with mental illness, encourage those living with mental health conditions to get the help they need, and reaffirm our pledge to ensure those who need help have access to the support, acceptance, and resources they deserve.

In the last 7 years, our country has made extraordinary progress in expanding mental health coverage for more people across America. The Affordable Care Act prohibits insurance companies from discriminating against people based on pre-existing conditions, requires coverage of mental health and substance use disorder services in individual and small group markets, and expands mental health and substance use disorder parity policies, which are estimated to help more than 60 million Americans. Nearly 15 million more Americans have gained Medicaid coverage since October 2013, significantly improving access to mental health care. And because of more than $100 million in funding from the Affordable Care Act, community health centers have expanded behavioral health services for nearly 900,000 people nationwide over the past 2 years. Still, far too few Americans experiencing mental illnesses do not receive the care and treatment they need. That is why my most recent Budget proposal includes a new half-billion dollar investment to improve access to mental health care, engage individuals with serious mental illness in care, and help ensure behavioral health care systems work for everyone.

Our Nation has made strong advances in improving prevention, increasing early intervention, and expanding treatment of mental illnesses. Earlier this year, I established a Mental Health and Substance Use Disorder Parity Task Force, which aims to ensure that coverage for mental health benefits is comparable to coverage for medical and surgical care, improve understanding of the requirements of the law, and expand compliance with it. Mental health should be treated as part of a person's overall health, and we must ensure individuals living with mental health conditions can get the treatment they need. My Administration also continues to invest in science and research through the BRAIN initiative to enhance our understanding of the complexities of the human brain and to make it easier to diagnose and treat mental health disorders early.

One of our most profound obligations as a Nation is to support the men and women in uniform who return home and continue fighting battles against mental illness. Last year, I signed the Clay Hunt SAV Act, which fills critical gaps in serving veterans with post-traumatic stress and other illnesses, increases peer support and outreach, and recruits more talented individuals to work on mental health issues at the Department of Veterans Affairs. This law will make it easier for veterans to get the care they need when they need it. All Americans, including service members, can get immediate assistance by calling the National Suicide Prevention Lifeline at 1–800–273–TALK or by calling 1–800–662–HELP.

During National Mental Health Awareness Month, we recognize those Americans who live with mental illness and substance use disorders, and we pledge solidarity with their families who need our support as well. Let us strive to ensure people living with mental health conditions know that they are not alone, that hope exists, and that the possibility of healing and thriving is real. Together, we can help everyone get the support they need to recover as they continue along the journey to get well.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as National Mental Health Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise mental health awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9434 of April 29, 2016

Asian American and Pacific Islander Heritage Month, 2016

By the President of the United States of America

A Proclamation

Asian Americans and Pacific Islanders (AAPIs) are the fastest growing racial group in our country, growing over 4 times as rapidly as the population of the United States. As one of the most culturally and linguistically diverse groups in America, the AAPI community reminds us that though we all have distinct backgrounds and origins, we are bound in common purpose by our shared hopes and dreams for ourselves and our children. Our Nation's story would be incomplete without the voices of countless Asian Americans, Native Hawaiians, and Pacific Islanders who have called the land we all love home. This month, we honor the irreplaceable roles they have played in our past, and we recommit to ensuring opportunities exist for generations of AAPIs to come.

The AAPI community's long and deeply-rooted legacy in the United States reminds us of both proud and painful chapters of our history. Confronted with grueling and perilous working conditions, thousands of Chinese laborers on the transcontinental railroad pushed the wheels of progress forward in the West. Japanese American troops fought for freedom from tyranny abroad in World War II while their families here at home were interned simply on the basis of their origin. And many South Asian Americans in particular face discrimination, harassment, and senseless violence often in the communities in which they live and work.

Today, AAPIs lend their rich heritage to enhancing our communities and our culture. As artists and activists, educators and elected officials, service men and women and business owners, AAPIs help drive our country forward. Yet despite hard-won achievements, AAPIs continue to face obstacles to realizing their full potential. One in three AAPIs does not speak English fluently, and certain subgroups experience low levels of educational attainment and high levels of unemployment. AAPIs also often experience heightened health risks, and millions of AAPI men, women, and children in the United States live in poverty.

My Administration is committed to supporting and investing in AAPI communities. Thanks to the Affordable Care Act, 20 million uninsured adults have gained health insurance coverage, including 2 million AAPIs. Among Asian Americans under the age of 65, the uninsured rate has declined by 55 percent since 2013. Last year, we brought together thousands of AAPI artists; advocates; and business, community, and Federal leaders from across America for the first-ever White House Summit on AAPIs to discuss the key issues facing their communities. The Summit was hosted by the White House Initiative on AAPIs, which I reestablished during my first year in office and is housed within the Department of Education. We are working with Federal agencies to build stronger and more robust regional networks across our country that improve access to Federal resources and expand opportunities. We have worked to protect civil rights, foster educational equity, and create economic opportunity across our country. Because a lack of detailed data perpetuates the false notion of AAPIs as a model minority, we are working across Government to improve data collection to counter existing stereotypes and to shed light on the realities faced and resources needed by the AAPI community. Through the White House Task Force on New Americans, Federal agencies are working with cities and counties around America to build welcoming communities that allow immigrants and refugees to thrive. And we will continue working to allow more high-skilled immigrants to stay in our country—too many talented AAPIs are held back from fully realizing our country's promise, and too many have suffered the consequences of our Nation's broken immigration system.

Peoples of diverse backgrounds and circumstances have long come to our country with the faith that they could build a better life in America, and spanning generations, the story of AAPIs in the United States embodies this promise. During Asian American and Pacific Islander Heritage Month, let us celebrate the many contributions our AAPI brothers and sisters have made to the American mosaic, and let us renew our commitment to creating more opportunities for AAPI youth as they grow up and embrace the hard work of active citizenship, adding their unique voices and experiences to our Nation's narrative.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as Asian American and Pacific Islander Heritage Month. I call upon all Americans to visit www.WhiteHouse.gov/AAPI to learn more about our efforts on behalf of Asian Americans, Native Hawaiians, and Pacific Islanders, and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9435 of April 29, 2016

National Building Safety Month, 2016

By the President of the United States of America
A Proclamation

Buildings across our country provide safety and shelter to our people. From high-rises that form our cities' skylines to ranch homes that blanket the countryside, our buildings offer places to gather and perform daily activities, and they must have sound, secure, and resilient structures. During National Building Safety Month, we recognize and pay tribute to those who ensure the safety and resilience of our Nation's buildings, and we reaffirm our commitment to upholding and abiding by strong and effective building safety standards.

Maintaining the safety and resilience of our homes and buildings is imperative. By using disaster-resistant building codes and standards, resilient construction materials, and safe and performance-based design methods, we can safeguard the workplaces, houses, schools, and other facilities that provide us with space to grow, live, and learn. Americans can also take steps to secure buildings before natural disasters strike by elevating properties where necessary, anchoring furniture and other materials, reinforcing doors, and covering windows. I encourage everyone to visit www.Ready.gov to learn about more ways to keep yourself and those around you safe in your homes and businesses.

The Federal Government is leading by example. To prepare for natural disasters, I have signed Executive Orders that strengthen the security of Federal buildings and assets and improve their resilience to floods and earthquakes, reduce the risks of harm to people, lower recovery costs, and make it easier for communities to recover faster and emerge stronger. Later this month, the White House will bring together collaborators from the public and private sectors at a Conference on Resilient Building Codes. This event will underscore the critical role building codes play in ensuring community resilience, and it will strengthen our national commitment to advancing resilience in the built environment, from codes and standards to building design and construction.

The consequences of natural disasters can be exacerbated by the effects of a changing climate—including through stronger storms and longer wildfire seasons—so it is crucial that we ensure our buildings are resilient to the impacts of climate change. My Administration has worked with communities to build climate-resilient infrastructure to prepare for the impacts of climate change that we can no longer prevent, and we are continuing to invest in energy efficiency in our buildings.

All people deserve to feel safe in the buildings we inhabit day in and day out. With care and attention, we can secure and protect the places we spend time in. This month, let us take action to safeguard America's homes, schools, and other buildings, and let us ensure those responsible for this important work have the tools and resources they need.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as National Building Safety Month. I encourage citizens, govern-

ment agencies, businesses, nonprofits, and other interested groups to join in activities that raise awareness about building safety. I also call on all Americans to learn more about how they can contribute to building safety at home and in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9436 of April 29, 2016

Older Americans Month, 2016

By the President of the United States of America
A Proclamation

Through a lifetime of contribution, older Americans have helped ensure that the founding promise of our country remains within reach for their children and grandchildren, and their individual narratives reflect the extraordinary history of our Nation. This month, we celebrate our Nation's older citizens, and we show our appreciation for all they have done to enrich our communities and drive America forward.

Older Americans have unique knowledge and a breadth of insights that are tremendous assets to our country—and our seniors are eager to impart the wisdom learned from their experiences. Across our country, older Americans work and volunteer in their communities, challenging younger Americans' ambitions for what they can hope to achieve in their golden years. We must maximize the contributions of our seniors and ensure they have the resources and support they need to thrive and to keep shaping the future of the country they love.

The population of the United States is transforming rapidly. Within the next 13 years, more than one in five Americans will be of retirement age, and our Nation must make it a priority to ensure they are able to retire and live with dignity and respect. I remain committed to strengthening Medicare and Social Security—hallmark programs that enabled an entire generation of older Americans to live with stability and security. Aging affects us all, and I am dedicated to empowering more of today's seniors and future seniors. In 2014, I launched *my*RA, a new type of savings bond that allows more of our people to save for retirement. And earlier this year, I was proud to sign a reauthorization of the Older Americans Act—providing critical support for the services seniors depend on to maintain their health and independence.

Our country has an obligation to make sure older Americans can enjoy the opportunities that come with aging, and my Administration is committed to supporting our seniors. Last summer, we held the White House Conference on Aging, where we announced our plans to modernize Federal rules affecting older Americans, improve access to workplace-based retirement plans, and better utilize technology to enrich the lives of older Americans. We launched www.Aging.gov—a resource for government-wide information for older adults to lead independent and fulfilling lives. And we have proposed updating quality

and safety requirements for thousands of nursing homes, making it easier for homebound individuals to get nutritional assistance, and training more prosecutors to combat elder abuse.

One of the best measures of a country is how it treats its older citizens. During Older Americans Month, let us pay tribute to the men and women who raised, guided, and inspired us, and let us honor their enduring contributions to our society by safeguarding their rights and the opportunities they deserve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2016 as Older Americans Month. I call upon Americans of all ages to celebrate the contributions of older Americans during this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9437 of April 29, 2016

National Charter Schools Week, 2016

By the President of the United States of America
A Proclamation

Our Nation has always been guided by the belief that all young people should be free to dream as big and boldly as they want, and that with hard work and determination, they can turn their dreams into realities. Schools help us uphold this ideal by offering a place for children to grow, learn, and thrive. During National Charter Schools Week, we celebrate the role of high-quality public charter schools in helping to ensure students are prepared and able to seize their piece of the American dream, and we honor the dedicated professionals across America who make this calling their life's work by serving in charter schools.

Charter schools play an important role in our country's education system. Supporting some of our Nation's underserved communities, they can ignite imagination and nourish the minds of America's young people while finding new ways of educating them and equipping them with the knowledge they need to succeed. With the flexibility to develop new methods for educating our youth, and to develop remedies that could help underperforming schools, these innovative and autonomous public schools often offer lessons that can be applied in other institutions of learning across our country, including in traditional public schools. We also must ensure our charter schools, like all our schools, are of high quality and are held accountable—when a charter school does not meet high standards, we need to act in the best interest of its students to help it improve, and if that does not prove possible, to close its doors.

Charter schools have been at the forefront of innovation and have found different ways of engaging students in their high school years—including by providing personalized instruction, leveraging technology, and giving students greater access to rigorous coursework and college-level courses. Over the past 7 years, my Administration's commitment of resources to the growth of charter schools has enabled a significant expansion of educational opportunity, enabling tens of thousands of children to attend high-quality public charter schools. I am committed to ensuring all of our Nation's students have the tools and skills they need to get ahead, and that begins with ensuring they are able to attend an effective school and obtain an excellent education.

Educating every American student and ensuring they graduate from high school prepared for college and beyond is a national priority. This week, we honor the educators working in public charter schools across our Nation who, each day, give of themselves to provide children a fair shot at the American dream, and we recommit to the basic promise that all our daughters and sons—regardless of background or circumstance—should be able to make of their lives what they will.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 1 through May 7, 2016, as National Charter Schools Week. I commend our Nation's charter schools, teachers, and administrators, and I call on States and communities to support high-quality public schools, including charter schools, and the students they serve.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9438 of April 29, 2016

National Small Business Week, 2016

By the President of the United States of America
A Proclamation

Responsible for creating nearly two-thirds of net new jobs in the United States each year and employing more than half of all Americans, small businesses have always been a vital part of our country's economy. As outlets for creativity and ingenuity, small businesses do more than create jobs and foster growth—they represent the spirit that has always driven our Nation forward. Throughout National Small Business Week, we celebrate the irreplaceable role these enterprises play in our national life by pledging to support them and equip them with the tools and resources they need to succeed.

Across America, small businesses support economies, employ local residents, and contribute to the vibrancy of their communities. My Administration is dedicated to helping these businesses and the entrepreneurs who took a chance on turning ideas into realities. We have enacted 18 tax cuts for small businesses, and because of the Affordable

Care Act, a tax credit of up to 50 percent is available for certain small businesses to help offset the cost of insurance. And our businesses have created jobs in every month since I signed this law.

Our Nation does best when we help our startups and small businesses expand into new markets and offer goods and services to more people. Ninety-eight percent of the American companies that export are small and medium-sized businesses, but less than 5 percent of our country's small businesses export. In our 21st-century economy, it is imperative that we break down the trade barriers that too often hold small businesses back from extending their reach to those abroad to sell more goods made in the United States. Last year, we reached an agreement with 11 other nations that allows us to write the rules of our global economy and gives more of our people the fair shot at success they deserve. The Trans-Pacific Partnership will eliminate over 18,000 taxes imposed by other countries on our goods and services and level the playing field for American workers and businesses, and I look forward to working with the Congress to implement this agreement.

My Administration has taken action to ensure the Federal Government does its part to support our Nation's small businesses. During fiscal year 2015, we awarded an all-time high of more than a quarter of eligible Federal contracts to small businesses, and we made great strides in ensuring more Government contracts are given to women-owned small businesses—nearly $18 billion worth. We have launched next-generation manufacturing hubs, and we have made more online tools available to entrepreneurs to give them the resources they need to start a business in a single day—and the Startup in a Day initiative is continuing to engage with all levels of government to streamline the process of beginning a business.

Our Nation's small businesses play a critical role in generating economic prosperity, and the effort poured into them by ordinary citizens across our country reflects the hard work and determination inherent to who we are as a people. This week, we renew our support for these engines of growth and recognize their incredible contributions to our country.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 1 through May 7, 2016, as National Small Business Week. I call upon all Americans to recognize the contributions of small businesses to the competitiveness of the American economy with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9439 of April 29, 2016

National Teacher Appreciation Day and National Teacher Appreciation Week, 2016

By the President of the United States of America
A Proclamation

Our country's story, written over more than two centuries, is one of challenges, chances, and progress. As our Nation has advanced on our journey toward ensuring rights and opportunities are extended fully and equally to all people, America's teachers—from the front lines of our civil rights movement to the front lines of our education system—have helped steer our country's course. They witness the incredible potential of our youth, and they know firsthand the impact of a caring leader at the front of the classroom.

As our national narrative has progressed, we have become a more equal society, cleared paths to opportunity, and affirmed the extraordinary potential of all our people—regardless of their race, their gender, their sexual orientation, their religion, or the zip code they were born into. But there is still work to be done. If our country's story is going to reflect the diversity we draw strength from, it needs to be written by people that represent the wide range of backgrounds and origins that comprise our national mosaic, and as the next generation rises and prepares to shape that narrative, our teachers will be with them every step of the way—imparting critical knowledge and opening their minds to the possibilities tomorrow holds. In working to ensure all our daughters and sons have the chance to add their voice and perspective to America's story, our teachers help shape a Nation that better reflects the values we were founded upon.

When I took office, I did so with a bold vision to foster innovation and drive change within our education system, and to expand educational opportunities and outcomes for all America's learners. Central to that goal is our work to build and strengthen the teaching profession so our teachers are enabled and equipped to inspire rising generations. I have worked hard throughout my Presidency to make sure my Administration does its part to support our educators and our education system, but the incredible progress our country has seen—from achieving record high graduation rates to holding more students to high standards that prepare them for success in college and future careers—is thanks to the dedicated teachers, families, and school leaders who work tirelessly on behalf of our young people.

Just as we know a student's circumstances do not dictate his or her potential, we know that having an effective teacher is the most important in-school factor for student success. That is why my Administration has been committed to better recruiting, preparing, retraining, and rewarding America's teachers. Following the worst economic crisis our country has seen since the Great Depression, my Administration supported significant investments in education through the Recovery Act to keep more than 300,000 educators in the classroom. We have invested more than $2.7 billion through competitive grants to better recruit, train, support, and reward talented teachers and educators, and we have worked to make sure teachers have a strong voice and a seat at the table in the policymaking process. At the urging of the Depart-

ment of Education, all fifty States are advancing teacher equity plans to ensure that districts can support and retain educators in schools that need them most. In my State of the Union address in 2011, I announced a national goal to prepare 100,000 public school STEM teachers by 2021 to help ensure more of our young innovators can seize the opportunities of tomorrow—and I am proud that we are on track to meet that goal.

I recently signed the bipartisan Every Student Succeeds Act (ESSA), which ensures students are held to high standards that will better prepare them for college and careers. And because cookie-cutter solutions are not always effective considering the diversity of our communities and of the students in our classrooms, ESSA reflects my Administration's approach to education reform by empowering States and local decision makers, who know what their students need best, to shape their own progress with accountability. ESSA also aligns with the Testing Action Plan I announced last fall to help reduce the burden of standardized testing so educators can spend less time testing and more time teaching. This law will also allow more States and districts to support teachers and expand access to computer science, a critical skill our students need in the innovation economy.

Our future is written in schools across our country. It is likely that the first person who will go to Mars is in a classroom today. Our students are our future teachers, scientists, politicians, public servants, and parents—a generation that will steer the course we will take as a people and make possible things we have not even imagined yet. We look to the women and men standing in front of classrooms in all corners of our country—from cities to reservations to rural towns—to vest America's daughters and sons with the hard skills they will need to put their dreams within reach and to inspire them to dream even bigger. On National Teacher Appreciation Day and during National Teacher Appreciation Week, let us ensure our educators know how much we value their service in the classroom, how much we appreciate all they do for our students and families, and how thankful we are for their contributions to our national progress.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3, 2016, as National Teacher Appreciation Day and May 1 through May 7, 2016, as National Teacher Appreciation Week. I call upon students, parents, and all Americans to recognize the hard work and dedication of our Nation's teachers and to observe this day and this week by supporting teachers through appropriate activities, events, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9440 of April 29, 2016

Public Service Recognition Week, 2016

By the President of the United States of America
A Proclamation

Our Nation's progress has long been fueled by the efforts of selfless citizens who come together in service to their fellow Americans to change our country for the better. At the birth of our Nation, our Founders fought to secure a democracy that represents the people, and the civil servants who pour everything they have into making a difference are the individuals who keep that democracy running smoothly and effectively. During Public Service Recognition Week, we honor those who dedicate themselves to ensuring America's promise rings true in every corner of our country, and we recommit to upholding the values they fight for every day.

Civil servants demonstrate resolve and inspire optimism in sectors throughout our country. They are engineers and educators, military service members and social workers, and their individual and collective contributions drive us forward on the path toward an ever brighter tomorrow. Both at home and abroad, they carry forward the notion that as Americans, we are committed to looking out for one another and to working together to forge a bright future for generations to come. And the only way our Nation's civil service will remain at the forefront of our progress is for talented and patriotic young people to join in the effort of serving their fellow Americans—whether for 1 year or throughout their career.

Throughout this week, we recognize the tireless efforts of the women and men who strive to make sure ours is a government that stays true to its founding ideals. With 85 percent of Federal Government jobs located outside of the Washington, DC area, our Federal workers, together with leaders and advocates from State and local levels, play key roles in ensuring the voices of the American people are heard. And even in the toughest of circumstances, including a politics that does not always fully recognize the value of their work, our public servants—often at great personal sacrifice—continue striving to build a better country and to bring lasting change to the lives of ordinary people across America. These selfless individuals tackle great challenges facing our country. Whether leading important scientific advances, helping homeless veterans get off the street and reclaim their lives, supporting small businesses and impoverished communities, or sustaining our environment by reducing harmful pollutants emitted into our air and waterways, these often unsung heroes make vital contributions to our country and help make our founding promise real for more people.

The well-being of our people depends on the passion and dedication of our workforce, and my Administration has worked to recruit, uplift, and empower exceptional civil servants. In an effort to fully realize the belief that all of us have the capacity to make a meaningful difference and contribute to our shared success, I have directed the Office of Personnel Management to begin taking action to ''ban the box'' on most Federal job applications so we are not disqualifying people with a criminal record simply because of a mistake they made in the past. Additionally, we are implementing programs that encourage Government-

wide collaboration, giving workers a chance to lend and develop their talents across agencies and departments so our best ideas can flourish and grow to their fullest potential.

Serving the public is not just about a paycheck—it's about contributing to the steady effort to perfect our Union over time so our democracy works for everyone. This week, let us embrace the hopeful spirit that embodies the extraordinary work of our civil servants. It is the same spirit that built America, and because of the hard work of compassionate and determined public servants, it will continue to build us up for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 1 through May 7, 2016, as Public Service Recognition Week. I call upon all Americans to recognize the hard work and dedication of our Nation's public servants and to observe this week by expressing their gratitude and appreciation through appropriate activities, events, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9441 of May 4, 2016

National Day of Prayer, 2016

By the President of the United States of America
A Proclamation

In times of steady calm and extraordinary change alike, Americans of all walks of life have long turned to prayer to seek refuge, demonstrate gratitude, and discover peace. Sustaining us through great uncertainty and moments of sorrow, prayer allows us an outlet for introspection, and for expressing our hopes, desires, and fears. It offers strength in the face of hardship, and redemption when we falter. Our country was founded on the idea of religious freedom, and we have long upheld the belief that how we pray and whether we pray are matters reserved for an individual's own conscience. On National Day of Prayer, we rededicate ourselves to extending this freedom to all people.

Every day, women and men use the wisdom gained from humble prayer to spread kindness and to make our world a better place. Faith communities at home and abroad have helped feed the hungry, heal the sick, and protect innocents from violence. Nurturing communities with love and understanding, their prayer inspires their work, which embodies a timeless notion that has kept humanity going through the ages—that one of our most sacred responsibilities is to give of ourselves in service to others.

The threats of poverty, violence, and war around the world are all too real. Our faith and our earnest prayers can be cures for the fear we feel

as we confront these realities. Helping us resist despair, paralysis, or cynicism, prayer offers a powerful alternative to pessimism. Through prayer, we often gain the insight to learn from our mistakes, the motivation to always be better, and the courage to stand up for what is right, even when it is not popular.

Each of us is an author in our collective American story, and in participating in our national discourse to address some of our Nation's greatest challenges, we are reminded of the blessing we have to live in a land where we are able to freely express the beliefs we hold in our hearts. The United States will continue to stand up for those around the world who are subject to fear or violence because of their religion or beliefs. As a Nation free to practice our faith as we choose, we must remember those around the world who are not afforded this freedom, and we must recommit to building a society where all can enjoy this liberty and live their lives in peace and dignity.

On this day, may our faiths enable us to sow the seeds of progress in our ever-changing world. Let us resolve to guide our children and grandchildren to embrace freedom for all, to see God in everyone, and to remember that no matter what differences they may have, they, just like we, will always be united by their common humanity.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a ''National Day of Prayer.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2016, as National Day of Prayer. I invite the citizens of our Nation to give thanks, in accordance with their own faiths and consciences, for our many freedoms and blessings, and I join all people of faith in asking for God's continued guidance, mercy, and protection as we seek a more just world.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9442 of May 5, 2016

Military Spouse Appreciation Day, 2016

By the President of the United States of America
A Proclamation

Serving alongside our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, our Nation's military families give of themselves and give up their time with their loved ones so we may live safely and freely. Few Americans fully understand the sacrifices made by those who serve in uniform, but for spouses of service members across our country, the costs of the freedom we too often take for granted are known intimately. On Military Spouse Appreciation Day, we honor the

spouses of those who have left behind everything they know and love to join our Nation's unbroken chain of patriots, and we recommit to giving military spouses the respect, dignity, and support they deserve.

Enduring separation and relocation, heartache and anticipation, military spouses demonstrate a strength reflective of the spirit of our Nation. The spouses of our men and women in uniform bear the burden of sustaining their families, caring for children and offering comfort and support while their loved ones are away. As a country, we must keep faith with military spouses and uphold our commitment to the members of our Armed Forces to look after their families.

Five years ago, First Lady Michelle Obama and Dr. Jill Biden launched the Joining Forces initiative. Through Joining Forces, my Administration is working to ensure the spouses of our men and women in uniform have good, secure jobs so they can better provide for their families. We launched the Military Spouse Employment Partnership—uniting hundreds of businesses across America in a collaborative effort to employ more military spouses. Additionally, I proposed an increase in funding to help address the barriers that too often hold back transitioning service members and their spouses from greater economic possibility. And I have taken action to improve access to mental health care for our veterans and their families, and to ensure they are able to find adequate housing—because anyone who defended America should have a home in America. I encourage all people to visit www.JoiningForces.gov to learn how to get involved or for more information.

Military spouses exhibit tremendous courage and unyielding faith, and in their spirit of resolve, we see the best of America. Let us celebrate these selfless individuals by supporting them and upholding our everlasting commitment to stand beside them and their families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6, 2016, as Military Spouse Appreciation Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9443 of May 6, 2016

National Women's Health Week, 2016

By the President of the United States of America

A Proclamation

Throughout our history, women have contributed to shaping the course of our country—and with each generation, they have helped affirm the timeless belief that everyone deserves an equal shot at reaching for our

Nation's promise. We have achieved great progress in tearing down barriers that deny women equal opportunities, but we still have more to do to ensure that health care is a right for every American, regardless of sex or gender. This week, we recommit to ensuring equal access to high-quality care for women and to building a more prosperous, healthy future.

Ensuring women can live full and healthy lives is vital, and central to that mission is improving the quality, affordability, and accessibility of health care for women. Because of the Affordable Care Act (ACA), insurance companies can no longer charge women more than men or use preexisting conditions—including pregnancy—to deny them the care they need.

Twenty million Americans have gained health insurance since the passage of the ACA, including roughly 9.5 million women since the first open enrollment period in 2013. Under the Act, annual limits on out-of-pocket spending for essential health benefits have been established, and lifetime and annual limits on insurance coverage have been eliminated. For 55 million women, critical preventive services, including well-woman visits, certain cancer screenings, and domestic violence screenings and counseling sessions, are now guaranteed with no out-of-pocket costs. Access to preventive care can help identify and diagnose conditions early, benefiting countless women across our Nation.

The important decisions that affect a woman's health should be left to her alone. Today, efforts around our country to weaken access to contraception and to limit a woman's right to choose threaten to reverse decades of hard-won progress. It is crucial we reject actions that obstruct women's access to sexual and reproductive health services and stand firm in protecting their access to safe, affordable health care and the constitutional right to privacy, including the right to reproductive freedom.

National Women's Health Week is an opportunity to refocus our commitment to advancing women's health and ensuring a healthy future for all our Nation's women and girls. To learn more about women's health, and for health care options available for women and girls, visit www.WomensHealth.gov or www.GirlsHealth.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 8 through May 14, 2016, as National Women's Health Week. I encourage all Americans to celebrate the progress we have made in protecting women's health and to promote awareness, preventive care, and educational activities that improve the health of all women.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9444 of May 6, 2016

Mother's Day, 2016

By the President of the United States of America
A Proclamation

On Mother's Day, we celebrate those who are the first to welcome us into the world. Performing the most important work there is, mothers—biological, foster, or adoptive—are our first role models and earliest motivators. They balance enormous responsibilities and shape who we become as adults, their lessons guiding us throughout life. Regardless of sexual orientation, gender identity, or marital status, mothers have always moved our Nation forward and remained steadfast in their pursuit of a better and brighter future for their children.

Caring and loving without condition, even in our darkest moments, mothers put the interests of their kids ahead of their own. They are inspiring embodiments of strength and determined drivers of progress, and through their example, our youth learn the values of grace, empathy, and kindness. For generations, mothers have led the charge toward a freer, more inclusive country—embracing the task of ensuring our Nation upholds its highest ideals so that they, and America's daughters, know the same opportunities as America's fathers and sons.

Our country's mothers deserve our unwavering support—at home, in the workplace, and throughout our communities. I am committed to empowering working mothers so they do not have to choose between caring for their family and earning their paycheck, and I will continue fighting to ensure those who choose to become mothers are not financially punished for doing so. My Administration has pushed to expand child care and strengthen paid leave, including maternity leave. We will also keep working to close the gender pay gap—a disparity that is contrary to our values as Americans, limits the scope of mothers' futures, and affects those they provide for. And earlier this year, we launched an effort to help low-income mothers and families afford diapers—a basic necessity for babies—by bringing together online retailers, diaper manufacturers, and nonprofits to reduce the high cost of diapers.

Each of us is the son or daughter of a mother. Today, let us pay these extraordinary women the admiration and respect they deserve. And each day, let us thank them for all they have done for us, remember those whose spirits remain with us, and support those who take on the awesome mantle of motherhood.

The Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as ''Mother's Day'' and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 8, 2016, as Mother's Day. I urge all Americans to express love and gratitude to mothers everywhere, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand sixteen, and of the Inde-

pendence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9445 of May 13, 2016

Emergency Medical Services Week, 2016

By the President of the United States of America
A Proclamation

Every day across our Nation, women and men sacrifice precious time with their loved ones, working long and hard to provide emergency medical services (EMS) to people they have never met before. Often operating in the midst of trauma and heartbreak, these professionals deliver urgent and essential care, saving lives and upholding a timeless belief that defines who we are as Americans—that we all must look out for one another. This week, we recognize the daily heroism of our EMS professionals at all levels, and we express our gratitude for their efforts to keep us healthy and safe.

Embodying the grit, compassion, and courage that has driven our Nation forward since its founding, our emergency medical technicians, paramedics, 911 dispatchers, nurses, physicians, EMS medical directors, firefighters, and law enforcement officers reflect a spirit of selflessness that makes us all strive to live up to their example. Their families stand beside them, enduring extraordinary anticipation and exercising sincere patience each day. As the steady anchors in an otherwise unpredictable daily routine, these families offer unwavering support for EMS practitioners—giving them the support and strength necessary to fulfill the demands of their unending work.

EMS providers brave danger and uncertainty, and their efforts deserve our most profound appreciation. We rarely know when tragedy will strike, and in our most vulnerable moments, we rely on these dedicated professionals. During Emergency Medical Services Week, let us celebrate and support the EMS professionals who demonstrate the values at the heart of the American spirit, and let us thank them for their heroic work.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 15 through May 21, 2016, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for their local EMS providers and taking steps to improve their own personal safety and preparedness.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9446 of May 13, 2016

National Defense Transportation Day and National Transportation Week, 2016

By the President of the United States of America
A Proclamation

At the core of our national character is our persistent belief in what we, as a people, can accomplish as one. Connecting every corner of our country and each chapter of our Nation's story, our infrastructure has always played a critical role in helping us solve our shared challenges and in fueling the innovation and productivity that drive our economy. On National Defense Transportation Day and during National Transportation Week, we reflect on the importance of infrastructure throughout our history, and we recognize the need to invest in these essential pathways to our future.

From the National Road envisioned by our Founders to the Interstate Highway System first authorized six decades ago, the history of infrastructure projects in our country reflects the belief that the progress made by each generation is built on the efforts of those who came before. Our investments in transportation systems have not only driven extraordinary and innovative advances, but they have also uplifted our Nation in times of great trial. Authorizing the construction of hundreds of thousands of miles of roads, the Works Progress Administration—established by President Franklin D. Roosevelt—played a major role in lifting our Nation from the depths of the Great Depression. And America would not be what it is today without structures like the Golden Gate Bridge and the Hoover Dam—defining symbols of the daring ingenuity brought about by the grit and unwavering determination of our people.

In our time, it is imperative that we carry forward this legacy by rebuilding our roads, transit lines, bridges, ports, and water systems. That is why my Administration has worked to repair and modernize our transportation infrastructure; connected more individuals, businesses, and communities across our country to high-speed broadband; and called on the Congress to commit to making the long-term investments in our infrastructure on which our country depends. And because there is no greater threat to our planet and to future generations than the peril of a changing climate, I have put forward a plan for creating a 21st Century Clean Transportation System to put us on a course to develop secure, resilient infrastructure that can reduce carbon pollution while strengthening our economy.

Our transportation systems represent important parts of our history and heritage, but they are also critical to our safety and security, and ensuring they are stable and sound for future generations is vital. Our first responders travel our roads to confront danger and save lives; aid workers travel far and wide to bring relief in the wake of tragedy and devastation; and our Armed Forces utilize transportation networks each day to protect our Nation and our values.

This year, we mark 50 years since President Lyndon B. Johnson signed the Department of Transportation Act. Embodying both optimism for the future and a clear understanding of the work needed to shape that future, the founding of the Department of Transportation reminds us

that America's progress has never been inevitable, that it has always depended on our people deciding, with boldness and vision, to renew our country's promise. In that spirit, let us reaffirm our commitment to fulfilling this tremendous task in the face of the challenges and opportunities of today and tomorrow.

In recognition of the importance of our Nation's transportation infrastructure, and of the men and women who build, operate, maintain, and utilize it, the Congress has requested, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), that the President designate the third Friday in May of each year as ''National Defense Transportation Day,'' and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), that the week during which that Friday falls be designated as ''National Transportation Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Friday, May 20, 2016, as National Defense Transportation Day and May 15 through May 21, 2016, as National Transportation Week. I call upon all Americans to recognize the importance of our Nation's transportation infrastructure and to acknowledge the contributions of those who build, operate, and maintain it.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9447 of May 13, 2016

National Hurricane Preparedness Week, 2016

By the President of the United States of America
A Proclamation

Each May, Americans set aside a week to raise awareness of the threat posed by hurricanes—storms that can devastate communities, neighborhoods, and local economies. The high winds, heavy rains, lightning, and tornadoes that can come with these powerful storms cause serious damage, but with proper preparation we can ensure the safety of ourselves and our loved ones. During National Hurricane Preparedness Week, we take deliberate action to safeguard our communities and work together to improve our resilience to hurricanes.

Our Nation is better prepared than ever before for today's storms. Our technology, forecasting, and models have improved, and we have new ways of disseminating vital warnings and storm-tracking information. Still, it is never too early to prepare for a potential disaster. I urge all Americans to visit www.Ready.gov and www.Hurricanes.gov/prepare to find key information on building an emergency supply kit and knowing what to do when disaster strikes. By having a plan ready, with ideas about how to respond to warnings, you can help avoid tragedy befalling you and your loved ones. Our communities are not resilient unless individuals have taken proper precautions.

Hurricane intensity and rainfall are projected to increase as a result of climate change. My Administration is dedicated to ensuring our resilience in response to these climate change-related impacts. We are working with the Congress, the private sector, and communities across America to build climate-resilient infrastructure, and we are cutting red tape to help those in need of recovery assistance better navigate the environmental reviews necessary to ensure a rapid and resilient recovery. The Federal Government is coordinating with State and local governments to ensure their climate action plans are up to date and to mitigate the worst effects of hurricanes—including through making buildings more resilient, home elevations, and improving drainage—so people are in a better position to avoid loss, damage, and interruption of critical services, and so our communities are in a better position to recover from storms. As a country, we continue to make strides in achieving the National Preparedness Goal of a secure and resilient Nation with the capabilities required across communities to prevent, protect against, mitigate, respond to, and recover from threats and hazards that pose the greatest risk.

This past summer, our Nation commemorated the 10th anniversary of Hurricane Katrina—a tragedy that claimed the lives of more than 1,800 of our fellow Americans. We all have a responsibility to step up and take action to protect our Nation from such devastating disasters. As we enter hurricane season, let us renew our commitment to that responsibility, and let us unite in common purpose to safeguard our communities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 15 through May 21, 2016, as National Hurricane Preparedness Week. I call upon government agencies, private organizations, schools, media, and residents in the areas of our Nation vulnerable to hurricanes to share information about preparedness and response to help save lives and protect their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9448 of May 13, 2016

Peace Officers Memorial Day and Police Week, 2016

By the President of the United States of America
A Proclamation

For generations, the brave women and men of our Nation's law enforcement have answered the call to serve and protect our communities. Enduring long shifts in dangerous and unpredictable circumstances, our Nation's peace officers embody the courage and honor that represent the best of America. On Peace Officers Memorial Day and during Police Week, we express our gratitude for the selfless pub-

lic servants who wear the badge and put themselves in harm's way to keep us safe, and we pay respect for those who lost their lives in the line of duty.

In moments of danger and desperation, the first people we turn to are law enforcement officers. These often unsung heroes risk their lives and sacrifice precious time with loved ones so their fellow Americans can live in peace and security. But more than that, they are leaders in their communities, serving as mentors, coaches, friends, and neighbors—working tirelessly each day to ensure that the people they serve have the opportunities that should be afforded to all Americans. In honor of all they do, we must give these dedicated professionals the support and appreciation they deserve.

My Administration continues to work to ensure police departments and other law enforcement agencies throughout our country have the resources required to hire, train, and retain officers, provide officers with modern and necessary equipment, and utilize technology to enhance their communication networks. And our Federal law enforcement officers regularly partner with their State and local counterparts to address some of our Nation's most difficult problems. We know that strong community bonds are essential for law enforcement to do their jobs effectively. I established a Task Force on 21st Century Policing, bringing together law enforcement, academia, youth, civil rights, and community leaders to provide concrete recommendations to enhance public safety while building community trust. Law enforcement officials care deeply about their communities, and together with our partners in law enforcement, we must work to build up our neighborhoods, prevent crime before it happens, and put opportunity within reach for all our people.

Because each fallen peace officer is one too many, I proudly signed the Rafael Ramos and Wenjian Liu National Blue Alert Act last year—bipartisan legislation that establishes a national ''Blue Alert'' communications network to disseminate information about threats to officers. The legislation seeks to ensure that appropriate steps can be taken as quickly as possible to provide for an officer's safety. I also announced new, commonsense gun safety reforms to help keep guns out of the wrong hands and emphasized that the already dangerous job of an officer is far more dangerous than it should be because it remains too easy for criminals and people who are a danger to others or themselves to have access to guns.

It takes a special kind of courage to be a peace officer. Whether deputies or detectives, tribal police or forest service officers, beat cops or Federal agents, we hold up those who wear the badge as heroes. Though they too often spend their days witnessing America at its worst, in their extraordinary examples, we see America at its best. On this day and throughout this week, let us celebrate those who nobly serve each day—and remember those who made the ultimate sacrifice—to move our world toward a more just and safe tomorrow. May we carry forward their brave and selfless spirit as we keep working together to shape a future worthy of their commitment.

By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of

each year as ''Peace Officers Memorial Day'' and the week in which it falls as ''Police Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 15, 2016, as Peace Officers Memorial Day and May 15 through May 21, 2016, as Police Week. I call upon all Americans to observe these events with appropriate ceremonies and activities. I also call on the Governors of the United States and its Territories, and appropriate officials of all units of government, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9449 of May 13, 2016

World Trade Week, 2016

By the President of the United States of America

A Proclamation

The United States of America cannot afford to sit on the sidelines of the global economy. With over 95 percent of our Nation's potential customers living outside our borders, trade agreements are a vital part of our agenda for creating jobs and growing our economy—and smart trade agreements that level the playing field for American workers and businesses are a vital piece of middle-class economics. During World Trade Week, we reaffirm the importance of global trade, and we redouble our efforts to pursue trade deals that reflect American values and give our people a fair shot at success.

America's small businesses employ more than half of all Americans, and they represent 98 percent of our Nation's exporters. I am committed to a trade agenda that includes strong, enforceable provisions in our agreements that help our businesses—large and small—support higher-paying jobs and ship products stamped ''Made in the USA'' around the world. My Administration has ramped up enforcement of our trade laws like never before. Last year, I renewed and expanded the Trade Adjustment Assistance program, providing job training and other assistance to American workers. And earlier this year, I signed bipartisan legislation that helps us enforce our trade agreements—helping ensure that other countries play by the rules.

Some of our greatest economic opportunities abroad are in the Asia-Pacific region. For more than 5 years, the United States negotiated a new, forward-looking trade deal that puts workers first and ensures we write the rules of the road for trade in the 21st century. The Trans-Pacific Partnership (TPP) brings 12 countries representing nearly 40 percent of the global economy together to trade and invest in the Asia-Pacific—one of the world's fastest growing regions. The TPP includes fully enforceable provisions that ensure a free and open Internet, re-

spect intellectual property rights, protect the environment, and uphold worker rights. It eliminates more than 18,000 taxes imposed by other countries on American products, and it bolsters our leadership abroad while supporting good jobs here at home. The United States signed TPP this year, and I will continue working with the Congress to enact it as soon as possible.

The largest trade and investment relationship in the world is between the United States and the European Union—yet too many barriers remain in the way of even greater trade and investment between us. That is why, together, we have moved forward with the Trans-Atlantic Trade and Investment Partnership (T–TIP), which will eliminate tariffs, simplify procedures, bridge differences in regulations, and cut red tape. T–TIP also enforces strong standards, and it will reinforce our larger trans-Atlantic relationship—the foundation of our prosperity and security since World War II.

Our global economy's growth is fueled by trade. While understandable skepticism exists about trade, particularly in places that have been hit hard by trade deals of the past, we cannot ignore the realities of the new economy. Rather, we must set the highest standards for our trade agreements, enforce the commitments and obligations of our trading partners, and help write the rules of the road for trade in the 21st-century global economy, as we have done with TPP and will do through T–TIP. And we must continue to harness the dynamism and entrepreneurship inherent to who we are as a people and enable Americans to sell the best products and ideas in the world to every corner of the world. This week, let us renew our commitment to that mission and work together toward a future of greater opportunity for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 15 through May 21, 2016, as World Trade Week. I encourage all Americans to visit www.WhiteHouse.gov/Trade and to observe this week with events, trade shows, and educational programs that celebrate and inform Americans about the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9450 of May 18, 2016

National Hepatitis Testing Day, 2016

By the President of the United States of America
A Proclamation

In the United States, hepatitis A, B, and C are the most common types of viral hepatitis—affecting between 3.5 and 6.9 million people and claiming the lives of thousands of our fellow Americans each year. Because of the persistent efforts of researchers, advocates, and so many

others in the medical and public health communities, we have made great strides in advancing treatment of and finding cures for viral hepatitis. Individuals living with hepatitis B and C can only benefit from these advances if they are tested and made aware of their disease. On National Hepatitis Testing Day, we reaffirm the importance of educating people about viral hepatitis, and we encourage individuals at risk for hepatitis B and hepatitis C to get tested.

More than half of Americans living with viral hepatitis are unaware of their infection status. This lack of awareness contributes to an increasing number of infections and deaths that could be prevented by people receiving the care and treatment they need. When left undiagnosed and untreated, viral hepatitis can cause serious damage to the liver—it is the leading cause of liver cancer and the most common reason for liver transplantation. Symptoms of viral hepatitis can go undetected for many years, which is why it is important to receive vaccines for hepatitis A and B, and blood tests for hepatitis B and C—measures that can be life-saving for those living with this disease. I urge all Americans to visit www.CDC.gov/Hepatitis for more information.

Prevention and early detection are key to combating viral hepatitis, and my Administration remains dedicated to ensuring all Americans have access to the quality, affordable health care they deserve. The Affordable Care Act requires coverage of recommended services that can help prevent, detect, and treat viral hepatitis—including viral hepatitis vaccinations and testing. In addition, the Act prohibits insurers from denying coverage to anyone with a preexisting condition, like viral hepatitis. We have also released a roadmap for ensuring our Federal efforts to address viral hepatitis are coordinated and focused on making more people living with viral hepatitis aware of their status. The Action Plan for the Prevention, Care, and Treatment of Viral Hepatitis, available at www.HHS.gov/Hepatitis, spans more than 20 Federal entities and it moves us toward increasing the number of people who are aware of their infection status, reducing the number of new cases of hepatitis C, and eliminating the transmission of hepatitis B between mother and child.

I have proposed funding to support a new initiative aimed at expanding testing and access to treatment of hepatitis C for people living with HIV and to advance efforts to eliminate hepatitis C transmission and deaths. Those living with HIV are more vulnerable to viral hepatitis infections, and African Americans, Asian Americans and Pacific Islanders, and American Indians and Alaska Natives are also disproportionately affected. Viral hepatitis infections, particularly among young people, can be reduced by addressing the heroin epidemic and abuse of prescription opioids—a priority for my Administration—and by ensuring that individuals who inject drugs have access to treatment services for HIV, viral hepatitis, and substance use disorders. We have taken action to expand access to treatment and increase community prevention strategies so more Americans can get the help they need.

On this day, let us rededicate ourselves to ensuring all people with viral hepatitis know their infection status and have access to necessary care and resources. Let us honor those we have lost too soon, and let us recognize the many individuals working tirelessly to address this disease, develop treatments, and save lives.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 19, 2016, as National Hepatitis Testing Day. I encourage citizens, Government agencies, non-profit organizations, and communities across the Nation to join in activities that will increase awareness about viral hepatitis and the need for expanded testing.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9451 of May 20, 2016

National Safe Boating Week, 2016

By the President of the United States of America

A Proclamation

Each year, as summer approaches and warmer weather draws crowds to our Nation's beaches, lakes, and rivers, we set aside a week to recognize the importance of taking boating safety precautions before taking to the water. Throughout National Safe Boating Week, we recognize the risks associated with one of our country's favorite pastimes and encourage everyone to apply safe boating practices.

Safe boating practices should be observed prior to leaving land—no matter the length of the trip, the type of boat, or the size of the body of water. Boaters can reduce risks and enhance their safety by enrolling in a boating safety course. Vessels should be thoroughly examined, float plans should be prepared, and current laws and regulations should be known prior to embarking on a journey on the water. I encourage everyone to visit www.USCGBoating.org to find resources, learn more about responsible boating, or apply for a free vessel safety check. When boat operators and their passengers exercise caution when boating—including by wearing life jackets at all times and avoiding consumption of drugs and alcohol—accidents can be avoided, lives can be saved, and everyone can have a safe and enjoyable experience.

This week, we also recognize the men and women of the United States Coast Guard who dedicate themselves to protecting our Nation's waterways and assisting those at sea. As we continue to take advantage of our country's beautiful bodies of water, let us recommit to ensuring water safety and exercising appropriate boating procedures.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period prior to Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 21 through May 27, 2016, as National Safe Boating Week. I encourage all Americans who partici-

pate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating education.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9452 of May 20, 2016

Armed Forces Day, 2016

By the President of the United States of America

A Proclamation

The Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who comprise our Armed Forces have defended our Nation and the values for which we stand for generations, answering the call to give up the comforts of civilian life, do whatever it takes to keep us safe, and go wherever they are needed. On Armed Forces Day, we offer our most profound gratitude to the patriots—at home and abroad—who have risked their lives so our people can live knowing the fullest measure of freedom and security.

With courage and honor, our men and women in uniform embody the everlasting responsibility we have to each other and to future generations by giving of themselves to ensure the preservation of our Republic and secure peace throughout the world. It is because of them and the values they represent that people across the globe look to the United States of America in moments of desperation and despair. For the relief they offer, the stability they provide, and the hope they inspire, we owe our service members an extraordinary debt—one we will never stop working to repay.

Our country's strength is measured by how we support and take care of our troops. Humbled by the sacrifices they make—and by the strength of their families—we stand in support of those who don our uniform and strive to ensure they have every opportunity to pursue the American dream they defend. They give their best for America, and they deserve the best from us. On this day, let us salute these brave Americans and all those who laid down their lives for our safety, and each day, let us remember that we live knowing liberty because of our Armed Forces.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for encouraging the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the United States and its Territories, and appropriate officials of all units of government, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic leaders, and organizations to join in the observance of Armed Forces Day.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops and their families.

Proclamation 9283 of May 15, 2015, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9453 of May 20, 2016

National Maritime Day, 2016

By the President of the United States of America

A Proclamation

Since America's founding, proud mariners have selflessly dedicated themselves to protecting and advancing our interests—here at home and around the world. The patriots of the United States Merchant Marine have long served as our Nation's ''fourth arm of defense,'' safeguarding the ideals that have guided our country for more than two centuries. They facilitate the transport and trade of American goods, and they put their lives on the line in times of war. On National Maritime Day, we honor our Merchant Mariners and celebrate their irreplaceable role in shaping our Nation's narrative.

Whether in still or raging waters, Merchant Mariners are fundamental to guaranteeing the delivery of essential goods to far-reaching corners of our globe. These seafarers have bravely faced threats at home and abroad—including combatants and pirates, disease outbreaks and natural disasters—and they consistently heed the call to serve their fellow Americans. In World War II, their ships carried troops and much-needed support to the battlefield, thousands making the ultimate sacrifice. They were among the first to see battle, and many were among the last to return home to our shores.

Carrying forward a legacy that spans generations, the United States Merchant Marine is vital to our Nation's economic security as well. Their transportation of vital cargo has impacts far beyond America's borders, generating trillions of dollars of economic activity each year. And when our entrepreneurs decide to embark on new ventures across oceans, mariners stand by and protect their pursuit of the American dream through tireless work to cultivate safe and open waterways. On

this day, and every day, let us express our sincere gratitude to these courageous men and women for all they do for our Nation, and let us reaffirm our commitment to support them as they continue to uphold their proud tradition of service.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day,'' and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 22, 2016, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on this day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9454 of May 26, 2016

Prayer for Peace, Memorial Day, 2016

By the President of the United States of America

A Proclamation

With courage and a love of country that knows no limits, America's men and women in uniform exemplify patriotism at its core—stepping into harm's way to protect our people and to safeguard the ideals that have long sustained our democracy. Those who serve under the stars and stripes embody the highest form of citizenship, and on Memorial Day, we pay solemn tribute to those brave Americans who laid down their lives to defend our freedom.

Since America's earliest days, proud patriots have forged a safer, more secure Nation, and though battlefields have changed and technology has evolved, the selflessness of our service members has remained steadfast. They have stepped forward when our country was locked in revolution and civil war; fought threats of fascism and terrorism; and led the way in securing peace and stability around the globe. They have sacrificed more than most of us could ever imagine—not for glory or gratitude, but for causes greater than themselves. In the children who replicate their courage and strength, in the spouses and partners who forever seek to mend their broken hearts, and in the parents who mourn the absence of the sons and daughters they raised, we are reminded of our enduring commitment to do right by our fallen warriors and their families.

Those who gave their last full measure of devotion for the values that bind us as one people deserve our utmost respect and gratitude. In recognizing those who made the ultimate sacrifice, we pledge to never stop working to fulfill our obligations to all members of our Armed

Forces so they know we stand beside them every step of the way—not just when we need them, but also when they need us.

Today, and every day, let us remember the servicemen and women we have lost, and let us honor them by rededicating ourselves to strengthening our Nation's promise. With love, grace, and reflection, let us honor our fallen fellow Americans, known and unknown, who sacrificed their freedom to ensure our own.

In honor of all of our fallen service members, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Memorial Day, May 30, 2016, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time during which people may unite in prayer.

I also ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day. I request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9455 of May 31, 2016

African-American Music Appreciation Month, 2016

By the President of the United States of America

A Proclamation

A vital part of our Nation's proud heritage, African-American music exemplifies the creative spirit at the heart of American identity and is among the most innovative and powerful art the world has ever known. It accompanies us in our daily lives, and it has rung out at turning points in our history and demonstrated how our achievements as a culture go hand-in-hand with our progress as a Nation. During African-American Music Appreciation Month, we honor the artists who, through this music, bring us together, show us a true reflection of our-

selves, and inspire us to reach for the harmony that lies beyond our toughest struggles.

Songs by African-American musicians span the breadth of the human experience and resonate in every corner of our Nation—animating our bodies, stimulating our imaginations, and nourishing our souls. In the ways they transform real stories about real people into art, these artists speak to universal human emotion and the restlessness that stirs within us all. African-American music helps us imagine a better world, and it offers hope that we will get there together.

This month, we celebrate the music that reminds us that our growth as a Nation and as people is reflected in our capacity to create great works of art. Let us recognize the performers behind this incredible music, which has compelled us to stand up—to dance, to express our faith through song, to march against injustice, and to defend our country's enduring promise of freedom and opportunity for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2016 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and foster appreciation of music that is composed, arranged, or performed by African Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9456 of May 31, 2016

Great Outdoors Month, 2016

By the President of the United States of America
A Proclamation

Every day, Americans draw inspiration from the landscapes and outdoor spaces that surround us and connect us with our heritage and with one another. People have lived off of these lands and waters throughout history, and today, they continue to enrich our national experience. In June, we celebrate America's natural and cultural treasures and rich bounty of resources, and we recommit to upholding our responsibility, as those who came before us did, to ensure they are sustained for those who will inherit them.

From dense forests and vast deserts to lakes and rivers teeming with wildlife, our National Parks and other public spaces belong to all of us. That is why I have sought to protect places that are culturally and historically significant and that reflect the story of all our people. My Administration has also worked hard to ensure that everyone has the chance to easily visit and enjoy these spectacular areas. All Americans can explore the parks and monuments we share as our birthright, in-

cluding through the ''Find Your Park'' campaign, which my Administration established to help connect people from all walks of life with new outdoor destinations and experiences. We also established the ''Every Kid in a Park'' initiative, offering free access to our National Parks and other public lands and waters for an entire year to fourth grade students and their families. And by increasing funding for the 21st Century Conservation Service Corps, we are striving to give more Americans hands-on opportunities to restore, enhance, and give back to the outdoor spaces that have given us so much.

Our experiences in nature remind us how fragile our ecosystems can be and of our obligation to protect them. That is why I am proud to have set aside more than 265 million acres of public lands and waters—more than any President in our history—and why my Administration has taken unprecedented action to tackle climate change. The planet and its natural beauty are changing as rising temperatures fuel the melting of glaciers and the increasing intensity of extreme weather events, including longer wildfire seasons and deeper droughts, and as seas rise, coastal communities face greater threats from flooding and eroding shorelines. It is within our power to address the peril of climate change, and we must act before it is too late.

During Great Outdoors Month, let us enjoy our Nation's natural bounty, whether in reflective solitude or in the energizing company of friends and family. As we rediscover the beauty of the outdoors—in our own backyards, along distant trails, or in the shadows of towering mountains—let us rededicate ourselves to preserving nature's splendor for future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2016 as Great Outdoors Month. I urge all Americans to explore the great outdoors and to uphold our Nation's legacy of conserving our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9457 of May 31, 2016

Lesbian, Gay, Bisexual, and Transgender Pride Month, 2016

By the President of the United States of America

A Proclamation

Since our founding, America has advanced on an unending path toward becoming a more perfect Union. This journey, led by forward-thinking individuals who have set their sights on reaching for a brighter tomorrow, has never been easy or smooth. The fight for dignity and equality for lesbian, gay, bisexual, and transgender (LGBT) people is re-

flected in the tireless dedication of advocates and allies who strive to forge a more inclusive society. They have spurred sweeping progress by changing hearts and minds and by demanding equal treatment—under our laws, from our courts, and in our politics. This month, we recognize all they have done to bring us to this point, and we recommit to bending the arc of our Nation toward justice.

Last year's landmark Supreme Court decision guaranteeing marriage equality in all 50 States was a historic victory for LGBT Americans, ensuring dignity for same-sex couples and greater equality across State lines. For every partnership that was not previously recognized under the law and for every American who was denied their basic civil rights, this monumental ruling instilled newfound hope, affirming the belief that we are all more free when we are treated as equals.

LGBT individuals deserve to know their country stands beside them. That is why my Administration is striving to better understand the needs of LGBT adults and to provide affordable, welcoming, and supportive housing to aging LGBT Americans. It is also why we oppose subjecting minors to the harmful practice of conversion therapy, and why we are continuing to promote equality and foster safe and supportive learning environments for all students. We remain committed to addressing health disparities in the LGBT community—gay and bisexual men and transgender women of color are at a particularly high risk for HIV, and we have worked to strengthen our National HIV/AIDS Strategy to reduce new infections, increase access to care, and improve health outcomes for people living with HIV.

Despite the extraordinary progress of the past few years, LGBT Americans still face discrimination simply for being who they are. I signed an Executive Order in 2014 that prohibits discrimination against Federal employees and contractors on the basis of sexual orientation or gender identity. I urge the Congress to enact legislation that builds upon the progress we have made, because no one should live in fear of losing their job simply because of who they are or who they love. And our commitment to combatting discrimination against the LGBT community does not stop at our borders: Advancing the fair treatment of all people has long been a cornerstone of American diplomacy, and we have made defending and promoting the human rights of LGBT individuals a priority in our engagement across the globe. In line with America's commitment to the notion that all people should be treated fairly and with respect, champions of this cause at home and abroad are upholding the simple truth that LGBT rights are human rights.

There remains much work to do to extend the promise of our country to every American, but because of the acts of courage of the millions who came out and spoke out to demand justice and of those who quietly toiled and pushed for progress, our Nation has made great strides in recognizing what these brave individuals long knew to be true in their hearts—that love is love and that no person should be judged by anything but the content of their character. During Lesbian, Gay, Bisexual, and Transgender Pride Month, as Americans wave their flags of pride high and march boldly forward in parades and demonstrations, let us celebrate how far we have come and reaffirm our steadfast belief in the equal dignity of all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim June 2016 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9458 of May 31, 2016

National Caribbean-American Heritage Month, 2016

By the President of the United States of America
A Proclamation

The dynamism and diversity of Caribbean Americans have contributed to our Nation's story in extraordinary ways. Millions of people in the United States are connected to our Caribbean neighbors through ties of commerce and family—a relationship reinforced by the values and history we hold in common. During National Caribbean-American Heritage Month, we celebrate the contributions of our Caribbean-American brothers and sisters, and we reflect on how they have bolstered our country and enriched our traditions.

The bonds between the United States and the Caribbean remain strong. Both rooted in similar legacies—of trial and triumph, oppression and liberation—our narratives have advanced on a similar path of progress, driven forward by our shared dedication to fostering opportunity and forging a brighter future. Caribbean Americans excel in our universities, inspire us as athletes and musicians, guide us as community and government leaders, and keep us safe through dedicated service in our Armed Forces.

The United States is committed to working with the nations of the Caribbean to advance security, liberty, and prosperity. That is why we have begun a new chapter in our relationship with Cuba—extending a new hand of friendship to the Cuban people that offers fresh hope for both our futures and will improve the lives of those living in both our countries. My Administration also introduced the 100,000 Strong in the Americas initiative to provide higher education exchanges to students across the Western Hemisphere, and we launched the Young Leaders of the Americas Initiative to address persistent opportunity gaps in the Americas and to give emerging entrepreneurs and civil society leaders the resources they need to reach their full potential. In harnessing the spirit and boldness of young people in the Caribbean and throughout the Americas, and in channeling their creativity and innovation, we can continue to build on the progress we have made. And by carrying out Jamaican-American poet Claude McKay's call to ''strive on to gain the height although it may not be in sight,'' we can enable more young people, here at home and throughout the Caribbean, to reach for the change that is within their grasp.

The legacy of Caribbean Americans is one of tenacity and drive; it reminds us that in America, with faith and determination, anything is possible. This month, let us honor the resilient heritage and rich history of Caribbean Americans, and let us reflect upon the diversity of experiences that unites us as a people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2016 as National Caribbean-American Heritage Month. I encourage all Americans to celebrate the history and culture of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9459 of May 31, 2016

National Oceans Month, 2016

By the President of the United States of America

A Proclamation

Covering more than 70 percent of the earth's surface, oceans have a profound impact on our way of life. Home to a great diversity of plant and animal species, their precious ecosystems provide food and energy that are integral to our survival. In bringing tourism and recreation to coastal areas, oceans are important to America's economy, and they help facilitate trade and transportation, give mobility to our Armed Forces, and preserve our Nation's maritime heritage. In observation of National Oceans Month, we recommit to good ocean stewardship and redouble our efforts to preserve the health and resilience of our vast oceans, coasts, and Great Lakes.

Jeopardizing marine populations and degrading oceanic habitats, pollution poses a significant risk to all of our interconnected oceans. Oceans and their nearby regions are also highly vulnerable to the effects of a changing climate—a once-distant threat that is now very present and is affecting ecosystems and shoreline communities on every coast. Rising sea levels, coastal storms, and a growing risk of erosion and flooding are looming realities faced by seaside towns. It is critical that we take measures to safeguard our blue planet and heed the urgency to defend against these mounting threats, particularly in the Arctic where the effects of a changing climate are already swiftly accelerating.

In collaboration with stakeholders; scientists; businesses; and State, tribal, and local partners, my Administration is continuing to implement the National Ocean Policy, a coordinated effort to support local communities, strengthen our ocean economy, and improve the health of our oceans. We are concentrating on key areas outlined in our 2016 Annual Work Plan, including combatting illegal, unregulated, and unreported fishing and monitoring significant changes in the acidity of our oceans. We are also focused on reducing the toxic effects of harm-

ful algal blooms, which occur when algae grow too rapidly and threaten the safety of our food, drinking water, and air quality. Using the science-based roadmap laid out in the National Ocean Policy, we are dedicated to enhancing the economic and ecological sustainability of our oceans and advancing our knowledge of how they influence and are influenced by human activity.

This month, let us continue the work of ensuring the well-being of these grand bodies of water and the communities that depend on them. As we celebrate the immense beauty and power of our oceans, we are reminded of our shared responsibility to protect them—now and for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2016 as National Oceans Month. I call upon Americans to take action to protect, conserve, and restore our oceans, coasts, and Great Lakes.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9460 of June 10, 2016

Flag Day and National Flag Week, 2016

By the President of the United States of America
A Proclamation

Two hundred and forty years ago, a small band of patriots declared independence, proclaiming in one voice that we are free to determine our own destiny and carry out the work of self-governance. Driven by their unyielding spirit and drawing inspiration from the Stars and Stripes, a string of 13 Colonies later expanded to become a united 50 States. Throughout our history, the American flag has steadfastly served as an emblem of this great experiment in democracy. On Flag Day and during National Flag Week, we pledge our allegiance to the banner that has served as a guiding symbol on our Nation's journey, and we celebrate the hope it inspires in the American people.

With hands over hearts, Americans of all backgrounds and beliefs have long saluted Old Glory and honored its legacy. Our flag persists as a powerful representation of freedom and opportunity. Waving high above capitol buildings and courthouses, military bases and embassies across the globe, and on the distant surface of the moon, it calls on each of us to remember our obligations to the Republic for which it stands and to carry forward the unwavering optimism that defines us. America endures because of the courage of servicemen and women who serve under this standard, and our veterans are forever draped in the red, white, and blue when they are laid to rest. Wherever the flag lies or flies, its message is clear: We rise and fall together, as one Nation and one people.

The American flag invokes pride in our citizens and hope in those who come to our shores in search of a brighter tomorrow. In recognition of the ways it has embodied our ideals and sustained our Nation, let us pay tribute to the Star Spangled Banner and continue striving to create a more perfect and indivisible Union—with liberty and justice for all.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as ''Flag Day'' and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President annually issue a proclamation designating the week in which June 14 occurs as ''National Flag Week'' and call upon citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim June 14, 2016, as Flag Day and the week beginning June 12, 2016, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during that week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9461 of June 12, 2016

Honoring the Victims of the Attack in Orlando, Florida

By the President of the United States of America

A Proclamation

As a mark of respect for the victims of the act of hatred and terror perpetrated on Sunday, June 12, 2016, in Orlando, Florida, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, June 16, 2016. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9462 of June 15, 2016

World Elder Abuse Awareness Day, 2016

By the President of the United States of America
A Proclamation

Too often, elder abuse, neglect, and exploitation threaten the livelihoods of older individuals and erode their extraordinary potential. One in ten seniors in America experiences mistreatment or abuse—including domestic and sexual violence—and because these incidents are vastly underreported, only a limited number of victims are able to get the help they need. Today, we join our international partners in renewing our commitment to combat and raise awareness of elder abuse, and in striving to ensure security and dignity for all seniors.

Worldwide, millions of people—predominantly women—experience different forms of elder abuse, including physical, emotional, and sexual abuse. Theft, fraud, and other types of financial exploitation also affect seniors across socioeconomic lines, and neglect and abandonment can cause great harm to vulnerable older individuals. My Administration is dedicated to addressing this serious problem by providing care to survivors of abuse, transforming our Nation's criminal justice systems to better understand elder abuse as a criminal issue, and increasing public awareness of warning signs and prevention strategies. Additionally, because the majority of elder abuse victims are women, we are working to support women domestically and abroad and to combat gender-based violence around the world.

One of the best measures of a country is how it treats its older citizens. My Administration is devoted to strengthening Medicare, Medicaid, the Older Americans Act, and Social Security. Together, these programs have significantly reduced the rate of seniors living in poverty, helped older Americans access health care and quality care services, and allowed older Americans to remain independent as they age. The Elder Justice Act, enacted as part of the Affordable Care Act, took new steps to address elder abuse, neglect, and exploitation and established an Elder Justice Coordinating Council through which Federal agencies are working together to address elder abuse and neglect. And our commitment to supporting survivors of all ages is reflected in the Violence Against Women Act, which dedicates Federal funds to victim service providers, law enforcement, and prosecutors working to respond to domestic and sexual violence experienced by older adults.

Last year, I was proud to host the White House Conference on Aging to identify ways we can improve the quality of life for older Americans and enable them to live in retirement with dignity. Held once a decade, this conference brought together older Americans, their families, caregivers, and advocates to focus on key issue areas, including the im-

portance of elder justice. In addition to taking new steps to expand protections against financial exploitation, assist victims of crimes, and review the science of understanding and preventing abuse through better screening tools, we have built on many of the Federal efforts already underway and are working to support aging Americans for decades to come.

On World Elder Abuse Awareness Day, let us resolve to give all people the tools and support they need to live out their golden years in peace and security. Let us fight cruelty against seniors wherever it exists, and together, let us stamp out all forms of elder abuse—here at home and across the globe.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 15, 2016, as World Elder Abuse Awareness Day. I call upon all Americans to observe this day by learning the signs of elder abuse, neglect, and exploitation, and by raising awareness about this important public health issue.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9463 of June 16, 2016

National Week of Making, 2016

By the President of the United States of America

A Proclamation

The same American spirit of innovation and entrepreneurship that has steered our Nation through the industrial and digital revolutions—and led our people to explore the depths of the oceans and the distant planets in our solar system—has enabled us to reimagine our world through new ideas and discoveries. Since our earliest days, makers, artists, and inventors have driven our economy and transformed how we live by taking risks, collaborating, and drawing on their talents and imaginations to make our Nation more dynamic and interconnected. During National Week of Making, we recommit to sparking the creative confidence of all Americans and to giving them the skills, mentors, and resources they need to harness their passion and tackle some of our planet's greatest challenges.

Today, Americans of all ages have the ability to connect and showcase their creativity through a growing maker movement. Technologies like 3D printing and desktop machine tools are rapidly lowering the costs of production; additional sources of capital such as crowdfunding are reducing barriers to getting started; and the democratization of technology is empowering more makers, helping to boost entrepreneurship and stimulate American manufacturing. Over the last 6 years, we have added over 800,000 manufacturing jobs and introduced next-generation manufacturing hubs. Just as the personal computer and the Internet

transformed our Nation over the last several decades, these new opportunities can inspire the next generation of students, innovators, and entrepreneurs to carry forward our legacy of ingenuity.

In 2014, I launched the Nation of Makers initiative to ensure more Americans of all ages and backgrounds have greater opportunities to design, build, and manufacture. My Administration is taking steps to foster ''maker mindsets'' by promoting skills like creative problem-solving, and to support the development of collaborative maker spaces so aspiring makers and manufacturers can turn their bold ideas into realities. I am proud that so many people across our country have already joined in this effort. Mayors have hosted maker roundtables and town halls; Federal agencies have worked with schools, libraries, recreation centers, and museums to create maker spaces, curricula, and tools to help students learn the design process; and private businesses and other local collaborators have empowered individuals with the entrepreneurial resources and skills they need to launch companies and sell their products.

Together we must continue to expand opportunity for generations to come by working to eliminate the digital divide and reduce existing skill and confidence gaps. We must prepare young people for the jobs of the future by equipping them with the analytical skills needed to solve problems and the computer science and hardware development skills required to power our innovation economy. It is critical that we support the types of hands-on science, technology, engineering, and math (STEM) learning experiences—in both formal and informal environments—that students encounter through making, which can help unlock their full potential and ignite their enthusiasm for the careers of tomorrow. That is why we are prioritizing investment in STEM teaching and active learning, expanding access to rigorous STEM courses like computer science, encouraging more opportunities in communities of greatest need, and working to get underrepresented students, including women and minorities, involved to increase diversity in STEM fields.

Across our country, Americans are attending all types of maker events and workshops—from studios in small towns to the streets of our Nation's capital—to share their incredible inventions and ideas with others and to inspire all of us to join in the creative process. As we celebrate the power of American ingenuity, I invite communities to build on this progress by encouraging citizens to be creators and by working together to ensure that spaces for making are available anywhere Americans live, work, play, and learn. This week, let us turn today's sketches and dreams into tomorrow's ''Made in America'' labels, and let us embrace the audacious spirit of human curiosity that is embedded in our DNA.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 17 through June 23, 2016, as National Week of Making. I call upon all Americans to observe this week with programs, ceremonies, celebrations, and activities that encourage a new generation of makers and manufacturers to share their talents, solutions, and skills.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of June, in the year of our Lord two thousand sixteen, and of the

Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9464 of June 17, 2016

Father's Day, 2016

By the President of the United States of America
A Proclamation

Blessed with the extraordinary privilege and remarkable responsibility of fatherhood, dads play vital roles in our lives—inspiring us to reach for our highest potential, lifting us up when we need it most, and helping us become the people we were meant to be. Doing right by our families is the most important job any of us will ever have. On Father's Day, we thank the wonderful fathers—and stepfathers, grandfathers, uncles, brothers, and mentors—in our lives, and we recognize the sacrifices they make to be there for us, through good times and bad.

Fathers provide the discipline, guidance, and love it takes to flourish. With persistence and patience, generosity and integrity, they build our cores and help us understand right from wrong. They are some of our earliest and strongest sources of support and encouragement, and they serve as role models and sounding boards in our youth and as we grow. From single fathers who struggle to make ends meet to surrogates who step up to be there for America's daughters and sons, these men help shoulder the greatest obligation that exists—raising the next generation. Regardless of sexual orientation, gender identity, or marital status; whether biological, foster, or adoptive; fathers teach their children the values that matter most and steer their moral compasses.

My Administration is dedicated to enacting policies that make it easier for working fathers to support their families, including paid family leave. We must promote responsible fatherhood by lifting up the fathers who do their part to be the parents and providers their children need and by rejecting any excuse for failing to meet this obligation. Too many Americans grow up without a father figure in their lives, and it is imperative that America's responsible men step up to be mentors for our young people in need of guidance. To learn more, visit www.Fatherhood.gov or www.Mentor.gov.

Being a father is about more than just having children—it is about summoning the courage to love and support them over anything else. We must always strive to be the best parents and role models we can be and commit to being present in the lives of our kids. Nothing is more precious than the moments we get to spend with our families—in conversations at the dinner table, coaching tips shouted from the sidelines, or profound experiences of learning and growing and teaching. Today, let us express our gratitude for the men who have enriched our lives and shaped our characters, and let us never stop working to show them how much they are valued and loved.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby pro-

claim June 19, 2016, as Father's Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

Proclamation 9465 of June 24, 2016

Establishment of the Stonewall National Monument

By the President of the United States of America
A Proclamation

Christopher Park, a historic community park located immediately across the street from the Stonewall Inn in the Greenwich Village neighborhood of New York City (City), is a place for the lesbian, gay, bisexual, and transgender (LGBT) community to assemble for marches and parades, expressions of grief and anger, and celebrations of victory and joy. It played a key role in the events often referred to as the Stonewall Uprising or Rebellion, and has served as an important site for the LGBT community both before and after those events.

As one of the only public open spaces serving Greenwich Village west of 6th Avenue, Christopher Park has long been central to the life of the neighborhood and to its identity as an LGBT-friendly community. The park was created after a large fire in 1835 devastated an overcrowded tenement on the site. Neighborhood residents persuaded the City to condemn the approximately 0.12-acre triangle for public open space in 1837. By the 1960s, Christopher Park had become a popular destination for LGBT youth, many of whom had run away from or been kicked out of their homes. These youth and others who had been similarly oppressed felt they had little to lose when the community clashed with the police during the Stonewall Uprising.

In the early morning hours of June 28, 1969, a riot broke out in response to a police raid on the Stonewall Inn, at the time one of the City's best known LGBT bars. Over the course of the next several days, more demonstrations and riots occurred in the surrounding neighborhood including Christopher Park. During these days, because of its strategic location across from the bar, Christopher Park served as a gathering place, refuge, and platform for the community to voice its demand for LGBT civil rights. The Stonewall Uprising is considered by many to be the catalyst that launched the modern LGBT civil rights movement. From this place and time, building on the work of many before, the Nation started the march—not yet finished—toward securing equality and respect for LGBT people.

Christopher Park and its environs have remained a key gathering place for the LGBT community. For example, on June 26, 2015, within moments of the issuance of the Supreme Court's historic ruling in *Obergefell* v. *Hodges,* LGBT people headed to Christopher Park to cele-

brate the Court's recognition of a constitutional right to same-sex marriage. A few days later, Governor Cuomo continued that celebration by officiating at the marriage of two gay men directly outside the Stonewall Inn. Within minutes of the recent news of the murders of 49 people in a nightclub in Orlando, Florida—one of the most deadly shootings in American history—LGBT people and their supporters in New York headed again to Christopher Park to mourn, heal, and stand together in unity for the fundamental values of equality and dignity that define us as a country.

Today, Christopher Park is surrounded by brick sidewalks and a nineteenth century wrought-iron fence with gated openings. Educational signs about the Stonewall Uprising are found near the large arched main entryway. Divided into two halves, the western side of the park is open to the public on a daily basis and contains a small plaza lined with brick pavers and benches. George Segal's sculpture, ''Gay Liberation,'' stands as a focal point of the plaza. The sculpture was commissioned in 1979 on the tenth anniversary of the Stonewall Uprising, and its installation in 1992 cemented Christopher Park's role as a destination for those wishing to understand the significance of the Stonewall Uprising. The eastern half of the park contains two structures erected in 1936: a statue of Civil War General Philip Sheridan, and a memorial flagstaff and plaque honoring Colonel Ephraim Elmer Ellsworth, an officer with the New York Fire Zouaves during the Civil War.

Across the street from Christopher Park is the target of the June 28, 1969, police raid, the Stonewall Inn (51–53 Christopher Street), originally built in 1843 and 1846 as two separate two-story horse stables. In 1930, the two buildings were combined into one commercial space with a new single exterior facade. In 1934, the first-floor space opened as a restaurant called Bonnie's Stonewall Inn, which served the neighborhood for over 30 years. The restaurant closed in 1966, but was reopened in 1967 as an LGBT bar called the Stonewall Inn.

The streets and sidewalks in the neighborhood surrounding Christopher Park and the Stonewall Inn are an integral part of the neighborhood's historic character and played a significant role in the Stonewall Uprising. The narrow streets bend, wrap back on themselves, and otherwise create directional havoc. In the early 1800s, the residents rejected the City's attempts to enlarge the neighborhood streets and align them with the City's grid plan, and the extension of Seventh Avenue South through the area in the early 1900s only added confusion. During the Stonewall Uprising, this labyrinthine street pattern helped the LGBT demonstrators, who knew the neighborhood, to evade riot-control police, who were not from the local precinct.

Viewed from Christopher Park's central location, this historic landscape—the park itself, the Stonewall Inn, the streets and sidewalks of the surrounding neighborhood—reveals the story of the Stonewall Uprising, a watershed moment for LGBT civil rights and a transformative event in the Nation's civil rights movement on par with the 1848 Women's Rights Convention at Seneca Falls and the 1965 Selma-to-Montgomery March for voting rights in its role in energizing a broader community to demand equal rights.

Although the 1960s were a time of social and political change that brought greater freedom to many segments of society, these new-found freedoms did not extend to members of the LGBT community. They

faced increased oppression and criminal prosecution even for being physically intimate with consensual partners. In New York City, LGBT people were frequently arrested for acts such as same-sex dancing and kissing and wearing clothes of the perceived opposite gender. In some States, adults of the same sex caught having consensual sex in their own home could receive sentences of up to life in prison or be confined to a mental institution, where they faced horrific procedures, such as shock therapy, castration, and lobotomies. LGBT Americans lived their lives in secrecy for fear of losing their jobs, being evicted from their homes, or being arrested. For LGBT people of color or living in poverty, life was especially challenging.

For over a century, Greenwich Village has attracted Americans of all kinds with an interest in political activism and nonconformity. By the 1930s, Greenwich Village was home to a significant LGBT community. Despite the aggressive anti-LGBT policies and practices that emerged in the City in the 1950s and 60s, a variety of bars, nightclubs, restaurants, hotels, and private clubs catered to an LGBT clientele. Many establishments lasted only a few months before police raided them and shut them down, a practice that intensified during mayoral election years such as 1969.

The police frequently raided LGBT bars for illegally selling alcoholic drinks to ''homosexuals.'' LGBT bars operated by organized crime syndicates often paid off members of the police force and in return received tips about when raids were planned. As part of a crackdown on LGBT bars in June 1969, the Public Morals squad of Manhattan's First Police Division raided the Stonewall Inn on June 24, 1969, confiscated its liquor, and arrested its employees. The Stonewall Inn reopened the next day. Having made only minimal impact with this raid, the police decided to plan a surprise raid for the following Friday night or Saturday morning, when the bar would be crowded.

On June 28, 1969, undercover police officers raided the Stonewall Inn around 1:15 a.m., after one of them witnessed the illegal sale of alcohol. Customers resisted the police by refusing to show identification or go into a bathroom so that a police officer could verify their sex. As police officers began making arrests, the remaining customers gathered outside instead of dispersing as they had in the past. They cheered when friends emerged from the bar under police escort, and they shouted ''Gay Power!'' and ''We Want Freedom!''. As word spread, the gathering grew in size and a riot ultimately ensued. Around 3:00 a.m., the City's riot-control force appeared, and started to push the crowd away from the Stonewall Inn. But the crowd refused to disperse. Groups of demonstrators retreated to nearby streets, only to cut back and regroup near the Stonewall Inn and Christopher Park. The riot finally abated about 4:30 a.m., but during the next week several more protests formed, and in some cases, led to new riots and confrontations with the police.

The Stonewall Uprising changed the Nation's history. After the Stonewall incident, the LGBT community across the Nation realized its power to join together and demand equality and respect. Within days of the events, Stonewall seemed to galvanize LGBT communities across the country, bringing new supporters and inspiring LGBT activists to organize demonstrations to show support for LGBT rights in several cities. One year later, the number of LGBT organizations in the country had grown from around 50 to at least 1,500, and Pride Marches were

held in a number of large cities to commemorate the Stonewall Uprising.

The quest for LGBT equality after Stonewall evolved from protests and small gatherings into a nationwide movement. Lesbian women, gay men, bisexual and transgender people united to ensure equal rights for all people regardless of their sexual orientation or gender identity. Hard-fought civil rights victories in courtrooms and statehouses across the country set the stage for victories in the Supreme Court that would have seemed unthinkable to those who rose up in Greenwich Village in June 1969. Today, communities, cities, and nations celebrate LGBT Pride Days and Months, and the number of Pride events approaches 1,000. The New York City Police Department now has an LGBT Liaison Unit to build positive relations with the LGBT community, and provides the community with expert protection when threats are identified. Most importantly, the Nation's laws and jurisprudence increasingly reflect the equal treatment that the LGBT community deserves. There is important distance yet to travel, but through political engagement and litigation, as well as individual acts of courage and acceptance, this movement has made tremendous progress toward securing equal rights and equal dignity.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in the President's discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, in 2000, the Secretary of the Interior (Secretary) designated the Stonewall Inn, Christopher Park, and portions of the surrounding neighborhood as a National Historic Landmark for its association with the Stonewall Uprising, a momentous event that inspired a national LGBT civil rights movement;

WHEREAS, for the purpose of establishing a national monument to be administered by the National Park Service, the City of New York has donated to the Federal Government fee title to the approximately 0.12-acre Christopher Park;

WHEREAS, the designation of a national monument at the site of the Stonewall Uprising would elevate its message and story to the national stage and ensure that future generations would learn about this turning point that sparked changes in cultural attitudes and national policy towards LGBT people over the ensuing decades;

WHEREAS, it is in the public interest to preserve and protect Christopher Park and the historic objects associated with it in the Stonewall National Historic Landmark;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Stonewall National Monument (monument) and, for the purpose of protecting those ob-

jects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 0.12 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan, with full public involvement and in coordination with the City, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with the monument, and (2) to interpret the monument's objects, resources, and values related to the LGBT civil rights movement. The management plan shall, among other things, set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

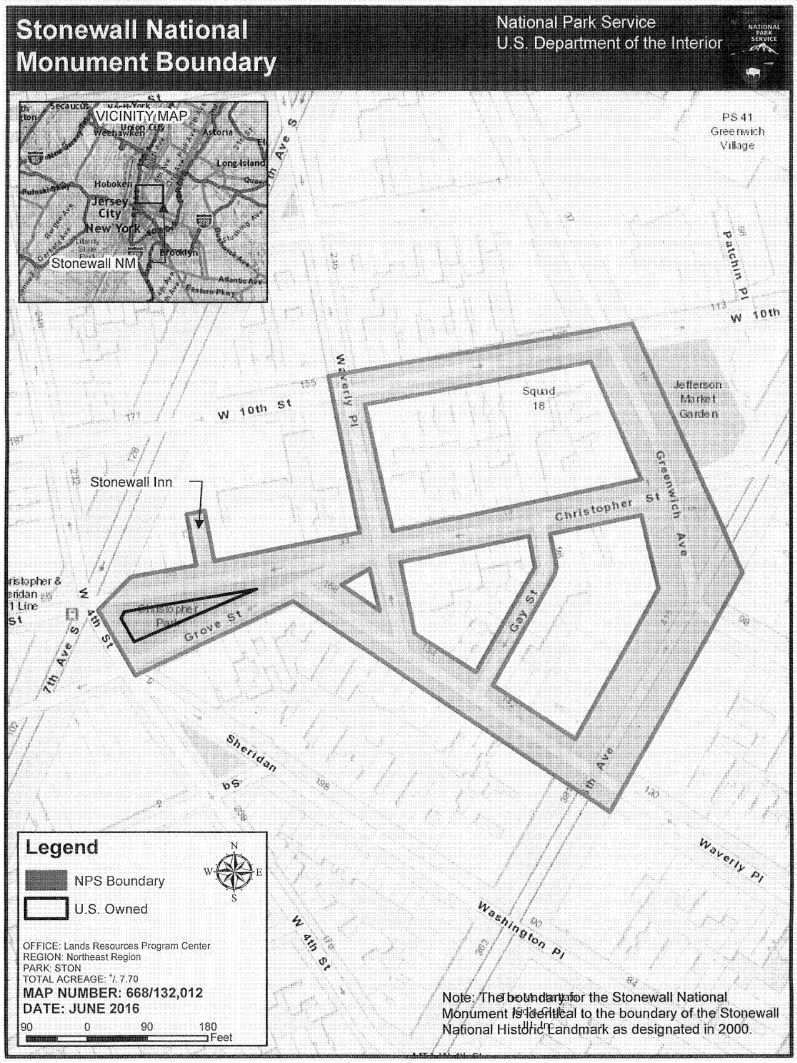
The National Park Service is directed to use applicable authorities to seek to enter into agreements with others, and the New York City Department of Parks and Recreation in particular, to enhance public services and promote management efficiencies.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA


Stonewall National Monument Boundary
National Park Service
U.S. Department of the Interior
VICINITY MAP
Stonewall NM
PS 41
Greenwich Village
Patchin Pl
W 10th
W 10th St
Waverly Pl
Squad 18
Jefferson Market Garden
Stonewall Inn
Christopher St
Greenwich Ave
Gay St
Grove St
7th Ave S
6th Ave
Sheridan Sq
Waverly Pl
Washington Pl
W 4th St
Legend
NPS Boundary
U.S. Owned
OFFICE: Lands Resources Program Center
REGION: Northeast Region
PARK: STON
TOTAL ACREAGE: 7.70
MAP NUMBER: 668/132,012
DATE: JUNE 2016
90 0 90 180 Feet
Note: The boundary for the Stonewall National Monument is identical to the boundary of the Stonewall National Historic Landmark as designated in 2000.

Proclamation 9466 of June 30, 2016

To Implement the World Trade Organization Declaration on the Expansion of Trade in Information Technology Products and for Other Purposes

By the President of the United States of America

A Proclamation

1. On July 28, 2015, the United States and other Members of the World Trade Organization (WTO) issued a Declaration on the Expansion of Trade in Information Technology Products (Declaration), which established a framework for eliminating duties on certain information and communication technology products. These products include advanced semiconductors, medical equipment, and a range of audio and video equipment. The Declaration sets forth commitments for immediate or staged elimination of duties on the covered products, expanding on duty-elimination commitments set forth in the 1996 Declaration on Trade in Information Technology Products, which the United States implemented in Proclamation 7011 of June 30, 1997.

2. On December 16, 2015, the United States and other WTO Members issued a Ministerial Declaration in which ministers endorsed the Declaration of July 28, 2015, and acknowledged that the conditions for implementation had been met.

3. Section 111(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3521(b)) authorizes the President to proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX for products in tariff categories that were the subject of reciprocal duty elimination or harmonization negotiations during the Uruguay Round, if the United States agrees to such action in a multilateral negotiation under the auspices of the WTO, and after compliance with the requirements of section 115 of the URAA (19 U.S.C. 3524). The products covered by the Declaration were the subject of reciprocal duty elimination negotiations during the Uruguay Round, and the requirements of section 115 of the URAA have been met.

4. Accordingly, pursuant to section 111(b) of the URAA, I have determined to proclaim modifications to the tariff categories and rates of duty set forth in the Harmonized Tariff Schedule (HTS), as set forth in Annexes I and II to this proclamation.

5. Section 103(a) of the Trade Preferences Extension Act of 2015 (TPEA) (Public Law 114–27) amended section 506B of the Trade Act of 1974 (the ''1974 Act'') (19 U.S.C. 2466b) and section 103(b)(1) amended section 112(g) of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3721(g)), to provide that in the case of a beneficiary sub-Saharan African country, duty-free treatment provided under title V of the 1974 Act shall remain in effect through September 30, 2025.

6. Accordingly, pursuant to section 506B of the 1974 Act and section 112(g) of the AGOA, I have determined that general note 16(c) of the HTS is modified by striking ''September 30, 2015'' and by inserting in lieu thereof ''September 30, 2025''.

7. Section 103(b)(2) of the TPEA amended section 112(b)(3)(A) of the AGOA (19 U.S.C. 3721(b)(3)(A)) to extend the regional apparel article

program and section 103(b)(3) of the TPEA amended section 112(c)(1) of the AGOA (19 U.S.C. 3721(c)(1)) to extend the third-country fabric program through September 30, 2025.

8. Accordingly, pursuant to sections 112(b)(3)(A) and 112(c)(1) of the AGOA, I have determined that chapter 98, subchapter XIX, U.S. note 2(b) of the HTS is modified by striking ''September 30, 2015'' where stated in ''through the period October 1, 2014 through September 30, 2015'' and in ''each 1-year period thereafter through September 30, 2015'' and by inserting in lieu thereof ''September 30, 2025''.

9. Section 104(c) of the TPEA authorizes the President to proclaim modifications that may be necessary to add the special tariff treatment symbol ''D'' in the ''Special'' subcolumn of the HTS for each article classified under a heading or subheading with the special tariff treatment symbol ''A'' or ''A*'' in the ''Special'' subcolumn of the HTS.

10. Accordingly, pursuant to section 104(c) of the TPEA, I have determined it is necessary to add the special tariff treatment symbol ''D'' in the HTS as set forth in Annex III to this proclamation.

11. Pursuant to sections 501 and 503(a)(1)(B) of the 1974 Act (19 U.S.C. 2461 and 2463(a)(1)(B)), the President may designate certain articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from a least-developed beneficiary developing country if, after receiving the advice of the United States International Trade Commission (Commission), the President determines that such articles are not import-sensitive in the context of imports from least-developed beneficiary developing countries.

12. Pursuant to sections 501, 503(a)(1)(B), and 503(b)(5) of the 1974 Act (19 U.S.C. 2461, 2463(a)(1)(b), and 2463(b)(5)), and after receiving advice from the Commission in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate certain articles as eligible articles when imported from a least-developed beneficiary developing country.

13. Pursuant to sections 503(b)(1)(E) and 506A(b)(1) of the 1974 Act (19 U.S.C. 2463(b)(1)(E) and 2466A(b)(1)), the President may designate certain articles as eligible for preferential tariff treatment under the AGOA when the articles are the growth, product, or manufacture of a beneficiary sub-Saharan African country if, after receiving the advice of the Commission, the President determines that such articles are not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

14. Pursuant to sections 503(b)(1)(E) and 506A(b)(1) of the 1974 Act, and after receiving advice from the Commission in accordance with section 503(e) of the 1974 Act, I have determined to designate certain articles as eligible articles when the articles are the growth, product, or manufacture of a beneficiary sub-Saharan African country.

15. Pursuant to section 503(c)(1) of the 1974 Act (19 U.S.C. 2463(c)(1)), the President may withdraw, suspend, or limit application of the duty-free treatment accorded to specified articles under the GSP when imported from designated beneficiary developing countries.

16. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined to limit the application of duty-

free treatment accorded to certain articles from certain beneficiary developing countries.

17. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) provides that beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

18. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2015 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.

19. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

20. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

21. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act (19 U.S.C. 2463(c)(2)) with respect to any eligible article from any beneficiary developing country if certain conditions are met.

22. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by waivers of the competitive need limitations provided in section 503(c)(2) of the 1974 Act, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

23. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but

not limited to section 111(b) of the URAA, section 506B of the 1974 Act, sections 112(g), 112(b)(3)(A), and 112(c)(1) of the AGOA, section 104(c) of the TPEA, and title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide for the immediate or staged elimination of duties on the information technology products covered by the Declaration, the HTS is modified as set forth in Annexes I and II to this proclamation;

(2) In order to provide that duty-free treatment provided under the AGOA shall remain in effect through September 30, 2025, general note 16(c) of the HTS is modified by striking ''September 30, 2015'' and by inserting in lieu thereof ''September 30, 2025'';

(3) In order to provide that the regional apparel article program and the third-country fabric program are effective through September 30, 2025, chapter 98, subchapter XIX, U.S. note 2 of the HTS is modified by striking ''September 30, 2015'' where stated in ''through the period October 1, 2014 through September 30, 2015'' and in ''each 1-year period thereafter through September 30, 2015'' and by inserting in lieu thereof ''September 30, 2025'';

(4) In order to provide for the addition of the special tariff treatment symbol ''D'' in the ''Special'' subcolumn where necessary in the HTS, the HTS is modified as set forth in Annex III to this proclamation;

(5) In order to designate certain articles as eligible articles only when imported from a least-developed beneficiary developing country for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in Annex IV to this proclamation;

(6) In order to designate certain articles as eligible articles only when imported from a beneficiary sub-Saharan African country for purposes of the AGOA, the Rates of Duty 1 Special subcolumn for the corresponding HTS subheadings is modified as set forth in Annex IV to this proclamation;

(7) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections A and B of Annex V to this proclamation;

(8) The modifications to the HTS set forth in Annex V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex V to this proclamation;

(9) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex VI to this proclamation, effective July 1, 2016;

(10) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex VII to this proclamation, effective July 1, 2016; and

(11) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

ANNEX I
MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the Harmonized Tariff Schedule of the United States (HTS) is modified as provided herein, with the language in tabular format inserted in the HTS columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

1. Subheadings 3215.11.00 and 3215.19.00 are deleted and the following new provisions are inserted in lieu thereof:

[3215	: Printing ink,...:]	:	:	:
	: [Printing ink:]	:	:	:
"3215.11	: Black:	:	:	:
	: Solid:	:	:	:
3215.11.10	: In engineered shapes, for insertion	:	:	:
	: into apparatus of subheadings	:	:	:
	: 8443.31, 8443.32 or 8443.39.....	: [See an-	:Free (A,AU,BH,	: 10%
	:	: nex II]	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
3215.11.30	: Other.....	: 1.8%	: Free (A,AU,BH,	: 10%
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
3215.11.90	: Other.....	: 1.8%	: Free (A,AU,BH,	: 10%
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
3215.19	: Other:	:	:	:
	: Solid:	:	:	:
3215.19.10	: In engineered shapes, for insertion	:	:	:
	: into apparatus of subheadings	:	:	:
	: 8443.31, 8443.32 or 8443.39.....	:[See an-	:Free (A,AU,BH,	: 10%
	:	: nex II]	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
3215.19.30	: Other.....	: 1.8%	: Free (A,AU,BH,	: 10%
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
3215.19.90	: Other.....	: 1.8%	: Free (A,AU,BH,	: 10%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	

2. Subheading 3506.91.00 is deleted and the following new provisions are inserted in lieu thereof:

[3506	Prepared glues...:]			
	[Other:]			
"3506.91	Adhesives based on polymers of headings 3901 to 3913 or on rubber:			
3506.91.10	Optically clear free-film adhesives and optically clear curable liquid adhesives of a kind used solely or principally for the manufacture of flat panel displays or touch-sensitive screen panels	[See annex II]	Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG)	20%
3506.91.50	Other	2.1%	Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG)	20%"

3(a). Subheading 3907.99.01 is deleted and the following new provisions are inserted in lieu thereof:

[3907	Polyacetals,...:]			
	[Other polyesters:]			
"3907.99	Other:			
3907.99.20	Thermoplastic liquid crystal aromatic polyester copolymers	[See annex II]	Free (A,AU,BH, CA,CL,CO,E,IL, JO,MA,MX,OM, P,PA,PE,SG) 3.2% (KR)	15.4¢ + 45%
3907.99.50	Other	6.5%	Free (A,AU,BH, CA,CL,CO,E,IL, JO,MA,MX,OM, P,PA,PE,SG) 3.2% (KR)	15.4¢ + 45%"

(b) The duty rates in the "Rates of Duty 1-Special" subcolumn followed by the symbol "(KR)" for subheadings 3907.99.20 and 3907.99.50 shall each be deleted at the close of December 31 on each of the following years, and the rate of duty set forth opposite each such year shall be inserted effective for goods of Korea in lieu thereof in each such subheading:

2017	2.6%
2018	1.9%
2019	1.3%
2020	0.6%
2021	Free

4(a). Subheading 3923.10.00 is deleted and the following new provisions are inserted in lieu thereof:

[3923	: Articles...:]	:	:	:
"3923.10	: Boxes, cases, crates and similar articles:	:	:	:
3923.10.20	: Specially shaped or fitted for the conveyance or	:	:	:
	: packing of semiconductor wafers, masks or	:	:	:
	: reticles of subheadings 3923.10 or 8486.90.....	:[See an-	:Free (A,AU,BH,	: 80%
	:	: nex II]	: CA,CL,CO,E,IL,	:
	:	:	: JO,MA,MX,OM,	:
	:	:	: P,PA,PE,SG)	:
	:	:	:1.5% (KR)	:
3923.10.90	: Other.....	: 3%	: Free (A,AU,BH,	: 80%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,MA,MX,OM,	:
	:	:	: P,PA,PE,SG)	:
	:	:	:1.5% (KR)	:

(b) The duty rates in the "Rates of Duty 1-Special" subcolumn followed by the symbol "(KR)" for subheadings 3923.10.20 and 3923.10.90 shall each be deleted at the close of December 31 on each of the following years, and the rate of duty set forth opposite each such year shall be inserted effective for goods of Korea in lieu thereof in each such subheading:

2017	1.2%
2018	0.9%
2019	0.6%
2020	0.3%
2021	Free

5. Chapter 84 is modified by inserting in numerical sequence the following new additional U.S. note 5:

"5. For purposes of this chapter, the expression "goods described in additional U.S. note 5 to this chapter" are multi-component integrated circuits (MCOs), comprising a combination of one or more monolithic, hybrid, and/or multi-chip integrated circuits with at least one of the following components: silicon-based sensors, actuators, oscillators, resonators or combinations thereof, or components performing the functions of articles classifiable under heading 8532, 8533, 8541, or inductors classifiable under heading 8504, formed to all intents and purposes indivisibly into a single body like an integrated circuit, as a component of a kind used for assembly onto a printed circuit board (PCB) or other carrier, through the connecting of pins, leads, balls, lands, bumps, or pads.

For the purpose of this definition :

1. "Components" may be discrete, manufactured independently then assembled onto the rest of the MCO, or integrated into other components.

2. "Silicon based" means built on a silicon substrate, or made of silicon materials, or manufactured onto integrated circuit die.

3. (a) "Silicon based sensors" consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical quantities and transducing these into electric signals, caused by resulting variations in electric properties or displacement of a mechanical structure. "Physical or chemical quantities" relates to real world phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.

(b) "Silicon based actuators" consist of microelectronic and mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of converting electrical signals into physical movement.

(c) "Silicon based resonators" are components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures in response to an external input.

(d) "Silicon based oscillators" are active components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures."

6. Subheading 8414.59 is modified by inserting in numerical sequence the following new provision, and by redesignating subheading 8414.59.60 as 8414.59.65:

[8414	:Air...:]		:	:	:
	: [Fans:]		:	:	:
[8414.59	: Other:]		:	:	:
"8414.59.15	:	Fans of a kind used solely or principally for cooling microprocessors, telecommunications apparatus, automatic data processing machines or units of automatic data processing machines.....	: Free	:	: 35%"

7. Subheading 8423.20.00 is deleted and the following new provisions are inserted in numerical sequence:

[8423	: Weighing...:]	:	:	:
"8423.20	: Scales for continuous weighing of goods on conveyors:	:	:	:
8423.20.10	: Using electronic means for gauging weights.....	: Free	:	: 45%
	:	:	:	:
8423.20.90	: Other.....	: 2.9%	:Free (A,AU,BH,	: 45%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,	:
	:	:	: SG)	:

8. Subheadings 8423.89.00 and 8423.90.00 are deleted and the following new provisions are inserted in lieu thereof:

[8423	:Weighing....:]	:	:	:
	: [Other weighing machinery:]	:	:	:
"8423.89	: Other:	:	:	:
8423.89.10	: Using electronic means for gauging.....	: Free	:	: 45%
	:	:	:	:
8423.89.90	: Other.....	: 2.9%	:Free (A,AU,BH,	: 45%
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,	:
	:	:	: SG)	:
8423.90	: Weighing machine weights of all kinds; parts of	:	:	:
	: weighing machinery:	:	:	:
8423.90.10	: Parts of weighing machinery using electronic	:	:	:
	: means for gauging weight, excluding parts of	:	:	:
	: machines for weighing motor vehicles.....	: Free	:	: 45%
	:	:	:	:
8423.90.90	: Other.....	: 2.8%	:Free (A,AU,BH,	: 45%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,	:
	:	:	: SG)	:

9. Subheading 8424.89.00 is deleted and the following new provisions are inserted in lieu thereof:

[8424	: Mechanical...:]	:	:	:
	: [Other appliances:]	:	:	:
"8424.89	: Other:	:	:	:
8424.89.10	: Mechanical appliances for projecting,	:	:	:
	: dispersing or spraying, of a kind used solely	:	:	:
	: or principally for the manufacture of printed	:	:	:
	: circuits or printed circuit assemblies.....	: Free	:	: 35%
8424.89.90	: Other.....	: 1.8%	:Free (A,AU,B,BH,	: 35%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG)	:

10. Subheading 8456.10.80 is deleted and the following new provisions are inserted in lieu thereof:

[8456	Machine...:]			
[8456.10	Operated...:]			
	"Other:			
8456.10.70	Of a kind used solely or principally for the manufacture of printed circuits, printed circuit assemblies, parts of heading 8517 or parts of automatic data processing units.....	Free		30%
8456.10.90	Other.....	2.4%	Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE, SG)	35%"

11. Subheading 8466.93.95 is deleted and the following new provisions are inserted in lieu thereof:

[8466	Parts...:]			
	[Other:]			
[8466.93	For...:]			
	[Other:]			
	[Other:]			
	[Other:]			
	"Other:			
8466.93.96	Parts and accessories of machine tool of subheadings 8456.10, 8456.30, 8457.10, 8458.91, 8459.21, 8459.61 and 8461.50, of a kind used solely or principally for the manufacture of: printed circuits, printed circuit assemblies, parts of heading 8517 or parts of automatic data processing machines.....	Free		35%
8466.93.98	Other.....	4.7%	Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	35%"

12. Subheadings 8473.10.20 through 8473.10.90 are deleted and the following new provisions are inserted in lieu thereof:

[8473	:Parts ...:]	:	:	:
[8473.10	: Parts...:]	:	:	:
"8473.10.01	: Goods described in additional U.S. note 5 to this	:	:	:
	: chapter.....	:Free	:	:45%
	:	:	:	:
	: Other:	:	:	:
	: Parts:	:	:	:
	: Of word processing machines:	:	:	:
8473.10.20	: Printed circuit assemblies.....	:Free	:	:45%
	:	:	:	:
8473.10.41	: Other.....	:Free	:	:45%
8473.10.60	: Other.....	:Free	:	:45%
8473.10.90	: Other.....	:Free	:	:45%"

13. Subheadings 8473.40.10 and 8473.40.85 are deleted and the following new provisions are inserted in lieu thereof:

[8473	:Parts ...:]	:	:	:
[8473.40	: Parts ...:]	:	:	:
"8473.40.01	: Goods described in additional U.S. note 5 to this	:	:	:
	: chapter:.....	:Free	:	:35%
	:	:	:	:
	: Other:	:	:	:
8473.40.10	: Printed circuit assemblies for automatic	:	:	:
	: teller machines of subheading 8472.90.10....	:Free	:	:35%
8473.40.86	: Other.....	:Free	:	:35%"

14(a). Subheading 8479.89.98 is deleted and the following new provisions are inserted in lieu thereof:

[8479	:Machines...:]	:	:	:
	: [Other...:]	:	:	:
[8479.89	: Other:]	:	:	:
"8479.89.92	: Automated electronic component place-	:	:	:
	: ment machines of a kind used solely or	:	:	:
	: principally for the manufacture of printed	:	:	:
	: circuit assemblies.....	: Free	:	: 35%
	:	:	:	:
8479.89.94	: Other.....	: 2.5%	: Free (A,AU,BH,	: 35%"
	:	:	: C,CA,CL,CO,E,	:
	:	:	: IL,JO,MA,MX,	:
	:	:	: OM,P,PA,PE,	:
	:	:	: SG)	:
	:	:	:1.2% (KR)	:

(b) The duty rate in the "Rates of Duty 1-Special" subcolumn followed by the symbol "(KR)" for subheading 8479.89.94 shall be deleted at the close of December 31 on each of the following

years and the rate of duty set forth opposite each such year shall be inserted effective for goods of Korea in lieu thereof:

2017	1%
2018	0.7%
2019	0.5%
2020	0.2%
2021	Free

15. The following new additional U.S. note 14 is inserted in numerical sequence in chapter 85:

"14. For purposes of this chapter, the expression "goods described in additional U.S. note 14 to this chapter" are multi-component integrated circuits (MCOs), comprising a combination of one or more monolithic, hybrid, and/or multi-chip integrated circuits with at least one of the following components: silicon-based sensors, actuators, oscillators, resonators or combinations thereof, or components performing the functions of articles classifiable under heading 8532, 8533, 8541, or inductors classifiable under heading 8504, formed to all intents and purposes indivisibly into a single body like an integrated circuit, as a component of a kind used for assembly onto a printed circuit board (PCB) or other carrier, through the connecting of pins, leads, balls, lands, bumps, or pads.

For the purpose of this definition :

1. "Components" may be discrete, manufactured independently then assembled onto the rest of the MCO, or integrated into other components.

2. "Silicon based" means built on a silicon substrate, or made of silicon materials, or manufactured onto integrated circuit die.

3. (a) "Silicon based sensors" consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical quantities and transducing these into electric signals, caused by resulting variations in electric properties or displacement of a mechanical structure. "Physical or chemical quantities" relates to real world phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.

(b) "Silicon based actuators" consist of microelectronic and mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of converting electrical signals into physical movement.

(c) "Silicon based resonators" are components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures in response to an external input.

(d) "Silicon based oscillators" are active components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures."

16. Subheadings 8504.90.20 through 8504.90.95 are deleted and the following new provisions are inserted in lieu thereof:

[8504	:Electrical transformers, ..:]	:	:	:
[8504.90	: Parts:]	:	:	:
"8504.90.01	: Goods described in additional U.S. note 14 to this chapter	:Free	:	:35%
	: Other:	:	:	:
	: Of power supplies for automatic data processing machines or units thereof of heading 8471; of power supplies for goods of subheading 8443.31 or 8443.32; of power supplies for monitors of subheading 8528.41 or 8528.51 or projectors of subheading 8528.61:	:	:	:
8504.90.20	: Printed circuit assemblies	:Free	:	:35%
8504.90.41	: Other	:Free	:	:35%
	: Other:	:	:	:
	: Printed circuit assemblies:	:	:	:
8504.90.65	: Of the goods of subheading 8504.40 or 8504.50 for telecommunication apparatus	:Free	:	:35%
8504.90.75	: Other	:[See annex II]	:Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	:35%
8504.90.96	: Other:	:[See annex II]	:Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	:35%"

17. Subheading 8505.90.80 is deleted and the following new provisions are inserted in lieu thereof:

[8505	: Electromagnets;...:]	:	:	:
[8505.90	: Other,...:]	:	:	:
"8505.90.70	: Electromagnets of a kind used solely or principally for magnetic resonance imaging apparatus, other than [electromagnets][apparatus] of heading 9018	: Free	:	: 35%
8505.90.75	: Other	: 1.3%	:Free (A,AU,B,BH, : CA,CL,CO,E,IL, : JO,KR,MA,MX, : OM,P,PA,PE, : SG)	: 35%"

18. Subheading 8514.30.00 is deleted and the following new provisions are inserted in lieu thereof:

[8514	: Industrial...:]	:	:	:
"8514.30	: Other furnaces and ovens:	:	:	:
8514.30.10	: Of a kind used solely or principally for the manufacture of printed circuits or printed circuit circuit assemblies	: Free	:	: 35%
8514.30.90	: Other	: 1.3%	: Free (A,AU,BH, : CA,CL,CO,E,IL, : JO,KR,MA,MX, : OM,P,PA,PE, : SG)	: 35%"

19. Subheadings 8518.90.20 through 8518.90.80 are deleted and the following new provisions are inserted in lieu thereof:

[8518	:Microphones ...:]	:	:	:
[8518.90	: Parts:]	:	:	:
"8518.90.01	: Goods described in additional U.S. note 14 to this	:	:	:
	: chapter.....	:Free	:	:35%
	:	:	:	:
	: Other:	:	:	:
	: Of line telephone handsets of subheading	:	:	:
	: 8518.30.10; of repeaters of subheading	:	:	:
	: 8518.40.10:	:	:	:
8518.90.20	: Printed circuit assemblies of line tele-	:	:	:
	: phone handsets; parts of repeaters.....	:Free	:	:35%
	:	:	:	:
8518.90.41	: Other.....	:[See an-	:Free (A,AU,B,	:35%
	:	: nex II]	: BH,CA,CL,CO,	:
	:	:	: E,IL,JO,KR,MA,	:
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	:
	: Other:	:	:	:
8518.90.60	: Printed circuit assemblies of the	:	:	:
	: articles of subheading 8518.10.40 or	:	:	:
	: 8518.29.40.....	:Free	:	:35%
	:	:	:	:
8518.90.81	: Other.....	:[See an-	:Free (A,AU,B,	:35%"
	:	: nex II]	: BH,CA,CL,CO,	:
	:	:	: E,IL,JO,KR,MA,	:
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	:

20. Subheadings 8522.90.35, 8522.90.55 and 8522.90.75 and the intervening immediate superior text to subheadings 8522.90.25 and 8522.90.45 are deleted and the following new provisions (including new subheading 8522.90.01) are inserted in numerical sequence:

[8522	:Parts...:]	:	:	:
[8522.90	: Other:]	:	:	:
"8522.90.01	: Goods described in additional U.S. note 14 to this	:	:	:
	: chapter.....	:Free	:	:35%
	:	:	:	:
	: Other, comprising assemblies and subassemblies	:	:	:
	: of articles provided for in subheading 8519.81.40,	:	:	:
	: consisting of two or more pieces fastened or	:	:	:
	: joined together:"	:	:	:
[8522.90.25	: Printed...]	:	:	:
"8522.90.36	: Other.....	: [See an-	: Free (A,AU,B,	: 35%"
	:	: nex II]	: BH,C,CA,CL,CO,:	
	:	:	: E,IL,J,JO,KR,MA,:	
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	

[8522	:Parts...:]	:	:	:
[8522.90	: Other:]	:	:	:
	: Other parts of telephone answering machines:	:	:	:
[8522.90.45	: Printed...]	:	:	:
"8522.90.58	: Other	: Free	:	: 35%"
	: [Other:]	:	:	:
[8522.90.65	: Printed...]	:	:	:
"8522.90.80	: Other	: Free	:	: 35%"

21. Subheading 8527.21.10 is deleted and the following new provisions are inserted in lieu thereof:

[8527	: Reception...:]	:	:	:
	: [Radiobroadcast...:]	:	:	:
[8527.21	: Combined...:]	:	:	:
	: "Radio-tape player combinations:	:	:	:
8527.21.15	: Combined with sound recording or	:	:	:
	: reproducing apparatus capable of	:	:	:
	: receiving and decoding digital radio	:	;	:
	: data system signals	: Free	:	: 35%
	:	:	:	:
8527.21.25	: Other	: 2%	:Free (A,AU,B,BH,	: 35%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,	:
	:	:	: SG)	:

22. Subheadings 8529.10.20 through 8529.10.90 are deleted and the following new provisions are inserted in lieu thereof:

[8529	:Parts...:]	:	:	:
[8529.10	: Antennas and antenna reflectors of all kinds;	:	:	:
	: parts suitable for use therewith:]	:	:	:
"8529.10.01	: Goods described in additional U.S. note 14 to this	:	:	:
	: chapter	:Free	:	:35%
	:	:	:	:
	: Other:	:	:	:
8529.10.21	: Television	:Free	:	:35%
	:	:	:	:
8529.10.40	: Radar, radio navigational aid and radio	:	:	:
	: remote control	::Free	:	:35%
	:	:	:	:
8529.10.91	: Other	:[See an-	:Free (A,AU,B,	:35%"
	:	: nex II]	: BH,CA,CL,CO,	:
	:	:	: D,E,IL,JO,KR,	:
	:	:	: MA,MX,OM,P,	:
	:	:	: PA,PE,SG)	:

23. Subheading 8529.90 is modified by deleting subheadings 8529.90.01 through 8529.90.97 (other than bracketed language), and by inserting the following new provisions in lieu thereof:

[8529	Parts...:]			
[8529.90	Other:]			
"8529.90.01	Goods described in additional U.S. note 14 to this chapter	Free		35%
	Other:"			
	[Printed circuit assemblies:]			
	[Of television apparatus....:]			
"8529.90.04	Tuners	[See annex II]	Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
	Other, comprising printed circuit boards and ceramic substrates with components ssembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies:			
8529.90.05	Entered with components enumerated in additional U.S. note 14 to this chapter	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
8529.90.06	Other	Free		35%
	Other:			
8529.90.09	For television cameras	Free		35%
8529.90.13	Other	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG):	35%

{8529	Parts...:]			
[8529.90	Other:]			
	[Other:]			
	[Printed...:]			
	Of radar, radio navigational air or radio remote control apparatus:			
8529.90.16	Assemblies and subassemblies, consisting of 2 or more parts or pieces fastened or joined together	Free		35%
8529.90.19	Other	[See annex II]	Free (A,AU,BH, C,CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG)	35%
8529.90.22	Other	Free		35%
8529.90.24	Other, comprising transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies	[See annex II]	Free (A,AU,BH, C,CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG)	35%
	Parts of television receivers specified in additional U.S. note 9 to this chapter, other than printed circuit assemblies:			
8529.90.29	Tuners	Free		35%
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.33	Entered with components enumerated in additional U.S. note 4 to this chapter	Free		35%
8529.90.36	Other	Free		35%
8529.90.39	Other	[See annex II]	Free (A+,AU,B, BH,CA,CL,CO,D, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	35%

{8529	Parts...:]			
[8529.90	Other:]			
	[Other:]			
	Combinations of parts specified in additional U.S. note 9 to this chapter:			
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.43	Entered with components enumerated in additional U.S. note 4 to this chapter	Free		35%
8529.90.46	Other	Free		35%
8529.90.49	Other	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,D,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
8529.90.53	Flat panel screen assemblies for the apparatus of subheadings 8528.59.15, 8528.59.21, 8528.59.23, 8528.59.25, 8528.59.31, 8528.59.33, 8528.69.35, 8525.69.40, 8528.69.45, 8528.69.50, 8528.72.62, 8528.72.64, 8528.72.68 and 8528.72.72	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,D,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
	Other, parts of printed circuit assemblies, including face plates and lock latches:			
	Of television apparatus:			
8529.90.63	For television cameras	Free		35%
8529.90.68	Other	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,D,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
	Of radar, radio navigational aid or radio remote control apparatus			
8529.90.73		Free		35%
8529.90.75	Other	Free		35%

{8529	Parts...:}			
[8529.90	Other:]			
	[Other:]			
	Other parts of articles of headings 8525 and 8527:			
	Of television apparatus:			
	For television cameras:			
8529.90.78	Mounted lenses suitable for use in, and entered separately from, closed-circuit television cameras, with or without attached electrical or non-electrical closed-circuit television camera connectors, and with or without attached motors	Free		35%
8529.90.81	Other	[See annex II]	Free (A,AU,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG):	35%
8529.90.83	Other	[See annex II]	Free (A+,AU,B,BH,CA,CL,CO,D,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
8529.90.86	Other	Free		35%
	Other:			
	Of television receivers:			
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.88	Entered with components enumerated in additional U.S. note 4 to this chapter	Free		35%
8529.90.89	Other	Free		35%
8529.90.93	Other	[See annex II]	Free(A+,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG):	35%

8529	: Parts...:]	:	:	:
[8529.90	: Other:]	:	:	:
	: [Other:]	:	:	:
	: [Other:]	:	:	:
	: Of radar, radio navigational aid or radio	:	:	:
	: remote control apparatus:	:	:	:
8529.90.95	: Assemblies and subassemblies,	:	:	:
	: consisting of 2 or more parts or	:	:	:
	: pieces fastened or joined	:	:	:
	: together.....	:[See an-	:Free (A,AU,BH,	:35%
	:	: nex II]	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
	:	:	:	:
8529.90.97	: Other.....	:[See an-	:Free (A,AU,BH,	:35%
	:	: nex II]	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
8529.90.99	: Other.....	:Free	:	:35%"

24. Subheadings 8531.80.00 through 8531.90.90 (except 8531.90) are deleted and the following new provisions are inserted in lieu thereof:

[8531	: Electric...:]	:	:	:
"8531.80	: Other apparatus:	:	:	:
8531.80.15	: Doorbells, chimes, buzzers and similar apparatus...	: 1.3%	: Free (A,AU,B, BH,C,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	: 35%
8531.80.90	: Other.....	: [See annex II]	: Free (A,AU,B, BH,C,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	: 35%"
[8531.90	: Parts:]	:	:	:
"8531.90.01	: Goods described in additional U.S. note 14 to this chapter.....	:Free	:	:35%
	: Other:	:	:	:
	: Printed circuit assemblies:	:	:	:
8531.90.15	: Of the panels of subheading 8531.20...	:Free	:	:35%
8531.90.30	: Other.....	:[See annex II]	:Free (A,AU,B, BH,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%
	: Other:	:	:	:
8531.90.75	: Of the panels of subheading 8531.20...	:Free	:	:35%
8531.90.90	: Other.....	:[See annex II]	:Free (A,AU,B, BH,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%"

25. Subheading 8536.90.80 is deleted and the following new subheadings are inserted in lieu thereof:

[8536	: Electrical...:]	:	:	:
[8536.90	: Other apparatus:]	:	:	:
"8536.90.60	: Battery clamps of a kind used in motor vehicles of heading 8702, 8703, 8704 or 8711.....	: 2.7%	: Free (A,AU,B, BH,CA,CL,CO,E, IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	: 35%
8536.90.85	: Other.....	:[See annex II]	:Free (A,AU,B, BH,CA,CL,CO,E, IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%"

26. Subheading 8537.10.90 is deleted and the following new subheadings are inserted in lieu thereof:

[8537	:Boards,....:]	:	:	:
[8537.10	: For....:]	:	:	:
	: "Other:	:	:	:
8537.10.80	: Touch-sensitive data input devices (so-called	:	:	:
	: "touch screens") without display capabilities,	:	:	:
	: for incorporation into apparatus having a	:	:	:
	: display, which function by detecting the	:	:	:
	: presence and location of a touch within the	:	:	:
	: display area (such sensing may be obtained	:	:	:
	: by means of resistance, electrostatic	:	:	:
	: capacity, acoustic pulse recognition, infra-	:	:	:
	: red lights or other touch-sensitive	:	:	:
	: technology).....	: {See an-	:Free (A,AU,B,	:35%
	:	: nex II]	: BH,CA,CL,CO,E,	:
	:	:	: IL,JO,KR,MA,	:
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	:
8537.10.91	: Other.....	::2.7:%	:Free (A,AU,B,BH,	:35%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	JO,KR,MA,MX,	:
	:	:	OM,P,PA,PE,SG):	

27. Subheadings 8538.90.10 through 8538.90.80 are deleted and the following new provisions are inserted in lieu thereof:

[8538	:Parts...:]				
8538.90	: Other:]				
"8538.90.01	:	Goods described in additional U.S. note 14 to this chapter	:Free	:	:35%
	:	Other:			
	:	Printed circuit assemblies:			
8538.90.10	:	Of an article of heading 8537 for one of the articles described in additional U.S. note 11 to chapter 85	:Free	:	:35%
8538.90.30	:	Other	:3.5%	: Free (A,AU,B, BH,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%
8538.90.40	:	Other, for the articles of subheading 8535.90.40, 8536.30.40 or 8536.50.40, of ceramic or metallic materials, electrically or mechanically reactive to changes in temperature	:3.5%	: Free (A,AU,B, BH,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%
	:	Other:			
8538.90.60	:	Molded parts	:3.5%	:Free (A,AU,B, BH,CA,CL,CO, E,IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	:35%
8538.90.81	:	Other	:3.5%	:Free (A,AU,B, BH,CA,CL,CO, E,IL, JO,KR, MA,MX,OM,P, PA,PE,SG)	:35%"

28. Subheading 8539.39.00 is deleted and the following new provisions are inserted in lieu thereof:

[8539	:Electrical...:]	:	:	:
	: [Discharge...:]	:	:	:
"8539.39	: Other:	:	:	:
8539.39.10	: Cold-cathode fluorescent lamps (CCFLs) for backlighting of flat panel displays	:Free	:	: 20%
8539.39.90	: Other	: 2.4%	: Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE, SG)	: 20%"

29. Subheading 8543.30.00 is deleted and the following new provisions are inserted in lieu thereof:

[8543	:Electrical...:]	:	:	:
"8543.30	: Machines and apparatus for electroplating, electrolysis or electrophoresis:	:	:	:
8543.30.20	: Of a kind used solely or principally for the manufacture of printed circuits	:[See annex II]	:Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	: 35%
8543.30.90	: Other	: 2.6%	: Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE, SG)	: 35%"

30. Subheadings 8543.70.40, 8543.70.93 and 8543.70.96 are deleted and the following new provisions are inserted in lieu thereof in numerical sequence:

[8543	: Electrical...:]	:	:	:
[8543.70	: Other...:]	:	:	:
	: "Electric synchros and transducers; flight data recorders; defrosters and demisters with electric resistors for aircraft:	:	:	:
8543.70.42	: Flight data recorders	:[See annex II]	:Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	: 35%
8543.70.45	: Other	: 2.6%	: Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	: 35%"

[8543	: Electrical...:]	:	:	:
[8543.70	: Other...:]	:	:	:
	: [Other:]	:	:	:
	: [Other:]	:	:	:
[8543.70.85	: For...]	:	:	:
"8543.70.87	: Electrical machines with translation	:	:	:
	: or dictionary functions; flat panel	:	:	:
	: displays other than for articles of	:	:	:
	: heading 8528, except for subheadings	:	:	:
	: 8528.51 or 8528.61; video game	:	:	:
	: console controllers which use	:	:	:
	: infrared transmissions to operate	:	:	:
	: or access the various functions	:	:	:
	: and capabilities of the consoles.....	:Free	:	:35%
	:	:	:	:
8543.70.89	: Portable battery operated electronic	:	:	:
	: readers for recording and reproducing	:	:	:
	: text, still images or audio files.....	:[See an-	:Free (A,AU,B,	:35%
	:	: nex II]	: BH,CA,CL,CO,E,	:
	:	:	: IL,JO,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
8543.70.91	: Digital signal processing apparatus	:	:	:
	: apparatus capable of connecting to a	:	:	:
	: wired or wireless network for the	:	:	:
	: mixing of sound.....	:[See an-	:Free (A,AU,B,	:35%
	:	: nex II]	: BH,CA,CL,CO,E,	:
	:	:	: IL,JO,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	
8543.70.93	: Portable interactive electronic	:	:	:
	: education devices primarily designed	:	:	:
	: for children.....	:Free	:	: 35%
	:	:	:	:
8543.70.95	: Touch-sensitive data input devices	:	:	:
	: (so-called "touch screens") without dis-	:	:	:
	: play capabilities, for incorporation into	:	:	:
	: apparatus having a display, which	:	:	:
	: function by detecting the presence	:	:	:
	: and location of a touch within the	:	:	:
	: display area (such sensing may be	:	:	:
	: obtained by means of resistance,	:	:	:
	: electrostatic capacity, acoustic pulse	:	:	:
	: pulse recognition, infra-red lights	:	:	:
	: or other touch-sensitive technology...	:[See an-	: Free (A,AU,B,	: 35%
	:	: nex II]	: BH,CA,CL,CO,E,	:
	:	:	: IL,JO,KR,MA,MX,:	
	:	:	: OM,P,PA,PE,SG):	

[8543	Electrical...:]			
[8543.70	Other...:]			
	[Other:]			
	[Other:]			
8543.70.97	Plasma cleaner machines that remove organic contaminants from electron microscopy specimens and specimen holders	[See annex II]	Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%
8543.70.99	Other	2.6%	Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	35%"

31. Subheadings 8543.90.11 through 8543.90.88 are deleted and the following new provisions are inserted in lieu thereof:

[8543	Electrical ...:]			
[8543.90	Parts:]			
"8543.90.01	Goods described in additional U.S. note 14 to this chapter	Free		35%
	Other:			
8543.90.12	Of physical vapor deposition apparatus of subheading 8543.70	Free		35%
	Assemblies and subassemblies for flight data recorders, consisting of two or more parts or pieces fastened or joined together:			
8543.90.15	Printed circuit assemblies	Free		35%
8543.90.35	Other	Free		35%
	Other:			
	Printed circuit assemblies:			
8543.90.65	Of flat panel displays other than articles of heading 8528, except for subheadings 8528.51 or 8528.61	Free		35%
8543.90.68	Other	[See annex II]	Free (A,AU,B,BH,CA,CL,CO,E,IL,JO,KR,MA,MX OM,P,PA,PE,SG)	35%

8543	:Electrical ...:]	:	:	:
[8543.90	: Parts:]	:	:	:
	: [Other:]	:	:	:
	: [Other:]	:	:	:
	: Other:	:	:	:
8543.90.85	: Of flat panel displays other than	:	:	:
	: articles of heading 8528, except	:	:	:
	: for subheadings 8528.51 or	:	:	:
	: 8528.61.....	:Free	:	:35%
	:	:	:	:
8543.90.88	: Other.....	:[See an-	:Free (A,AU,B,	:35%"
	:	: nex II]	: BH,CA,CL,CO,	:
	:	:	: E,IL,JO,KR,MA,	:
	:	:	: MX OM,P,PA,	:
	:	:	: PE,SG)	:

32. The following new additional U.S. note 5 is inserted in numerical sequence in chapter 90:

"5. For purposes of this chapter, the expression "goods described in additional U.S. note 5 to this chapter" are multi-component integrated circuits (MCOs), comprising a combination of one or more monolithic, hybrid, and/or multi-chip integrated circuits with at least one of the following components: silicon-based sensors, actuators, oscillators, resonators or combinations thereof, or components performing the functions of articles classifiable under heading 8532, 8533, 8541, or inductors classifiable under heading 8504, formed to all intents and purposes indivisibly into a single body like an integrated circuit, as a component of a kind used for assembly onto a printed circuit board (PCB) or other carrier, through the connecting of pins, leads, balls, lands, bumps, or pads.

For the purpose of this definition :

1. "Components" may be discrete, manufactured independently then assembled onto the rest of the MCO, or integrated into other components.

2. "Silicon based" means built on a silicon substrate, or made of silicon materials, or manufactured onto integrated circuit die.

3. (a) "Silicon based sensors" consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical quantities and transducing these into electric signals, caused by resulting variations in electric properties or displacement of a mechanical structure. "Physical or chemical quantities" relates to real world phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.

(b) "Silicon based actuators" consist of microelectronic and mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of converting electrical signals into physical movement.

(c) "Silicon based resonators" are components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures in response to an external input.

(d) "Silicon based oscillators" are active components that consist of microelectronic and/or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures."

33. Subheadings 9010.90.40 and 9010.90.90 are deleted and the following new provisions are inserted in lieu thereof:

[9010	: Apparatus...:]	:	:	:
[9010.90	: Parts...:]	:	:	:
"9010.90.85	: Parts and accessories of articles of	:	:	:
	: subheadings 9010.50 and 9010.60	: Free	:	: 45%
	:	:	:	:
9010.90.95	: Other	: 2.9%	: Free (A,AU,BH,	: 45%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	

34. Subheading 9013.10.40 is deleted and the following new provisions are inserted in lieu thereof:

[9013	: Liquid...:]	:	:	:
[9013.10	: Telescopic...:]	:	:	:
	: "Other:	:	:	:
9013.10.45	: Telescopes designed to form parts of	:	:	:
	: machines, appliances, instruments or	:	:	:
	: apparatus of this chapter or section XVI	:Free	:	: 45%
	:	:	:	:
9013.10.50	: Other	: 5.3%	: Free (A,AU,BH,	: 45%"
	:	:	: CA,CL,CO,E,IL,	:
	:	:	: JO,KR,MA,MX,	:
	:	:	: OM,P,PA,PE,SG):	

35. Subheading 9013.90.90 is deleted and the following new provisions are inserted in lieu thereof:

[9013.	: Liquid...:]	:	:	:
[9013.90	: Parts...:]	:	:	:
	: "Other:	:	:	:
9013.90.70	: Other parts and accessories, other than for telescopic sights for fitting to arms or for periscopes	: [See annex II]	:Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	: 45%
9013.90.80	: Other	: 4.5%	: Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE,SG):	: 45%"

36. Subheading 9025.90.00 is deleted and the following new provisions are inserted in lieu thereof:

[9025	:Hydrometers...:]	:	:	:
"9025.90	: Parts and accessories:	:	:	:
9025.90.01	: Goods described in additional U.S. note 5 to this chapter	:Free	:	:The rate :applicable :to the :article :of which :it is a :a part or :accessory
9025.90.06	: Other	:Free	:	:The rate :applicable :to the :article :of which :it is a :a part or :accessory"

37. Subheadings 9027.90.20 through 9027.90.58 are deleted and the following new provisions are inserted in lieu thereof:

[9027	:Instruments...:]	:	:	:
[9027.90	: Microtomes; parts and accessories:]	:	:	:
"9027.90.01	: Goods described in additional U.S. note 5 to this chapter	:Free	:	:40%
	: Other:	:	:	:
9027.90.20	: Microtomes	:[See annex II]	Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE, SG)	:40%
	: Parts and accessories:	:	:	:
	: Of electrical instruments and apparatus:	:	:	:
9027.90.45	: Printed circuit assemblies for the goods of subheading 9027.80....	:Free	:	:40%
	: Other:	:	:	:
9027.90.54	: Of electrophoresis instruments not incorporating an optical or other measuring device	:Free	:	:40%
9027.90.56	: Of instruments and apparatus of subheading 9027.20, 9027.30, 9027.50 or 9027.80	:Free	:	:40%
9027.90.59	: Other	:[See annex II]	:Free (A,AU,BH, CA,CL,CO,E,IL, JO,KR,MA,MX, OM,P,PA,PE, SG)	:40%"

38. Subheading 9030.33.00 is deleted and the following new provisions are inserted in lieu thereof:

[9030	: Oscilloscopes,...:]	:	:	:
	: [Other...:]	:	:	:
"9030.33	: Other, without a recording device:	:	:	:
9030.33.34	: Resistance measuring instruments	: 1.7%	:Free (A,AU,B, BH,CA,CL,CO,E, IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	: 40%
9030.33.38	: Other	:[See annex II]	:Free (A,AU,B, BH,CA,CL,CO,E, IL,JO,KR,MA, MX,OM,P,PA, PE,SG)	: 40%"

39. Subheadings 9030.90.25 through 9030.90.88 are deleted and the following new provisions are inserted in lieu thereof:

[9030	:Oscilloscopes,...:]	:	:	:
[9030.90	: Parts and accessories:]	:	:	:
"9030.90.01	: Goods described in additional U.S. note 5 to this	:	:	:
	: chapter	:Free	:	:40%
	:	:	:	:
	: Other:	:	:	:
	: For articles of subheading 9030.10:	:	:	:
9030.90.25	: Printed circuit assemblies	:Free	:	:40%
	:	:	:	:
9030.90.46	: Other	:Free	:	:40%
	: Other:	:	:	:
	: Printed circuit assemblies:	:	:	:
9030.90.66	: Of instruments and apparatus of	:	:	:
	: subheading 9030.40 or 9030.82	:Free	:	:40%
	:	:	:	:
9030.90.68	: Other	:[See an-	:Free (A,AU,BH,	:40%
	:	: nex II]	: C,CA,CL,CO,E,	:
	:	:	: IL, JO,KR,MA,	:
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	:
	: Other:	:	:	:
9030.90.84	: Of instruments and	:	:	:
	: apparatus of subheading	:	:	:
	: 9030.82	:Free	:	:40%
	:	:	:	:
9030.90.89	: Other	:Free	:	:40%"

40. Subheadings 9031.90.20 through 9031.90.90 and intermediate superior text are deleted and the following new provisions are inserted in lieu thereof:

[9031	:Measuring...:]	:	:	:
[9031.90	: Parts and accessories:]	:	:	:
"9031.90.01	: Goods described in additional U.S. note 5 to this	:	:	:
	: chapter	:Free	:	:45%
	:	:	:	:
	: Other:	:	:	:
9031.90.21	: Of profile projectors	:Free	:	:45%
	:	:	:	:
	: Of other optical instruments and appliances,	:	:	:
	: other than test benches:	:	:	:
9031.90.45	: Bases and frames for the coordinate-	:	:	:
	: measuring machines of subheading	:	:	:
	: 9031.49.40	:Free	:	:50%
	:	:	:	:
9031.90.54	: Of optical instruments and appliances	:	:	:
	: Of subheading 9031.41 or 9031.49.70	:Free	:	:50%
	:	:	:	:
9031.90.59	: Other	:Free	:	:50%
	: Other:	:	:	:
9031.90.70	: Of articles of subheading 9031.80.40	:Free	:	:40%
	:	:	:	:
9031.90.91	: Other	:Free	:	:40%"

41. Subheadings 9032.90.20, 9032.90.40, and 9032.90.60 are deleted and the following new provisions are inserted in lieu thereof:

[9032	:Automatic...:]	:	:	:
[9032.90	: Parts and accessories:]	:	:	:
"9032.90.01	: Goods described in additional U.S. note 5 to this chapter	:Free	:	:25%
	: Other:	:	:	:
	: Of automatic voltage and voltage-current regulators:	:	:	:
9032.90.21	: Designed for use in a 6, 12 or 24 V system	:1.1%	:Free (A,AU,B, : BH,C,CA,CL,CO, : E,IL,JO,KR,MA, : MX,OM,P,PA, : PE,SG)	:25%
9032.90.41	: Other	:1.7%	:Free (A,AU,BH, : C,CA,CL,CO,E, : IL,JO,KR,MA, : MX,OM,P,PA, : PE,SG)	:35%
9032.90.61	: Other	:1.7%	:Free (A,AU,B, : BH,C,CA,CL,CO, : E,IL,JO,KR,MA, : MX,OM,P,PA, : PE,SG)	:40%"

42. Heading 9033.00.00 is deleted and the following new provisions are inserted in lieu thereof:

"9033.00	:Parts and accessories (not specified or included :elsewhere in this chapter) for machines, appliances, :instruments or apparatus of chapter 90:	:	:	:
9033.00.10	: Goods described in additional U.S. note 5 to this chapter	:Free	:	:40%
9033.00.20	: Light-emitting diode (LED) backlights modules, the foregoing which are lighting sources that consist of one or more LEDs and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs)	: [See annex II]	:Free (A,AU,B, : BH,CA,CL,CO, : E,IL,JO,KR,MA, : MX,OM,P,PA, : PE,SG)	:40%

[9033.00	:Parts...:]	:	:	:
9033.00.30	: Touch-sensitive data input devices (so-called "touch screens") without display capabilities, for incorporation into apparatus having a display, which function by detecting the presence and location of a touch within the display area (such sensing may be obtained by means of resistance, electrostatic capacity, acoustic pulse recognition, infrared lights or other touch-sensitive technology).....	:[See annex II]	:Free (A,AU,B,BH,C,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	: 40%
9033.00.90	: Other.....	:4.4%	:Free (A,AU,B,BH,C,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG)	:40%"

43. Subheading 9405.40.80 is deleted and the following new provisions are inserted in lieu thereof:

[9405	: Lamps...:]	:	:	:
[9405.40	: Other...:]	:	:	:
	: "Other:	:	:	:
9405.40.82	: Light-emitting diode (LED) backlights modules, the foregoing which are lighting sources that consist of one or more LEDs and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs).....	:[See annex II]	:Free (A,AU,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG):	: 35%
9405.40.84	: Other.....	: 3.9%	: Free (A,AU,BH,CA,CL,CO,E,IL,JO,KR,MA,MX,OM,P,PA,PE,SG):	: 35%"

Annex II
Modifications to the Rates of Duty Column of the HTS

A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, for the following subheadings, the "Rates of Duty 1-General" subcolumn is modified by deleting the rate of duty appearing in such subcolumn and inserting "Free" in lieu thereof, and by deleting all rates of duty in the "Rates of Duty 1-Special" subcolumn for each such subheading:

3701.30.00	8528.49.30	9012.90.00
8442.50.90	8528.49.35	9013.20.00
8443.39.20	8528.49.40	9014.10.10
8443.39.40	8528.49.45	9014.10.90
8443.39.50	8528.49.50	9014.20.20
8443.91.20	8528.49.60	9014.20.40
8472.10.00	8528.49.65	9014.80.10
8472.90.05	8528.49.70	9014.80.20
8472.90.40	8528.49.75	9015.10.80
8472.90.90	8528.49.80	9015.20.80
8519.81.10	8528.71.10	9015.40.80
8519.81.20	8528.71.40	9015.80.20
8519.89.20	8528.71.45	9015.90.00
8522.90.25	8543.70.60	9022.29.80
8522.90.65	8543.70.80	9022.30.00
8523.29.40	8543.70.93	9022.90.60
8523.29.50	9001.20.00	9024.10.00
8523.29.60	9001.90.40	9024.80.00
8523.29.80	9001.90.50	9024.90.00
8523.49.50	9001.90.60	9025.19.40
8523.80.10	9001.90.80	9027.10.40
8525.80.10	9001.90.90	9027.10.60
8525.80.20	9002.19.00	9027.90.88
8527.19.50	9002.90.20	9030.10.00
8527.91.05	9002.90.40	9031.10.00
8527.91.40	9002.90.95	9031.49.10
8527.91.50	9010.50.30	9031.49.40
8527.92.50	9010.50.40	9031.49.90
8527.99.15	9011.10.40	9032.20.00
8527.99.40	9011.10.80	9032.81.00
8528.49.20	9012.10.00	

B. Effective with respect to goods entered, or withdrawn from warehouse for consumption, as provided below, for each of the following subheadings, the "Rates of Duty 1-General" subcolumn is modified, on the first day of each of the periods set forth below, by deleting the rate of duty in such subcolumn and by inserting the following rate of duty specified for such subheading in lieu thereof:

HTS number	July 1, 2016-June 30, 2017	July 1, 2017-June 30, 2018	July 1, 2018-June 30, 2019	July 1, 2019
3215.11.10	1.3%	0.9%	0.4%	Free
3215.19.10	1.3%	0.9%	0.4%	Free
3506.91.10	1.5%	1%	0.5%	Free
3701.99.30	3.6%	2.4%	1.2%	Free
3701.99.60	2.7%	1.8%	0.9%	Free
3707.90.32	4.8%	3.2%	1.6%	Free
3707.90.60	1.1%	0.7%	0.3%	Free
3907.99.20	4.8%	3.2%	1.6%	Free
3923.10.20	2.2%	1.5%	0.7%	Free
8504.40.40	1.1%	0.7%	0.3%	Free
8504.40.95	1.1%	0.7%	0.3%	Free
8504.50.80	2.2%	1.5%	0.7%	Free
8504.90.75	1.8%	1.2%	0.6%	Free
8504.90.96	1.8%	1.2%	0.6%	Free
8518.10.80	3.6%	2.4%	1.2%	Free
8518.21.00	3.6%	2.4%	1.2%	Free
8518.22.00	3.6%	2.4%	1.2%	Free
8518.29.80	3.6%	2.4%	1.2%	Free
8518.30.20	3.6%	2.4%	1.2%	Free
8518.40.20	3.6%	2.4%	1.2%	Free
8518.50.00	3.6%	2.4%	1.2%	Free
8518.90.41	6.3%	4.2%	2.1%	Free
8518.90.81	3.6%	2.4%	1.2%	Free
8522.90.36	1.5%	1%	0.5%	Free
8525.50.30	1.3%	0.9%	0.4%	Free
8525.50.70	2.2%	1.5%	0.7%	Free
8525.80.30	1.5%	1%	0.5%	Free
8525.80.50	1.5%	1%	0.5%	Free
8526.92.50	3.6%	2.4%	1.2%	Free
8527.29.40	3.3%	2.2%	1.1%	Free
8527.29.80	3.3%	2.2%	1.1%	Free

8529.10.91	2.2%	1.5%	0.7%	Free
HTS number	July 1, 2016-June 30, 2017	July 1, 2017-June 30, 2018	July 1, 2018-June 30, 2019	July 1, 2019
8529.90.04	2.2%	1.5%	0.7%	Free
8529.90.05	3%	2%	1%	Free
8529.90.13	2.1%	1.4%	0.7%	Free
8529.90.19	2.4%	1.6%	0.8%	Free
8529.90.24	2.4%	1.6%	0.8%	Free
8529.90.39	2.1%	1.4%	0.7%	Free
8529.90.49	2.1%	1.4%	0.7%	Free
8529.90.53	2.1%	1.4%	0.7%	Free
8529.90.68	2.1%	1.4%	0.7%	Free
8529.90.81	2.4%	1.6%	0.8%	Free
8529.90.83	2.1%	1.4%	0.7%	Free
8529.90.93	2.1%	1.4%	0.7%	Free
8529.90.95	2.4%	1.6%	0.8%	Free
8529.90.97	2.4%	1.6%	0.8%	Free
8531.80.90	0.9%	0.6%	0.3%	Free
8531.90.30	0.9%	0.6%	0.3%	Free
8531.90.90	0.9%	0.6%	0.3%	Free
8536.30.40	2%	1.3%	0.6%	Free
8536.30.80	2%	1.3%	0.6%	Free
8536.50.40	2%	1.3%	0.6%	Free
8536.50.90	2%	1.3%	0.6%	Free
8536.90.85	2%	1.3%	0.6%	Free
8537.10.80	2%	1.3%	0.6%	Free
8538.10.00	2.7%	1.8%	0.9%	Free
8543.20.00	1.9%	1.3%	0.6%	Free
8543.30.20	1.9%	1.3%	0.6%	Free
8543.70.42	1.9%	1.3%	0.6%	Free
8543.70.89	1.9%	1.3%	0.6%	Free
8543.70.91	1.9%	1.3%	0.6%	Free
8543.70.95	1.9%	1.3%	0.6%	Free
8543.70.97	1.9%	1.3%	0.6%	Free
8543.90.68	1.9%	1.3%	0.6%	Free
8543.90.88	1.9%	1.3%	0.6%	Free
9002.20.40	1.5%	1%	0.5%	Free
9002.20.80	2.1%	1.4%	0.7%	Free
9002.90.70	0.8%	0.5%	0.2%	Free
9010.60.00	1.9%	1.3%	0.6%	Free
9011.80.00	4.8%	3.2%	1.6%	Free

9011.90.00	4.2%	2.8%	1.4%	Free
HTS number	July 1, 2016-June 30, 2017	July 1, 2017-June 30, 2018	July 1, 2018-June 30, 2019	July 1, 2019
9013.90.70	3.3%	2.2%	1.1%	Free
9022.29.40	0.7%	0.5%	0.2%	Free
9025.19.80	1.3%	0.9%	0.4%	Free
9027.10.20	1.2%	0.8%	0.4%	Free
9027.90.20	1.6%	1.1%	0.5%	Free
9027.90.59	1.2%	0.8%	0.4%	Free
9027.90.68	2.6%	1.7%	0.8%	Free
9028.30.00	12¢ each + 1.1%	8¢ each + 0.7%	4¢ each + 0.3%	Free
9028.90.00	2.4%	1.6%	0.8%	Free
9030.20.10	1.2%	0.8%	0.4%	Free
9030.31.00	1.2%	0.8%	0.4%	Free
9030.32.00	1.2%	0.8%	0.4%	Free
9030.33.38	1.2%	0.8%	0.4%	Free
9030.39.01	1.2%	0.8%	0.4%	Free
9030.84.00	1.2%	0.8%	0.4%	Free
9030.89.01	1.2%	0.8%	0.4%	Free
9030.90.68	1.2%	0.8%	0.4%	Free
9031.80.80	1.2%	0.8%	0.4%	Free
9033.00.20	3.3%	2.2%	1.1%	Free
9033.00.30	3.3%	2.2%	1.1%	Free
9405.40.82	2.9%	1.9%	0.9%	Free

ANNEX III

TO MODIFY PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the "Rates of Duty 1-Special" subcolumn for each of the subheadings of the Harmonized Tariff Schedule of the United States enumerated below is modified by inserting in alphabetical sequence in the parenthetical expression following the rate of duty "Free" the symbol "D,":

0106.31.00	0302.84.11	0407.21.00
0106.32.00	0302.85.11	0407.29.00
0106.33.00	0302.89.11	0407.90.00
0106.39.01	0302.90.20	0410.00.00
0202.30.02	0303.33.00	0501.00.00
0202.30.10	0303.34.00	0502.10.00
0203.22.10	0303.39.01	0505.90.20
0203.29.20	0303.53.00	0510.00.20
0207.42.00	0303.81.00	0511.99.40
0207.52.00	0303.90.20	0601.10.15
0207.60.20	0304.91.90	0601.10.45
0208.90.30	0304.92.90	0601.10.60
0209.10.00	0304.93.90	0601.10.75
0209.90.00	0304.94.90	0601.10.90
0210.12.00	0304.95.90	0601.20.90
0210.91.00	0304.99.91	0602.10.00
0210.92.01	0305.10.40	0602.30.00
0210.93.00	0305.20.20	0602.90.30
0210.99.20	0305.63.20	0602.90.40
0210.99.91	0305.64.50	0602.90.60
0302.23.00	0305.69.60	0602.90.90
0302.45.11	0306.14.20	0603.12.30
0302.46.11	0306.24.20	0603.12.70
0302.54.11	0307.60.00	0603.13.00
0302.55.11	0404.10.05	0603.14.00
0302.56.11	0404.90.10	0603.15.00
0302.59.11	0405.20.80	0603.19.01
0302.71.11	0406.10.02	0603.90.00
0302.72.11	0406.10.04	0604.90.60
0302.73.11	0407.11.00	0701.90.10
0302.79.11	0407.19.00	0702.00.60

0703.10.20
0703.10.30
0703.10.40
0703.20.00
0704.10.20
0704.10.40
0704.10.60
0704.20.00
0704.90.20
0705.11.20
0705.11.40
0705.19.20
0705.19.40
0705.21.00
0705.29.00
0706.10.10
0706.90.20
0706.90.30
0707.00.20
0707.00.40
0707.00.60
0708.10.20
0708.10.40
0708.20.10
0708.90.05
0708.90.15
0708.90.30
0709.20.10
0709.30.20
0709.30.40
0709.40.40
0709.60.20
0709.60.40
0709.91.00
0709.93.10
0709.93.20
0709.99.05
0709.99.10
0709.99.14
0710.21.20
0710.21.40
0710.22.10
0710.22.15
0710.22.25
0710.29.05
0710.29.15
0710.29.30
0710.80.50
0710.80.65
0710.80.70
0710.80.93
0710.90.11
0711.20.18
0711.40.00
0711.59.90
0711.90.30
0711.90.50
0711.90.65
0712.31.10
0712.32.00
0712.33.00
0712.39.10
0712.90.10
0712.90.15
0712.90.30
0712.90.65
0712.90.70
0712.90.74
0712.90.85
0713.10.10
0713.10.40
0713.20.10
0713.20.20
0713.31.10
0713.31.40
0713.32.10
0713.32.20
0713.33.10
0713.33.20
0713.33.40
0713.34.10
0713.34.20
0713.34.40
0713.39.11
0713.39.21
0713.39.41
0713.40.10
0713.40.20
0713.50.10
0713.50.20
0713.60.10
0713.60.60
0713.60.80
0713.90.11
0713.90.61
0713.90.81
0714.10.10
0714.10.20
0714.20.10
0714.20.20
0714.30.10
0714.30.20
0714.30.60
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9031.49.90
9031.80.80
9031.90.20
9031.90.45
9031.90.58
9031.90.90
9032.10.00
9032.20.00
9032.81.00
9032.89.20
9032.89.40
9032.89.60
9032.90.20
9032.90.40
9032.90.60
9033.00.00
9101.21.30
9101.29.80
9101.99.40
9102.29.04
9102.29.10
9102.91.20
9102.99.20
9102.99.40
9102.99.60
9102.99.80
9105.19.10
9105.19.40
9105.99.10
9106.90.40
9106.90.55
9106.90.65
9107.00.40
9112.20.80
9112.90.00
9113.10.00
9113.20.20
9113.20.60
9113.20.90
9113.90.80
9201.10.00
9201.20.00
9201.90.00
9202.10.00
9202.90.20
9202.90.40
9202.90.60
9205.10.00
9205.90.14
9205.90.18
9205.90.40
9206.00.20
9206.00.80
9207.10.00
9207.90.00
9208.10.00
9208.90.00
9209.92.20
9209.92.40
9209.92.80
9209.94.40
9209.94.80
9209.99.10
9209.99.18
9209.99.80
9301.90.30
9301.90.60
9303.20.00
9303.30.40
9303.30.80
9303.90.40
9304.00.20
9304.00.60
9305.10.40
9305.20.05
9305.99.50
9305.99.60
9307.00.00
9404.21.00
9404.29.90
9404.30.40
9404.90.20
9405.10.40
9405.10.60
9405.10.80
9405.20.40
9405.20.60
9405.20.80
9405.30.00
9405.40.40
9405.40.60
9405.40.80
9405.50.20
9405.50.30
9405.50.40
9405.60.20
9405.60.40
9405.60.60

9405.91.10	9507.90.40	9611.00.00
9405.91.30	9507.90.60	9613.10.00
9405.91.40	9507.90.80	9613.20.00
9405.91.60	9601.90.40	9613.80.10
9405.92.00	9601.90.80	9613.80.20
9405.99.20	9602.00.10	9613.80.40
9405.99.40	9602.00.40	9613.80.60
9406.00.40	9602.00.50	9613.80.80
9406.00.80	9603.10.90	9613.90.40
9506.11.40	9603.29.40	9613.90.80
9506.12.80	9603.29.80	9614.00.25
9506.19.80	9603.30.20	9614.00.26
9506.31.00	9603.40.20	9614.00.28
9506.39.00	9603.40.40	9614.00.94
9506.40.00	9603.90.80	9614.00.98
9506.51.20	9604.00.00	9615.11.10
9506.51.40	9605.00.00	9615.11.20
9506.51.60	9606.10.40	9615.11.30
9506.59.40	9606.10.80	9615.11.40
9506.59.80	9606.21.40	9615.19.20
9506.62.80	9606.21.60	9615.19.40
9506.69.40	9606.29.20	9615.19.60
9506.69.60	9606.29.40	9615.90.20
9506.70.40	9606.29.60	9615.90.30
9506.91.00	9606.30.80	9615.90.40
9506.99.12	9607.11.00	9615.90.60
9506.99.30	9607.19.00	9617.00.10
9506.99.45	9607.20.00	9617.00.30
9506.99.50	9608.10.00	9617.00.40
9506.99.55	9608.20.00	9617.00.60
9506.99.60	9608.40.40	9618.00.00
9507.20.40	9608.60.00	9619.00.05
9507.20.80	9608.99.20	9619.00.90
9507.30.60	9608.99.30	
9507.30.80	9609.10.00	
9507.90.20	9610.00.00	

B. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the "Rates of Duty 1-Special" subcolumn for each of the subheadings of the Harmonized Tariff Schedule of the United States enumerated below is modified by inserting in alphabetical sequence:

1. In subheadings 2106.90.52, 2106.90.54, 2202.90.36, and 2202.90.37, in the parenthetical expression following the rate of duty beginning "The rate applicable to the natural juice in heading 2009" the symbol "D".

2. In heading 9817.61.01, in the parenthetical expression following the rate of duty beginning "The rate applicable in the absence of this heading" the symbol "D".

ANNEX IV

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the Harmonized Tariff Schedule of the United States (HTS) is modified as provided herein, with the language in tabular format inserted in the HTS columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Section A.

1. Subheading 4202.12.20 is deleted and the following new provisions are inserted in lieu thereof:

[4202	:Trunks, suitcases,...:]			
	: [Trunks, suitcases,. . .]	:	:	:
[4202 12	: With outer surface of plastics or . . . :]	:	:	:
	: "With outer surface of plastics"	:	:	:
4202.12 21	: Trunks, suitcases, vanity cases and	:	:	:
	: similar containers.....:20%		:Free (A+,AU,BH,	:45%
	:		: CA,CL,CO,D,IL,	:
	:		: JO,KR,MA,MX,	:
	:		: OM,P,PA,PE,R,	:
	:		: SG)	:
	:		:17.5% (E)	:
4202.12.29	: Other.....:20%		:Free (AU,BH,	:45%"
	:		: CA,CL,CO,D,IL,	:
	:		: JO,KR,MA,MX,	:
	:		: OM,P,PA,PE,R,	:
	:		: SG)	:
	:		:17.5% (E)	:

2. Subheading 4202.12.80 is deleted and the following new provisions are inserted in lieu thereof:

[4202	:Trunks, suitcases,...:]			
	: [Trunks, suitcases,. . .]	:	:	:
[4202.12	: With outer surface of plastics or . . :]	:	:	:
	: [With outer surface of textile materials:]	:	:	:
"4202.12.81	: Of man-made fibers.....:17.6%		:Free (A+,AU,BH,	:65%
	:		: CA,CL,CO,D,IL,	:
	:		: JO,KR,MA,MX,	:
	:		: OM,P,PA,PE,	:
	:		: SG)	:
	:		:16.6% (E)	:
4202.12.89	: Other.....:17 6%		:Free (AU,BH,	:65%"
	:		:CA,CL,CO,IL,	:
	:		:JO,KR,MA,MX,	:
	:		:OM,P,PA,PE,	:
	:		:SG)	:
	:		:16.6% (E)	:

3. Subheading 4202.22.80 is deleted and the following new provisions are inserted in lieu thereof:

[4202	Trunks, suitcases,...:]			
	[Handbags,. .:]			
[4202.22	With outer surface of sheeting of ... .]			
	[With outer surface of textile materials:]			
	[Other:]			
	[Other:]			
"4202 22.81	Of man-made fibers	17.6%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%
4202.22.89	Other	17.6%	Free (AU,BH, CA,CL,CO,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%"

4. Subheading 4202.32.95 is deleted and the following new provisions are inserted in lieu thereof:

[4202	Trunks, suitcases,...:]			
	[Articles,...:]			
[4202.32	With outer surface of sheeting of . . :]			
	[With outer surface of textile materials:]			
	[Other:]			
"4202 32.91	Of cotton	17.6%	Free (AU,BH, CA,CL,CO,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%
4202.32.93	Of man-made fibers	17.6%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%
4202 32.99	Other	17.6%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%"

5. Subheading 4202.91.00 is deleted and the following new provisions are inserted in lieu thereof:

[4202	Trunks, suitcases,. .:]			
	[Other:]			
"4202.91:	With outer surface of leather or of composition leather:			
4202.91.10	Golf bags	4.5%	Free (AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 3.5% (E)	35%
4202.91.90	Other	4.5%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 3.5% (E)	35%"

6. Subheading 4202.92.30 is deleted and the following new provisions are inserted in lieu thereof:

[4202	Trunks, suitcases,...:]			
	[Other ..:]			
[4202.92	With outer surface of sheeting. . . :]			
	[Travel, sports, . . . :]			
	[With outer surface of textile . . . ']			
"4202.92.31	Of man-made fibers	17.6%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%
4202.92.33	Of paper yarn or of cotton; containing 85 percent or more by weight of silk or silk waste	17.6%	Free (AU,BH, CA,CL,CO, IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%
4202.92.39	Other	17.6%	Free (A+,AU,BH, CA,CL,CO,D,IL, JO,KR,MA,MX, OM,P,PA,PE, SG) 16.6% (E)	65%"

7. Subheading 4202.92.90 is deleted and the following new provisions are inserted in lieu thereof:

[4202	Trunks, suitcases,...:]			
	[Other. .:]			
[4202 92	With outer surface of sheeting . . . :]			
	[Other:]			
	"Other:			
	With outer surface of textile materials:			
"4202.92 91	Of man-made fibers (except jewelry boxes of a kind normally sold at retail with their contents)	17.6%	Free (A+, AU,BH, CA,CL, CO,D,IL, JO,KR, MA,MX,OM,P, PA,PE,SG) 16.6% (E)	45%
4202.92.93	Other	17.6%	Free (AU, BH,CA,CL, CO, IL,JO,KR,MA, MX,OM,P, PA,PE,SG) 16.6% (E)	45%
	Other.			
4202 92.94	Cases designed to protect and transport compact disks (CD's),CD Rom disks, CD players, cassette players, and/or cassettes	17.6%	Free (AU, BH,CA,CL, CO, IL,JO,KR,MA, MX,OM,P, PA,PE,SG) 16.6% (E)	45%
4202.92.97	Other	17.6%	Free (A+, AU,BH, CA,CL, CO,D,IL, JO,KR, MA,MX,OM,P, PA,PE,SG) 16.6% (E)	45%"

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the HTS is modified for the following subheadings:

1. The Rates of Duty 1-Special subcolumn is modified by adding the symbols "A+" in alphabetical order for:

4202.11.00
4202.21.60
4202.21.90
4202.22.15
4202.31.60
4202.92.45
4202.99.90

2. The Rates of Duty 1-Special subcolumn is modified by adding the symbols "A+" and "D" in alphabetical order for:

4202.12.40
4202.22.45
4202.32.40
4202.32.80
4202.92.15
4202.92.20

ANNEX V

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, general note 4(d) to the Harmonized Tariff Schedule of the United States (HTS) is modified by:

1. adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

2202.90.36	Philippines
3204.20.10	India
3204.20.80	India
7325.91.00	India
8708.50.95	India

2. adding, in alphabetical order, the following country opposite the following subheading number:

3907.60.00	India

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

2202.90.36
3204.20.10
3204.20.80
7325.91.00
8708.50.95

ANNEX VI

HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) Is Disregarded

0302.46.11	Guyana	2908.19.20	India
0304.91.90	Ecuador	2909.11.00	India
0405.20.80	India	2910.10.00	India
0603.13.00	Thailand	2910.20.00	Brazil
0710.80.50	Turkey	2912.49.10	India
0711.40.00	India	2913.00.50	India
0713.34.10	Thailand	2914.29.10	India
0713.34.20	Belize	2914.31.00	India
0713.60.60	India	2914.40.10	Brazil
0802.52.00	Turkey	2914.40.20	India
0802.80.10	India	2921.42.15	India
0802.90.20	Pakistan	2921.42.21	India
0810.60.00	Thailand	2922.29.26	India
0813.40.10	Thailand	2924.29.36	India
0813.40.80	Thailand	2924.29.43	India
1102.90.30	India	2927.00.30	India
1103.19.14	India	2930.90.30	India
1701.91.54	India	2932.99.08	India
1702.90.52	Indonesia	2933.49.08	India
2001.90.45	India	2933.99.06	India
2004.90.10	Ecuador	3802.90.10	Brazil
2005.70.02	Egypt	3824.90.31	Brazil
2005.80.00	Thailand	3824.90.32	Brazil
2006.00.70	Thailand	3920.94.00	India
2008.99.50	Thailand	4101.20.70	Pakistan
2009.50.00	Turkey	4103.90.13	India
2306.50.00	Papua New Guinea	4104.11.30	India
2516.20.20	India	4106.21.90	India
2813.90.50	India	4106.22.00	Pakistan
2824.90.50	India	4107.11.40	India
2827.39.25	India	4107.11.60	Turkey
2827.39.45	India	4107.12.40	India
2828.10.00	India	4107.19.40	India
2831.90.00	India	4107.91.40	India
2833.29.40	Turkey	4107.92.40	India
2834.10.10	India	4107.99.40	Pakistan
2840.11.00	Turkey	4107.99.80	Brazil
2841.61.00	India	4113.10.60	Pakistan
2844.30.10	India	4202.22.35	India
2903.81.00	India	4302.20.60	Brazil
2904.10.08	India	4412.99.80	Brazil
2904.90.04	India	4601.22.40	Indonesia
2905.19.10	Brazil	4602.11.05	Thailand
2905.22.20	India	4602.12.05	Indonesia
2905.49.20	India	4602.19.05	India
2907.12.00	India	5208.31.20	India
2907.15.10	India	5208.52.10	Indonesia
2907.29.25	India	5209.41.30	India

5607.90.35	Philippines
5702.92.10	India
6116.99.35	Indonesia
6908.10.20	Indonesia
7011.20.10	Thailand
7113.20.25	India
7806.00.03	Venezuela
8112.12.00	Kazakhstan
8112.19.00	Kazakhstan
8406.10.10	India
8479.89.55	Thailand
8516.90.85	Turkey
8523.29.50	India
9010.90.40	India
9614.00.26	Egypt

ANNEX VII

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

0804.10.60	Tunisia
2102.20.60	Brazil
2202.90.90	Thailand

Proclamation 9467 of July 8, 2016

Honoring the Victims of the Attack in Dallas, Texas

By the President of the United States of America
A Proclamation

As a mark of respect for the victims of the attack on police officers perpetrated on Thursday, July 7, 2016, in Dallas, Texas, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 12, 2016. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9468 of July 15, 2016

Honoring the Victims of the Attack in Nice, France

By the President of the United States of America
A Proclamation

As a mark of respect for the victims of the attack perpetrated on July 14, 2016, in Nice, France, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 19, 2016. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9469 of July 18, 2016

Captive Nations Week, 2016

By the President of the United States of America
A Proclamation

Since our earliest days, the United States has worked to uphold the rights enshrined in our founding documents. The ideals that sparked our revolution find their truest expression in democracy, and our enduring belief in the right to self-govern is not limited to our borders—we believe the human impulse toward freedom is universal. During Captive Nations Week, we recognize the inherent dignity of all people, and we renew our support for those struggling under oppressive regimes and striving to secure the blessings of liberty for themselves and their posterity.

After World War II, America joined with other nations to remake the world—to rebuild, to forge a new international order, and to advance a more just and lasting peace. And following a decades-long Cold War, with strength and resolve and the power of our ideals, we rejoiced as an Iron Curtain was brought down and a new beginning was set in motion. But although more people live in democracies today—and despite the fact that we are witness to the most peaceful and prosperous era in human history—such progress is not inevitable, and dangerous forces threaten to pull the world backward.

We must bolster our commitment to upholding freedom and democracy wherever they are jeopardized. That means ensuring the people of Ukraine have the right to choose their own destiny and ensure their independence; it means helping the millions of those displaced from Syria seek a better and safer future, while continuing our efforts to bring an end to this brutal conflict and destroy ISIL. It also means discussing our differences with nations more directly. And we have opened a new chapter in our relationship with Cuba, which includes direct engagement with their government on human rights and steps to empower and create opportunity for the Cuban people.

Around the world, a new generation of young people—connected by technology and driven by idealism and a willingness to stand up for their beliefs—is calling for more accountability in government. As heirs to a struggle for freedom that has long defined our character, Americans must lead by example and chart new paths to liberty and opportunity. We will continue to stand for equality and dignity beyond our borders and encourage economic and political reforms that foster democracy. And we remain dedicated to leading and working with others to build security, prosperity, and justice, and to fighting for any person still suffering under the grasp of tyranny.

This week, let us rededicate ourselves to broadening democracy's reach and promoting its true pillars—the rule of law, fair elections, a free press, and a vibrant civil society. As we work to lift up the lives of those whose governments still rule by fear and intimidation, let us stay vigilant in defense of democratic values and the ideals that keep us free.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation

designating the third week of July of each year as ''Captive Nations Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim July 17 through July 23, 2016, as Captive Nations Week. I call upon the people of the United States to reaffirm our deep ties to all governments and people committed to freedom, dignity, and opportunity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9470 of July 18, 2016

Honoring the Victims of the Attack in Baton Rouge, Louisiana

By the President of the United States of America

A Proclamation

As a mark of respect for the victims of the attack on police officers perpetrated on Sunday, July 17, 2016, in Baton Rouge, Louisiana, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 22, 2016. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9471 of July 25, 2016

Anniversary of the Americans with Disabilities Act, 2016

By the President of the United States of America

A Proclamation

On July 26, 1990, our Nation marked a pivotal moment in history for Americans with disabilities. Fueled by a chorus of voices who refused to accept a second-class status and driven by a movement that recog-

nized that our country is stronger and more vibrant when we draw on the talents of all our people, the Americans with Disabilities Act (ADA) enshrined into law the notion that Americans living with disabilities deserve to participate in our society free from discrimination. Twenty-six years later, as we mark this anniversary, we recognize all this milestone law has made possible for the disability community.

The ADA sought to guarantee that the places we share—from schools and workplaces to stadiums and parks—truly belong to everyone. It reflects our Nation's full commitment to the rights and independence of people with disabilities, and it has paved the way for a more inclusive and equal society. For the 6.5 million students and the approximately 50 million adults living with mental or physical disabilities, the ADA has swung open doors and empowered each of them to make of their lives what they will.

Building on this progress is a priority for my Administration. The Federal Government has taken the lead in creating meaningful employment opportunities for people with disabilities. In my first term, I issued an Executive Order that called on Federal agencies and contractors to hire more people with disabilities—and today, more Americans with disabilities are working in Federal service than at any time in the last three decades. My Administration has vigorously enforced the Supreme Court's ruling in the Olmstead decision—which determined that, under the ADA, people with disabilities cannot be unnecessarily segregated—and worked to deliver on the promise that individuals with disabilities have access to integrated, community-based services. The Affordable Care Act affirmed that Americans with pre-existing conditions can no longer be denied health insurance, and this year, we made it clear that health care providers must offer reasonable accommodations and ensure effective communication for individuals with disabilities in order to advance health equity and reduce health care disparities.

As we commemorate this progress, we know our work to expand opportunity and confront the stigma that persists surrounding disabilities is not yet finished: We have to address the injustices that linger and remove the barriers that remain. Too many people with disabilities are still unemployed and lack access to skills training or are not paid fairly for their work. We must continue increasing graduation rates for students with disabilities to give them every chance to receive the education and training they need to pursue their dreams. We must make the information and communication technologies we rely on accessible for all people, and ensure their needs are considered and incorporated as we advance the tools of modern life. And we must keep fighting for more consistent and effective enforcement of the ADA in order to prevent discrimination in public services and accommodations.

At a time when so many doubted that people with disabilities could contribute to our economy or support their families, the ADA assumed they could, and guided the way forward. Today, as we reflect on the courage and commitment of all who made this achievement possible, let us renew our obligation to extend the promise of the American dream to all our people, and let us recommit to building a world free of unnecessary barriers and full of deeper understanding of those living with disabilities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2016, the Anniversary of the Americans with Disabilities Act. I encourage Americans across our Nation to celebrate the 26th anniversary of this civil rights law and the many contributions of individuals with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9472 of July 25, 2016

National Korean War Veterans Armistice Day, 2016

By the President of the United States of America
A Proclamation

In 1950, when Communist armies from the North stormed across the 38th parallel, brave American men and women—though weary of combat in the wake of World War II—stepped forward to defend their brothers and sisters on the Korean Peninsula. Over the course of 3 years, through unforgiving weather and severe danger, nearly 1.8 million Americans joined in the fight and faced down Communism—pushing the invading armies back and protecting a people on the other side of the world. As we mark the 63rd anniversary of the Military Armistice Agreement that brought an end to this war, we pause to honor the strength and resilience of our Korean War veterans, whose spirits and stories serve as an inspiration to continue advancing freedom's cause.

Rising from occupation and ruin, the Republic of Korea today shines as a thriving, modern country, whose people can take comfort in knowing that the commitment of the United States to their stability and security will never waver. Fifty million South Koreans now live in freedom, reaching for their dreams and pursuing opportunities in a vibrant democracy and dynamic economy—always realizing they have a partner who will stand shoulder-to-shoulder with them in defense of peace and prosperity. Our lasting friendship and unbreakable alliance are sustained by the beliefs we hold in common and the values we cherish.

As we pay tribute to the Americans who gallantly helped forge this bond, we know our solemn responsibilities to our fallen and their loved ones persist long after the battle ends. More than 7,800 Americans are still missing from the Korean War, and we will not stop working to live up to our obligations to their families. We owe all our service members an enormous debt of gratitude. To honor the full weight of the sacrifices made by those who serve, we must uphold our Nation's promise to our veterans when they return home, and fulfill our commitment to all who wear the uniform in our name.

On National Korean War Veterans Armistice Day, we pay tribute to the American patriots who fought for freedom and democracy throughout the Korean War, leaving behind everyone they loved to secure the blessings of liberty for a country they never knew and a people they had never met. For the heavy price they paid, we will forever honor the legacy of their service and uphold the ideals they secured through this hard-won victory.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2016, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor our distinguished Korean War veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9473 of August 5, 2016

National Health Center Week, 2016

By the President of the United States of America
A Proclamation

Across America, community health centers offer affordable, high-quality health care to people regardless of their financial status. For more than 50 years, underserved communities and vulnerable populations have relied on the primary and preventive care options these centers provide. During National Health Center Week, we reflect on the important role that health centers have played in delivering the comprehensive care all people deserve.

With a strong focus on community-based and patient-centered care, health centers offer more than just treatment for illnesses and injuries; through an emphasis on education and prevention, they promote wellness and help people lead healthier lives. Anyone seeking care can locate their nearest community health center by using the ''Find a Health Center'' tool at www.HRSA.gov. Health centers have also played an important part in implementing the Affordable Care Act (ACA). In addition to giving 20 million more Americans the peace of mind of having quality, affordable health insurance, the ACA has enabled health centers to add more than 950 new service delivery sites across our country. Today, nearly 1,400 health centers operate approximately 9,800 service delivery sites and provide care for nearly 23 million patients.

Health centers are an important part of our Nation's health care system, and my Administration remains committed to supporting these facilities and the care they deliver. This year, we invested $94 million to help health centers treat people suffering from substance use disorders—including prescription opioid abuse and heroin use. We have also made new investments to build and renovate health center facili-

ties across our country to help serve more patients and increase availability of oral health services. And because America's health centers are uniquely positioned to address certain public health challenges, we have increased funding to expand critical services in communities that need them most. We have made key investments to help health centers respond to the water crisis in Flint, Michigan, and combat the growing threat from the Zika virus in Puerto Rico, the U.S. Virgin Islands, and American Samoa.

This week, let us thank the dedicated professionals in our community health centers who provide quality care at affordable prices. Let us build on their efforts to improve the well-being of our people and together continue working to bring about a stronger, healthier Nation for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of August 7 through August 13, 2016, as National Health Center Week. I encourage all Americans to celebrate this week by visiting their local health center, meeting health center providers, and exploring the programs they offer to help keep families healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9474 of August 19, 2016

National Employer Support of the Guard and Reserve Week, 2016

By the President of the United States of America
A Proclamation

For more than two centuries, brave patriots have given of themselves to secure our fundamental rights to life, liberty, and the pursuit of happiness—and in times of both war and peace, members of the National Guard and Reserve have stood ready to don our uniform, answer our Nation's call, and protect our way of life. This week, we recognize the important role played by the families, employers, and communities of these men and women in ensuring they can step forward and serve our country when they are needed most.

There are more than one million members of our National Guard and Reserve. Throughout the year, they dutifully train and prepare so that when they are called at a moment's notice to serve their Nation, they are able to serve with the honor and dedication that have long been hallmarks of our Armed Forces. Balancing their lives as civilians with their responsibilities in uniform, they defend and protect our people at home and abroad. In the face of natural disasters and humanitarian crises, they are quick to respond and offer assistance; during periods

of conflict and strife, they help keep us safe and protect our national interests.

These citizen-Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen deserve the full backing of their civilian employers and the promise of a secure and stable life here at home. From the businesses that seek to recruit and retain these patriots in the workplace to the supporters who provide leadership and resources, this unconditional care for our Guardsmen and Reservists and their families is part of what makes our military the greatest fighting force the world has ever known.

Americans who volunteer to serve their country should always be able to partake in its opportunities. First Lady Michelle Obama and Dr. Jill Biden's Joining Forces initiative has worked to make it easier for military spouses and veterans to find employment and ensure they are supported in the workforce. And my Administration has worked across all sectors to encourage communities to hire veterans and match members of the Guard and Reserve to the jobs they deserve. We must never waver in our commitment to fight for those who have fought for us, and we must continue striving to connect each of them with opportunities to keep their families strong and our country competitive.

During National Employer Support of the Guard and Reserve Week, let us honor the members of our Guard and Reserve for their steadfast dedication to us all—both in and out of uniform. And let us acknowledge the families, employers, and businesses whose encouragement and flexibility have enabled our military to thrive, and whose support has been vital to the success, stability, and security of our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 21 through August 27, 2016, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the members of the National Guard and Reserve and their civilian employers. I also call on State and local officials, private organizations, and all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9475 of August 22, 2016

100th Anniversary of the National Park Service

By the President of the United States of America

A Proclamation

In 1872, the Congress established Yellowstone National Park—the first park of its kind anywhere in the world. Decades later, the passage of the Antiquities Act in 1906 created our first national historic preservation policy. Under this new authority, and heavily inspired by his time

in nature with conservationist John Muir, President Theodore Roosevelt set aside 18 new monuments and landmarks, adding to the scattered collection of existing parks throughout our country. One decade later, in order to provide the leadership necessary for maintaining our growing system of parks, the Congress passed monumental legislation—which President Woodrow Wilson signed on August 25, 1916—to create the National Park Service (NPS). All existing National Parks were placed under the management of the NPS, ushering in a new era of conservation, exploration, and discovery—and securing, throughout the century that would follow, the profound legacy of an interconnected system of natural wonders.

Over the course of the past 100 years, our national park system has grown to include more than 400 locations across our country. Ranging from seashores to waterfalls, winding trails to rugged mountains, historic battlefields to monuments and memorials, every treasured site under the NPS is uniquely American. Our parks play a critical role in environmental stewardship, ensuring that precious wildlife can thrive and that ecosystems can provide the many benefits on which we depend. They have sustained the stories and cultures that define the American experience, and they embody the people and movements that distinguish our Nation's journey.

As we reflect on the many natural and cultural gifts that our National Parks provide, we must also look to the next century and pledge to secure our precious resources. That is why my Administration has protected over 265 million acres of public lands and waters—more than any Administration in history—and worked to save endangered and vulnerable species and their vital habitats. Climate change poses the biggest threat to our planet and our parks and is already dangerously affecting park ecosystems and visitor experiences. It is imperative that we rise to meet this challenge and continue leading the global fight against climate change to ensure that our parks remain healthy for all who will come after us.

Often called ''America's best idea,'' our National Parks belong to Americans of all ages and backgrounds. NPS sites and their recreational, educational, and public health benefits are our American birthright. Last year, these sites welcomed more than 300 million visitors, and my Administration is committed to helping all our people access and enjoy these public lands and waters. Through our ''Every Kid in a Park'' initiative, we have made our National Parks free to fourth grade students and their families so that more children, from any community or walk of life, can spend time being active in our outdoor spaces while learning about these natural treasures—something that First Lady Michelle Obama has also advocated for through her *Let's Move!* initiative. And through the Joining Forces initiative that she and Dr. Jill Biden have championed, more of our troops and military families can enjoy our National Parks. We must expand on these programs and increase opportunities for people in underserved communities to experience the great outdoors as well. The second century of the NPS will rely on the support and engagement of young people who are visiting more parks through the ''Find Your Park'' campaign, and we must encourage this rising generation of Americans by inviting them to make their own personal connections to the places that have shaped our history.

NPS parks and programs strive to tell our diverse stories, allowing us to learn from the past and help write our country's next great chapters. In celebration of the 100th anniversary of the National Park Service, let us thank all those who—through their dedication to the mission of the NPS—help our country build on the legacy left by all those who came before us. As we look to the next century and embrace the notion that preserving these public spaces in ways that engage, reflect, and honor all Americans has never been more important, let us summon the foresight and faith in the future to do what it takes to protect our National Parks for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 25, 2016, as the 100th Anniversary of the National Park Service. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities that recognize the National Park Service for maintaining and protecting our public lands for the continued benefit and enjoyment of all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9476 of August 24, 2016

Establishment of the Katahdin Woods and Waters National Monument

By the President of the United States of America
A Proclamation

In north central Maine lies an area of the North Woods known in recent years as the Katahdin Woods and Waters Recreation Area (Katahdin Woods and Waters), approximately 87,500 acres within a larger landscape already conserved by public and private efforts starting a century ago. Katahdin Woods and Waters contains a significant piece of this extraordinary natural and cultural landscape: the mountains, woods, and waters east of Baxter State Park (home of Mount Katahdin, the northern terminus of the Appalachian Trail), where the East Branch of the Penobscot River and its tributaries, including the Wassataquoik Stream and the Seboeis River, run freely. Since the glaciers retreated 12,000 years ago, these waterways and associated resources—the scenery, geology, flora and fauna, night skies, and more—have attracted people to this area. Native Americans still cherish these resources. Lumberjacks, river drivers, and timber owners have earned their livings here. Artists, authors, scientists, conservationists, recreationists, and others have drawn knowledge and inspiration from this landscape.

Katahdin Woods and Waters contains objects of significant scientific and historic interest. For some 11,000 years, Native peoples have inhabited the area, depending on its waterways and woods for sustenance. They traveled during the year from the upper reaches of the

East Branch of the Penobscot River and its tributaries to coastal destinations like Frenchman and Penobscot Bays. Native peoples have traditionally used the rivers as a vast transportation network, seasonally searching for food, furs, medicines, and many other resources. Based on the results of archeological research performed in nearby areas, researchers believe that much of the archeological record of this long Native American presence in Katahdin Woods and Waters remains to be discovered, creating significant opportunity for scientific investigation. What is known is that the Wabanaki people, in particular the Penobscot Indian Nation, consider the Penobscot River (including the East Branch watershed) a centerpiece of their culture and spiritual values.

The first documented Euro-American exploration of the Katahdin region dates to a 1793 survey commissioned by the Commonwealth of Massachusetts. After Maine achieved statehood in 1820, Major Joseph Treat, guided by John Neptune of the Penobscot Tribe, produced the first detailed maps of the region. The Maine Boundary Commission authorized a survey of the new State in 1825, for which surveyor Joseph C. Norris, Sr., and his son established the ''Monument Line,'' which runs through Katahdin Woods and Waters and serves as the State's east-west baseline from which township boundaries are drawn.

By the early 19th century until the late 20th century, logging was a way of life throughout the area, as exemplified by the history of logging along the Wassataquoik Stream. To access the upstream forests, a tote road was built on the Wassataquoik's north bank around 1841; traces of the old road can still be seen in places. The earliest loggers felled enormous white pines and then ''drove'' them down the tumultuous stream. Beginning in the 1880s, after the choice pines were gone, the loggers switched to spruce long logs, and built camps, depots, and many dams on the Wassataquoik to control its flow for the log drives. Remnants of the Dacey and Robar Dams have been found, and discovery of more logging remnants and historic artifacts is likely. Log driving was dangerous, and many men died on the river and were buried nearby. A large fire in 1884 damaged logging operations on the Wassataquoik, and an even larger fire in 1903 put an end to the long log operations. Pulpwood operations resumed in 1910 but ceased in 1915. Other streams, like Sandy Stream, have similar logging histories.

The East Branch of the Penobscot River and its major tributaries served as a thoroughfare for huge log drives headed toward Bangor. Log drives ended (based primarily on environmental concerns) in the 1970s, after which the timber companies relied on trucking and a network of private roads they started to build in the 1950s.

In the 1800s, the infrastructure that developed to support the logging industry also drew hunters, anglers, and hikers to the area. In the 1830s, within 2 miles of one another on the eastern side of the Penobscot East Branch, William Hunt and Hiram Dacey established farms to serve loggers, which soon also served recreationists, scientists, and others who wanted to explore the Katahdin region or climb its mountains. Just across the East Branch from the Hunt and Dacey Farms (the latter now the site of Lunksoos Camps) lies the entrance to the Wassataquoik Stream. In 1848, the Reverend Marcus Keep established what is still called Keep Path, running along the Wassataquoik to Katahdin Lake and on to Mount Katahdin. From that time until the end of the 19th century, the favored entryway to the Katahdin region started on the east side of Mount Katahdin with a visit to Hunt or Dacey Farm, then

crossed the East Branch and ascended the valley of the Wassataquoik Stream.

Henry David Thoreau—who made the ''Maine Woods'' famous through his publications—approached from the headwaters of the East Branch to the north. With his Penobscot guide Joe Polis and companion Edward Hoar in 1857, on his last and longest trip to the area, he paddled past Dacey Farm with just a brief stop at Hunt Farm. He wrote about his two nights in the Katahdin Woods and Waters area—the first at what he named the ''Checkerberry-tea camp,'' near the oxbow just upriver from Stair Falls, and the second on the river between Dacey and Hunt Farms where he drank hemlock tea.

During his 1879 Maine trip on which he summited Mount Katahdin, Theodore Roosevelt followed the route across the East Branch and up the Wassataquoik. As Roosevelt later recalled, he lost one of his hiking boots crossing the Wassataquoik but, undaunted, completed the challenging trek in moccasins. Many including Roosevelt himself have observed that his several trips to the Katahdin region in the late 1870s had a significant impact on his life, as he overcame longstanding health problems, gained strength and stamina, experienced the wonder of nature and the desire to conserve it, and made friends for life from the Maine Woods.

Native Mainer Percival P. Baxter, too, followed this route on the 1920 trip that solidified his determination to create a large park from this landscape. Burton Howe, a Patten lumberman, organized this trip of Maine notables, who stayed at Lunksoos Camps before their ascent via the established route. As a State representative, senator, and governor, Baxter had proposed legislation to create a Mount Katahdin park in commemoration of the State's centennial, and the 1920 trip cemented his profound appreciation of the landscape. Spurned by the Maine legislature, Baxter devoted his life to acquiring 28 parcels of land, largely from timber companies who had heavily logged them, and donated them to the State with management instructions and an endowment, resulting in the establishment of Baxter State Park.

Artists and photographers have left indelible images of their time spent in the area. In 1832, John James Audubon canoed the East Branch and sketched natural features for his masterpiece *Birds of America.* Frederic Edwin Church, the preeminent landscape artist of the Hudson River School, first visited the area in the 1850s, and in 1877 invited his landscape-painter colleagues to join him on a well-publicized expedition from Hunt Farm up the Wassataquoik Stream to capture varied views of Mount Katahdin and environs. In the early 1900s, George H. Hallowell painted and photographed the log drives on the Wassataquoik Stream, and Carl Sprinchorn painted logging activities on the Seboeis River.

Geologists were among the earliest scientists to visit the area. While surveys were done in the 1800s, in-depth geological research and mapping of the area did not begin until the 1950s. These mid-20th century geologists found bedrock spanning over 150 million years of the Paleozoic era, revealing a remarkably complete exposure of Paleozoic rock strata with well-preserved fossils. The lands west of the Penobscot East Branch are dominated by volcanic and granitic rock from the Devonian period, mostly Katahdin Granite but also Traveler Rhyolite, a light-colored volcanic rock that is similar in composition to granite. The oldest

rock in Katahdin Woods and Waters, a light greenish-gray quartzite interlayered with slate from the early Cambrian period (over 500 million years ago), can be observed along the riverbank of the Penobscot East Branch for over 1,000 feet at the Grand Pitch (a river rapid). This rock is part of the Weeksboro-Lunksoos Lake anticline, a broad upward fold of rocks originally deposited horizontally, which is evidence of mountain-building tectonics. The fold continues north along the river and then turns northeast toward Shin Pond, exposing successive bands of younger Paleozoic rock of both volcanic and sedimentary origin on either side of the structure.

Various formations in the area provide striking visual evidence of marine waters in Katahdin Woods and Waters during the geologic periods that immediately followed the Cambrian period. For example, Owen Brook limestone, an outcrop of calcareous bedrock west of the Penobscot East Branch containing fossil brachiopods, is of coral reef origin. Pillow lavas, such as those near the summit of Lunksoos Mountain, were produced by underwater eruptions. Haskell Rock, the 20-foot-tall pillar in the midst of a Penobscot East Branch rapid, is conglomerate bedrock that suggests a time of dynamic transition from volcanic islands to an ocean with underwater sedimentation. This conglomerate, deposited about 450 million years ago, contains volcanic and sedimentary stones of various sizes, and occurs in outcrops and boulders in several locations.

The area's geology also provides prominent evidence of large and powerful earth-changing events. During the Paleozoic era (541 to 252 million years ago), mountain-building events contributed to the rise of the primordial Appalachian Mountain range and the amalgamation of the supercontinent Pangaea. Following the last mountain-building event, significant erosion reshaped the topography, helping to expose the cores of volcanoes, the Katahdin pluton, and the structure of the previous mountain-building events. About 200 million years ago, Pangaea began splitting apart as the Atlantic Ocean appeared and North America, Europe, and Africa formed. Today, the International Appalachian Trail, a long-distance hiking trail, seeks to follow the ancestral Appalachian-Caledonian Mountains on both sides of the Atlantic, starting at Katahdin Lake in Baxter State Park near the northern end of the domestic Appalachian Trail, traversing Katahdin Woods and Waters for about 30 miles, and proceeding through Canada for resumption across the Atlantic.

In more recent geological history, during the approximately 2.5 million year-long Pleistocene epoch that ended approximately 12,000 years ago, repeated glaciations covered the region, eroding bedrock and shaping the modern landscape. Glacial till from the most recent glaciations underlies much of the area's soil, moraines occur in several locations, and glacial erratics are common. Prominent eskers—long, snaking ridges of sand and gravel deposited by glacial meltwater—occur along most of the Penobscot East Branch and the Wassataquoik Stream. Glacial landforms, glacial scoured bedrock, and the lake sediments in the area, deposited only since the retreat of the last glaciers, record a history of intense climate change that gave rise to the modern topography of the area.

This post-glacial topography is studded with attractive small mountains, including some like Deasey, Lunksoos, and Barnard, that offer spectacular views of Mount Katahdin. Katahdin Woods and Waters

abuts much of Baxter State Park's eastern boundary, extending the conservation landscape through shared mountains, streams, corridors for plants and animals, and other natural systems.

Among the defining natural features of Katahdin Woods and Waters is the East Branch of the Penobscot River system, including its major tributaries, the Seboeis River and the Wassataquoik Stream, and many smaller tributaries. Known as one of the least developed watersheds in the northeastern United States, the Penobscot East Branch River system has a stunning concentration of hydrological features in addition to its significant geology and ecology. From the northern boundary of Katahdin Woods and Waters, the main stem of the East Branch drops over 200 feet in about 10 miles through a series of rapids and waterfalls—including Stair Falls, Haskell Rock Pitch, Pond Pitch, Grand Pitch, the Hulling Machine, and Bowlin Falls.

After Bowlin Brook, the main stem declines more gently south toward Whetstone Falls and below, embroidered with many side channels and associated floodplain forests and open streamshores. Of the two major tributaries, the Seboeis River flows in from the east, and the Wassataquoik Stream from the west, the latter dropping over 500 feet in its approximately 14-mile wild run from the border of Baxter State Park to its confluence with the Penobscot East Branch main stem.

The extraordinary significance of the Penobscot East Branch River system has long been recognized. A 1977 Department of the Interior study determined that the East Branch of the Penobscot River, including the Wassataquoik Stream, qualifies for inclusion in the National Wild and Scenic Rivers System based on its outstandingly remarkable values, and a 1982 Federal-State study of rivers in Maine determined that the Penobscot East Branch River System, including both the Wassataquoik Stream and the Seboeis River, ranks in the highest category of natural and recreational rivers and possesses nationally significant resource values.

In recent years, a multi-party public-private project has taken steps to reconnect the Penobscot River with the sea through the removal and retrofitting of downstream dams. This river restoration will likely further enhance the integrity of the Penobscot East Branch river system, and provide opportunities for scientific study of the effects of the restoration on upstream areas within Katahdin Woods and Waters. It will also allow federally endangered Atlantic salmon to return to the upper reaches of the river known in the Penobscot language as ''Wassetegweweck,'' or ''the place where they spear fish.'' The return of ocean-run Atlantic salmon to this watershed would complement the exceptional native brook trout fishery for which Katahdin Woods and Waters is known today.

Katahdin Woods and Waters possesses significant biodiversity. Spanning three ecoregions, it displays the transition between northern boreal and southern broadleaf deciduous forests, providing a unique and important opportunity for scientific investigation of the effects of climate change across ecotones. The forests include mixed hardwoods like sugar maple, beech, and yellow birch; mixed forests with hardwoods, hemlock, and white pine; and spruce-fir forests with balsam fir, red spruce, and birches. In wetland areas, black spruce, white spruce, red maple, and tamarack dominate.

Although significant portions of the area have been logged in recent years, the regenerating forests retain connectivity and provide significant biodiversity among plant and animal communities, enhancing their ecological resilience. With the complex matrix of microclimates represented, the area likely contains the attributes needed to sustain natural ecological function in the face of climate change, and provide natural strongholds for species into the future. These forests also afford connections and scientific comparisons with the forests on adjacent State land, including Baxter State Park, which was logged heavily before its parcel-by-parcel purchase by former Governor Percival Baxter between 1931 and 1963.

Of particular scientific significance are the number and quality of small and medium-sized patch ecosystems throughout the area, tending to occur in less common topography that is often relatively remote or inaccessible. Hilltops and barrens often protect rare flora and fauna, such as the blueberry-lichen barren and associated spruce-heath barren found between Robar and Eastern Brooks, and the three-toothed cinquefoil-blueberry low summit bald atop Lunksoos Mountain, where rattlesnake hawkweed can be found. Cliffs and steep slopes, like those present along the ridge from Deasey Mountain to Little Spring Brook Mountain and on the eastern sides of Billfish and Traveler Mountains, harbor exemplary rock outcrop ecosystems that often include flora of special interest, such as fragrant cliff wood-fern and purple clematis. Ravines and coves can support enriched forests like the maple-basswood-ash community found below the eastern cliffs of Lunksoos Mountain, with trees over 250 years old and associated rare plants including squirrel-corn. The Appalachian-Acadian rivershore ecosystems of the Penobscot East Branch and its two major tributaries are considered exemplary in Maine, with occurrences of beautiful silver maple floodplain forest and hardwood river terrace forest—rare and imperiled natural communities, respectively, in the State. A nationally significant diversity of high quality wetlands and wet basins occurs throughout Katahdin Woods and Waters, including smaller streams and brooks, ponds, swamps, bogs, and fens. Patch forests of various types also occur throughout the area, such as a red-pine woodland forest on small hills and ridges amid the large Mud Brook Flowage wetland in the southwestern section.

The expanse of Katahdin Woods and Waters, augmented by its location next to other large conservation properties including Baxter State Park and additional State reservations, supports many wide-ranging wildlife species including ruffed grouse, moose, black bear, white-tailed deer, snowshoe hare, American marten, bobcat, bald eagle, northern goshawk, and the federally threatened Canada lynx. Seventy-eight bird species are known to breed in the area, and many more bird species use it. Visitation and study of the area have been limited to date, as compared with other areas like Baxter State Park, and many more species of birds and other wildlife may be present.

Certain wildlife species are known to occur in specific patch ecosystems in the area, such as the short-eared owl in hilltops and barrens, and the silver-haired bat and the wood turtle in floodplain forests. Mussels such as the tidewater mucket and yellow lampmussel live in some of the brooks and streams, and rare invertebrates like the copper butterfly, pygmy snaketail dragonfly, Tomah mayfly, and Roaring Brook mayfly inhabit some of its bogs and fens.

Katahdin Woods and Waters's daytime scenery is awe-inspiring, from the breadth of its mountain-studded landscape, to the channels of its free-flowing streams with their rapids, falls, and quiet water, to its vantages for viewing the Mount Katahdin massif, the ''greatest mountain.'' The area's night skies rival this experience, glittering with stars and planets and occasional displays of the aurora borealis, in this area of the country known for its dark sky.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, for the purpose of establishing a national monument to be administered by the National Park Service, Elliotsville Plantation, Inc. (EPI), has donated certain lands and interests in land within Katahdin Woods and Waters to the Federal Government;

WHEREAS, the Roxanne Quimby Foundation has established a substantial endowment with the National Park Foundation to support the administration of a national monument;

WHEREAS, Katahdin Woods and Waters is an exceptional example of the rich and storied Maine Woods, enhanced by its location in a larger protected landscape, and thus would be a valuable addition to the Nation's natural, historical, and cultural heritage conserved and enjoyed in the National Park System;

WHEREAS, it is in the public interest to preserve and protect the historic and scientific objects in Katahdin Woods and Waters;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Katahdin Woods and Waters National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled, ''Katahdin Woods and Waters National Monument,'' which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 87,500 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights, including the November 29, 2007, ''Access Agreement'' between EPI and the State of Maine, Department of Conservation that provides for certain public snowmobile use on specified parcels, and certain reservations of rights for Elliotsville Plantation, Inc., in specified parcels. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage these lands through the National Park Service, pursuant to applicable authorities and consistent with the valid existing rights and the purposes and provisions of this proclamation. As provided in the deeds, the Secretary shall allow hunting by the public on the parcels east of the East Branch of the Penobscot River in accordance with applicable law. The Secretary may restrict hunting in designated zones and during designated periods for reasons of public safety, administration, or resource protection. This proclamation will not otherwise affect the authority of the State of Maine with respect to hunting.

The Secretary shall prepare a management plan to implement the purposes of this proclamation, with full public involvement, within 3 years of the date of this proclamation. The Secretary shall use available authorities, as appropriate, to enter into agreements with others to address common interests and promote management needs and efficiencies.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe. The Secretary shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and cultural sites in the monument and provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

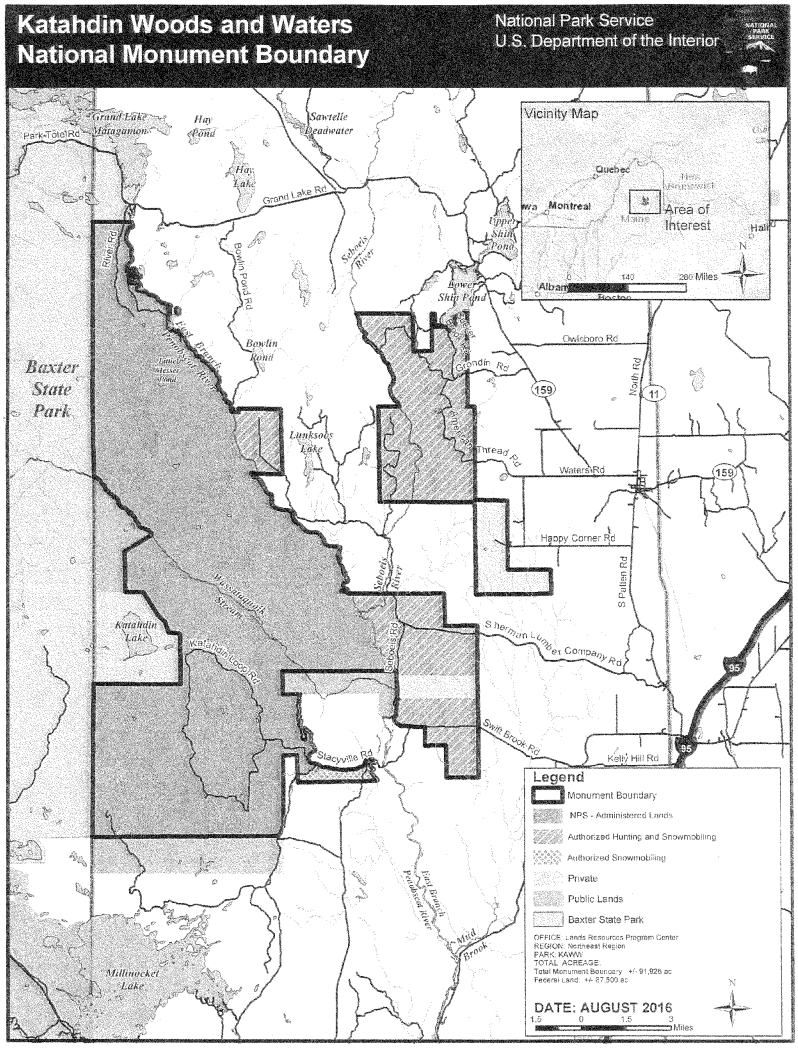
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Nothing in this proclamation shall preclude the use of existing low level Military Training Routes, consistent with applicable Federal Aviation Administration regulations and guidance for overflights of military aircraft, consistent with the care and management of the objects to be protected.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA


Katahdin Woods and Waters
National Monument Boundary
National Park Service
U.S. Department of the Interior
Vicinity Map
Quebec
Montreal
Area of Interest
Maine
Albany
Boston
140
280 Miles
Baxter State Park
Grand Lake Matagamon
Park Tote Rd
Hay Pond
Hay Lake
Sawtelle Deadwater
Grand Lake Rd
Perry Rd
Bowlin Pond Rd
Bowlin Road
Lunksoos Lake
Katahdin Lake
Katahdin Lake Rd
Millinocket Lake
Wassataquoik Stream
Wassataquoik Lake
Salmon Brook Rd
Slacyville Rd
Swift Brook Rd
Kelly Hill Rd
Sherman Lumber Company Rd
S Patten Rd
Happy Corner Rd
Waters Rd
Thread Rd
Grindin Rd
Owlsboro Rd
North Rd
159
11
95
Legend
Monument Boundary
NPS - Administered Lands
Authorized Hunting and Snowmobiling
Authorized Snowmobiling
Private
Public Lands
Baxter State Park
OFFICE: Lands Resources Program Center
REGION: Northeast Region
PARK: KAWW
TOTAL ACREAGE:
Total Monument Boundary: +/- 91,926 ac
Federal Land: +/- 87,500 ac
DATE: AUGUST 2016
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Proclamation 9477 of August 25, 2016

Women's Equality Day, 2016

By the President of the United States of America
A Proclamation

Nearly one century ago, with boundless courage and relentless commitment, dedicated women who had marched, advocated, and organized for the right to cast a vote finally saw their efforts rewarded on August 26, 1920, when the 19th Amendment was certified and the right to vote was secured. In the decades that followed, that precious right has bolstered generations of women and empowered them to stand up, speak out, and steer the country they love in a more equal direction. Today, as we celebrate the anniversary of this hard-won achievement and pay tribute to the trailblazers and suffragists who moved us closer to a more just and prosperous future, we resolve to protect this constitutional right and pledge to continue fighting for equality for women and girls.

At every level of society, women are leaders at the forefront of progress. Serving as judges and Members of Congress, setting world records in sports, founding groundbreaking companies, and fighting on the front lines of combat, women continue to tear down barriers and shatter glass ceilings—just as they have done since the founding of our Nation. Yet such progress is not inevitable, and we must keep moving forward on our journey toward equality. In one of my first acts as President, I established the White House Council on Women and Girls to provide a coordinated response to challenges confronted by women and girls, ensuring their concerns and insights are taken into account in our policies and programs. And this year, my Administration hosted the first-ever United State of Women Summit to continue our efforts to underscore the passion, success, and ongoing commitment of advocates dedicated to advancing gender equality and realizing a brighter future for women of all ages.

No woman should earn less than a man for doing the same job—equal pay for equal work should be a fundamental principle of our economy and our democracy. That is why the first bill I signed into law as President was the Lilly Ledbetter Fair Pay Act, and why I continue to call on the Congress to pass the Paycheck Fairness Act. Women make up roughly half of our workforce, and we need to invest more in affordable, high-quality childcare. We must strengthen paid sick, maternity, and family leave—too many families are forced to make difficult choices between caring for a newborn and receiving a paycheck, or staying home to help a sick child or parent and keeping their job. And we must continue striving for fairness and opportunity when it comes to improving workplace policies, because we know that when women succeed, our economy and our country succeed.

Ensuring all young women can live full and healthy lives is vital to their pursuit of personal and professional goals. Because of the Affordable Care Act, individuals can no longer be charged higher premiums simply for being a woman. But there is still more we can do to reduce discrimination when it comes to women's health—such as protecting a woman's right to choose and safeguarding access to sexual and reproductive health services, including abortion. Every person should be

able to live and reach for their dreams free from fear of violence: In America, nearly one in four women has suffered physical domestic violence, a cruelty which deprives its victims of their autonomy, liberty, and security, and inhibits them from reaching their full potential. Approximately one in five women is sexually assaulted while in college. Through the It's On Us campaign and the White House Task Force to Protect Students From Sexual Assault, we have called on individuals, communities, and institutions of higher education to recognize what they can do to stop sexual assault and change our culture for the better. We have striven to support survivors and focused on making sure our schools are safe places where all students can learn, grow, and thrive. Transgender women often face escalated levels of discrimination and violence, and we have taken a number of steps to secure their civil rights, including providing guidance to educators that can help rid school environments of discrimination. The Department of Justice has also urged law enforcement agencies to address any form of gender bias that exists in responding to domestic violence and sexual assault and ensure that such bias does not undermine efforts to keep victims safe.

Underrepresented in management positions, underfunded as entrepreneurs, under-encouraged in STEM fields, and confronted with higher levels of unemployment, women and girls of color still face very real challenges, significant opportunity gaps, and structural barriers. That is why we have hosted forums to discuss ways to increase programming and promote opportunities for women and girls of color so they can achieve success at school, at work, and in their communities. To continue building these ladders of opportunity for women—not just in communities across our country, but also around the world—I have made advancing gender equality a foreign policy priority. My Administration has sought to end gender-based violence across the globe, promote the role of women in ending conflict and building lasting peace and security, and empower the next generation by investing in adolescent girls and breaking down barriers to get 62 million girls into schools through the *Let Girls Learn* initiative.

In the many decades since suffragists organized and mobilized, countless advocates and leaders have picked up the mantle and moved our Nation and our world forward. Today, young women in America grow up knowing an historic truth—that not only can they cast a vote, but they can also run for office and help shape the very democracy that once left them out. For these women, and for generations of women to come, we must keep building a more equal America—whether through the stories we tell about our Nation's history or the faces we display on our country's currency. On Women's Equality Day, as we recognize the accomplishments that so many women fought so hard to achieve, we rededicate ourselves to tackling the challenges that remain and expanding opportunity for women and girls everywhere.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2016, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and promote gender equality.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord two thousand sixteen, and of

the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9478 of August 26, 2016

Papahānaumokuākea Marine National Monument Expansion

By the President of the United States of America

A Proclamation

Through Proclamation 8031 of June 15, 2006, as amended by Proclamation 8112 of February 28, 2007, the President established the Papahānaumokuākea Marine National Monument (Monument), to protect and preserve the marine area of the Northwestern Hawaiian Islands and the historic and scientific objects therein. As stated in Proclamation 8031, the area, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, supports a dynamic reef ecosystem with more than 7,000 marine species, of which approximately one quarter are unique to the Hawaiian Islands. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna, including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to the Native Hawaiian community and a connection to early Polynesian culture worthy of protection and understanding.

An area adjacent to the Monument, and that will constitute the Monument Expansion as set forth in this proclamation, includes the waters and submerged lands to the extent of the seaward limit of the United States Exclusive Economic Zone (U.S. EEZ) west of 163° West Longitude, and extending from the boundaries depicted on the map accompanying Proclamation 8031 as amended by Proclamation 8112 (adjacent area).

As required by the Antiquities Act, the adjacent area contains objects of historic and scientific interest that are situated upon lands owned or controlled by the Federal Government; they are geological and biological resources that are part of a highly pristine deep sea and open ocean ecosystem with unique biodiversity and that constitute a sacred cultural, physical, and spiritual place for the Native Hawaiian community.

This unique ecosystem has many significant features. Important geological features of the adjacent area include more than 75 seamounts, as well as a non-volcanic ridge that extends southwest towards the Johnston Atoll. Together, these features form biodiverse hotspots in the open ocean that provide habitat for deep-sea species, including sponges, other invertebrates, fish, and colonies of corals many thousands of years old. Recent science demonstrates that seamounts harbor a multitude of species with unique ecological traits, some newly discovered. Seamounts, ridges, and other undersea topographic features

are important stepping stones that enable marine organisms to spread throughout the Hawaiian Archipelago, and between Hawaii and other archipelagoes. Undisturbed seamount communities in the adjacent area are of significant scientific interest because they provide opportunities to examine the impacts of physical, biological, and geological processes on ecosystem diversity, including understanding the impacts of climate change on these deep-sea communities. These seamounts and ridges also provide the opportunity for identification and discovery of many species not yet known to humans, with possible implications for research, medicine, and other important uses.

Recent scientific research, utilizing new technology, has shown that many species identified as objects in Proclamation 8031 inhabit previously unknown geographical ranges that span beyond the existing Monument, and in some cases the adjacent area also provides important foraging habitat for these species. For example, the endangered Hawaiian monk seal forages well beyond the existing Monument. Scientific research on Hawaiian monk seal foraging behavior has shown that monk seals may travel 80 miles and dive to depths of almost 2,000 feet while feeding.

Important bird species abound in the Monument and the adjacent area. Birds from the world's largest colonies of Laysan albatross, Black-footed albatross, and Bonin petrels, as well as significant populations of shearwaters, petrels, tropicbirds, the endangered Short-tailed albatross, and other seabird species forage in the adjacent area. We now know that albatrosses and Great Frigatebirds rely on the adjacent area during chick-brooding periods, when their foraging is focused within 200 miles of the nesting colonies on the Monument's islands and atolls. At other times, these wide-ranging species use a much broader range (over 1,600 miles) for foraging.

The adjacent area is a foraging and migration path for five species of protected sea turtles. While green and hawksbill turtles use the nearshore waters of the Monument for nesting, these species—along with the endangered leatherback turtle and threatened loggerhead and olive ridley turtles—migrate through the adjacent area to reach high-productivity foraging areas.

Twenty-four species of whales and dolphins have been sighted in the adjacent area. Three of these species are listed under the Endangered Species Act as threatened or endangered: sperm whales, fin whales, and sei whales. Cetacean use of the Monument Expansion varies; resident species such as spinner dolphins, false killer whales, and rough-toothed dolphins utilize the area year-round, whereas other species, such as humpback whales, use it as a wintering area. A wide variety of tropical and temperate water dolphin species inhabit the Monument Expansion, including pantropical spotted dolphins, spinner dolphins, striped dolphins, rough-toothed dolphins, and bottlenose dolphins. Several rarely sighted species of dolphin inhabit the area, including Risso's and Fraser's dolphins. Both of these species are primarily oceanic and found in waters deeper than 1,000 meters. Acoustic evidence also shows that endangered blue whales—the largest animals on Earth—visit the area and may migrate past the Hawaiian Islands twice a year.

Sharks, including tiger sharks and Galapagos sharks, are key species in the ecosystems of the Monument and adjacent area. These large and

highly mobile predators have expansive home ranges and regularly move across the boundaries of the current Monument into the adjacent waters. Additionally, blue sharks, three species of thresher sharks, and two species of mako sharks inhabit the open ocean environment of the adjacent area.

The Monument and adjacent area are part of the most remote island archipelago on Earth. This biological and geographic isolation, coupled with unique oceanographic and geological conditions, has resulted in an ecosystem critical for new species formation and endemism. These forces result in some of the most unique and diverse ecological communities on the planet.

Importance to Native Hawaiian Culture

The ocean will always be seen as an integral part of cultural identity for the Native Hawaiian community. The deep sea, the ocean surface, the sky, and all the living things in the area adjacent to the Monument are important to this culture and are deeply rooted in creation and settlement stories. Native Hawaiian culture considers the Monument and the adjacent area a sacred place. This place contains the boundary between Ao, the world of light and the living, and Pō, the world of the gods and spirits from which all life is born and to which ancestors return after death. Long-distance voyaging and wayfinding is one of the most unique and valuable traditional practices that the Native Hawaiian community has developed and continues to advance. Once on the verge of cultural extinction, new double-hulled sailing canoes, beginning with the Hōkūleʻa in the 1970s, are bringing voyaging and wayfinding to new generations. This traditional practice relies on celestial, biological, and natural signs, such as winds, waves, currents and the presence of birds and marine life. The open ocean ecosystem and its natural resources in the adjacent area play an important role within the cultural voyaging seascape within the Hawaiian Archipelago.

Shipwrecks

World War II shipwrecks and aircraft in the adjacent area, though not identified as objects under the Antiquities Act in this proclamation, are of great historic interest. The naval portion of the Battle of Midway, one of the most important naval battles of World War II, occurred approximately 200 miles to the northeast of Midway Atoll, in the adjacent area. Deep-sea technologies have enabled the *USS Yorktown,* an aircraft carrier torpedoed during the battle, to be found at more than 16,000 feet below the ocean's surface. Eyewitness accounts and historical records tell the stories of the destroyer *USS Hammann,* five Japanese vessels (the four aircraft carriers *Hiryu, Soryu, Kaga,* and *Akagi,* and the cruiser *Mikuma*), and several hundred aircraft that were also lost during the battle in this area. The locations of these vessels have yet to be identified. All told, the adjacent area serves as a final resting place for the more than 3,000 people lost during the battle.

WHEREAS, the waters and submerged lands adjacent to the Monument (west of 163° West Longitude and seaward from the boundaries delineated in Proclamation 8031 as amended by Proclamation 8112 out to the limit of the U.S. EEZ) contain objects of historic and scientific interest that are situated upon lands owned or controlled by the Federal Government;

WHEREAS, section 320301 of title 54, United States Code (the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the marine environment, including the waters and submerged lands in the U.S. EEZ west of 163° West Longitude adjacent to Papahānaumokuākea Marine National Monument for the care and management of the historic and scientific objects therein;

WHEREAS, the well-being of the United States, the prosperity of its citizens and the protection of the ocean environment are complementary and reinforcing priorities; and the United States continues to act with due regard for the rights, freedoms, and lawful uses of the sea enjoyed by other nations under the law of the sea in managing the Papahānaumokuākea Marine National Monument and adjacent areas, and does not compromise the readiness, training, and global mobility of the U.S. Armed Forces when establishing marine protected areas;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be part of the Papahānaumokuākea Marine National Monument Expansion (Monument Expansion) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled ''Papahānaumokuākea Marine National Monument Expansion'' attached hereto, which forms a part of this proclamation. The Monument Expansion comprises the waters and submerged lands in the U.S. EEZ west of 163° West Longitude adjacent to the Monument. The Federal lands and interests in lands reserved consist of approximately 442,781 square miles, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the Monument Expansion are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws to the extent that those laws apply, including but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to development of oil and gas, minerals, geothermal, or renewable energy. Lands and interest in lands within the Monument Expansion not owned or controlled by the United States shall be reserved as part of the Monument Expansion upon acquisition of title or control by the United States.

Management of the Marine National Monument

Nothing in this proclamation shall change the management of the Papahānaumokuākea Marine National Monument or any of the provi-

sions specified in Proclamations 8031 and 8112. Terms used in this proclamation shall have the same meaning as those defined in Proclamation 8031. The Secretaries of Commerce and the Interior (Secretaries) shall share management responsibility for the Monument Expansion. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), and in consultation with the Secretary of the Interior, shall have responsibility for management of activities and species within the Monument Expansion under the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act (for species regulated by NOAA), the Marine Mammal Protection Act, and any other applicable Department of Commerce legal authorities. The Secretary of the Interior, through the United States Fish and Wildlife Service (FWS), and in consultation with the Secretary of Commerce, shall have responsibility for management of activities and species within the Monument Expansion under its applicable legal authorities, including the National Wildlife Refuge System Administration Act, the Refuge Recreation Act, and the Endangered Species Act (for species regulated by FWS), and Public Law 98–532 and Executive Order 6166 of June 10, 1933.

Additionally, the Secretary of Commerce should consider initiating the process under the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*) to designate the Monument Expansion area and the Monument seaward of the Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial as a National Marine Sanctuary to supplement and complement existing authorities.

The Secretaries shall prepare a joint management plan, within their respective authorities and after consultation with the State of Hawaii, for the Monument Expansion within 3 years of the date of this proclamation, and shall promulgate as appropriate implementing regulations, within their respective authorities, that address any further specific actions necessary for the proper care and management of the objects and areas identified in this proclamation. The Secretaries shall revise and update the management plan as necessary. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall consult, designate, and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense and Department of State, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and its implementing regulations. If the Secretaries deem it beneficial, they may prepare a joint management plan for the entire Monument and Monument Expansion area, consistent with the provisions of the respective proclamations.

The Secretaries shall coordinate and work cooperatively with the Department of Defense, through the United States Navy, to protect, under the Sunken Military Craft Act, Public Law 108–375, 118 Stat. 1811, and any other applicable legal authorities, United States sunken military vessels and aircraft that are found within the geographic boundaries of the Monument Expansion. Any sunken craft of a foreign state found within the geographic boundaries of the Monument Expansion may be protected to the extent authorized under U.S. law, consistent with the President's Statement on United States Policy for the Protection of Sunken Warships (January 19, 2001).

This proclamation shall be applied in accordance with international law. The management plans and their implementing regulations shall impose no unlawful restrictions on innocent passage or otherwise unlawfully restrict navigation and overflight and other internationally recognized lawful uses of the sea in the Monument and Monument Expansion and shall incorporate the provisions of this proclamation regarding U.S. Armed Forces actions and compliance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. Also, in accordance with international law, no restrictions shall apply to foreign warships, naval auxiliaries, and other vessels owned or operated by a state and used, for the time being, only on Government noncommercial service, in order to fully respect the sovereign immunity of such vessels under international law. The Secretary of State, in consultation with the Secretaries of Commerce and the Interior, shall take steps to protect the Monument Expansion as it does with respect to the Monument as specified in Proclamation 8031.

Restrictions

Prohibited Activities

The Secretaries shall prohibit persons from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil, gas, or minerals, or any energy development activities within the Monument Expansion;

2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a Monument Expansion resource;

3. Introducing or otherwise releasing an introduced species from within or into the Monument Expansion;

4. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging, or attempting to remove, move, take, harvest, possess, injure, disturb, or damage, any living or nonliving Monument Expansion resource, except as provided under regulated activities below;

5. Drilling into, dredging, or otherwise altering the submerged lands, or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands, except for scientific instruments;

6. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope;

7. Deserting a vessel at anchor or adrift within the Monument Expansion; and

8. Commercial fishing and possessing commercial fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument Expansion.

Regulated Activities

Subject to such terms and conditions as the Secretaries deem appropriate, the Secretaries may permit any of the following activities regulated by this proclamation if such activity is consistent with the care and management of the objects within the Monument Expansion and is not prohibited as defined above:

1. Native Hawaiian practices, including exercise of traditional, customary, cultural, subsistence, spiritual, and religious practices within the Monument Expansion;

2. Research and scientific exploration designed to further understanding of Monument Expansion resources and qualities;

3. Scientific research and development by Federal agencies that cannot be conducted in any other location;

4. Activities that will further the educational value of the Monument Expansion or will assist in the conservation and management of the Monument Expansion;

5. Anchoring scientific instruments; and

6. Non-commercial fishing, provided that the fish harvested, either in whole or in part, cannot enter commerce through sale, barter, or trade, and that the resource is managed sustainably.

Regulation of Scientific Exploration and Research

The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Emergencies and Law Enforcement Activities

The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

U.S. Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the U.S. Armed Forces, including those carried out by the United States Coast Guard.

2. The U.S. Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a Monument Expansion resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate action to respond to and mitigate any harm and, if possible, restore or replace the Monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the U.S. Armed Forces discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

Other Provisions

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

The Monument Expansion shall be the dominant reservation.

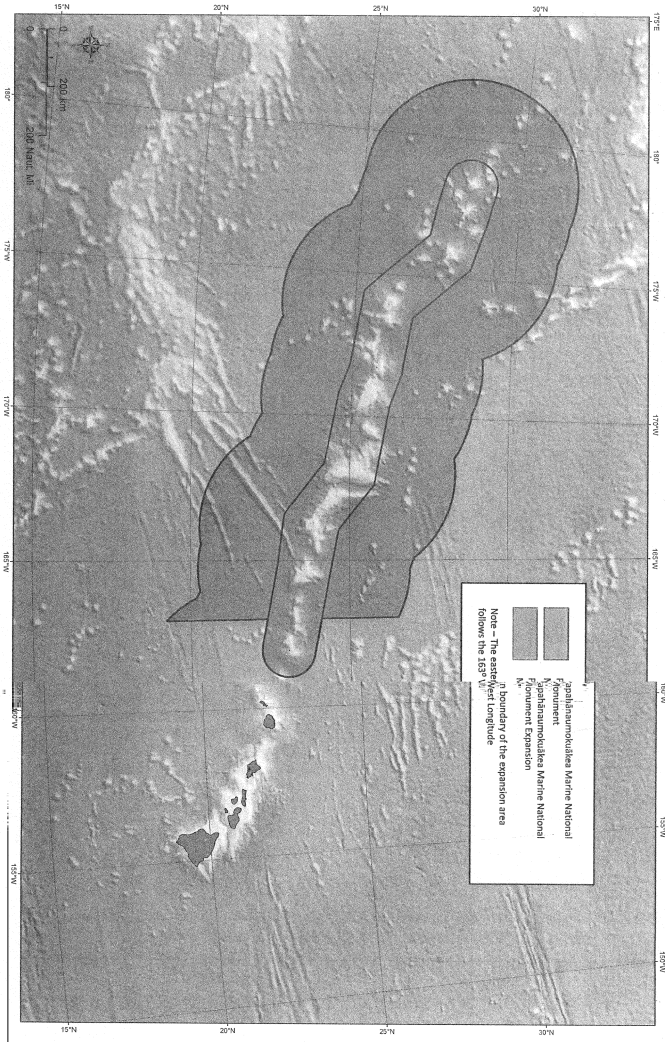
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this Monument Expansion and not to locate or settle upon any lands thereof.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA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170°W
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200 Nautic. mi.
Papahānaumokuākea Marine National Monument
Papahānaumokuākea Marine National Monument Expansion
Note – The eastern boundary of the expansion area follows the 163° West Longitude

Proclamation 9479 of August 31, 2016

National Alcohol and Drug Addiction Recovery Month, 2016

By the President of the United States of America
A Proclamation

Every day, millions of Americans prove that recovery from alcohol and substance use disorders is possible—yet at the same time, millions more are struggling with the disease of addiction. These individuals are our family members, friends, and neighbors, and when they are not able to get the help they need, our communities and our country are not as strong as they can be. It is up to all of us to help our loved ones seek life-saving services when needed and steer them toward recovery. Throughout this month, we celebrate the successes of all those who know the transformative power of recovery, and we renew our commitment to providing the support, care, and treatment that people need to forge a healthier life.

Substance use disorder, commonly known as addiction, is a disease of the brain, and many misconceptions surrounding it have contributed to harmful stigmas that can prevent individuals from seeking the treatment they need. By treating substance use disorders as seriously as other medical conditions, with an emphasis on prevention and treatment, people can recover. This month's theme is, ''Join the Voices for Recovery: Our Families, Our Stories, Our Recovery!''. Focusing on the importance of family support throughout recovery, it invites families, loved ones, and other individuals to share their stories and triumphs in fighting substance use disorders to inspire others that may follow in their footsteps. I encourage all Americans looking for assistance to use the ''Treatment Locator'' tool at www.SAMHSA.gov or call 1–800–662–HELP.

This disease can touch any American in any community, and my Administration has made combatting substance use disorders a priority. Under the Affordable Care Act, insurance companies must now cover substance use disorder services as essential health benefits. The Mental Health Parity and Addiction Equity Act requires health plans that cover mental health and substance use disorder treatment to provide coverage that is comparable to that of medical and surgical care. Through our National Drug Control Strategy—a 21st century approach to reducing drug use and its consequences—we have promoted evidence-based health and safety initiatives that aim to prevent drug use, increase opportunities for early intervention and integrated treatment in health care, and support recovery. In response to our Nation's opioid overdose epidemic, we are highlighting tools that can help reduce drug use and overdose, such as evidence-based prevention programs, prescription drug take-back events, medication-assisted treatment for people with opioid use disorders, and the overdose reversal drug naloxone. That is why, in my most recent budget proposal, I proposed investing $1 billion to expand access to treatment for prescription opioid misuse and heroin use. I will continue urging the Congress to fund treatment like I have proposed—because if they fund these efforts, we can help more individuals across our country seek help, complete treatment, and sustain recovery.

During National Alcohol and Drug Addiction Recovery Month, let us thank health care professionals, support groups, and all those dedicated to helping individuals in need find assistance and reclaim their lives. Let us continue working to address substance use disorders in our communities and promote the health, safety, and prosperity of the American people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9480 of August 31, 2016

National Childhood Obesity Awareness Month, 2016

By the President of the United States of America
A Proclamation

Childhood obesity has both immediate and long-term effects on a child's health and well-being—it puts our young people at higher risk for health problems in adulthood and it can strain our economy in the years ahead. But collaborative efforts in recent years have helped our Nation make progress and begin to reverse these trends. By fostering environments that support healthy choices and giving families the knowledge and resources they need to make smart decisions, we can move closer toward ensuring all our children grow up healthy. Every September, as children begin the new school year, we recommit to solving the epidemic of childhood obesity within the next generation.

Over the course of my Presidency, we have put forward new programs, policies, and initiatives that put children on a path to a healthy future. At the launch of First Lady Michelle Obama's *Let's Move!* initiative, I established the first-ever Task Force on Childhood Obesity to develop a national action plan to mobilize the public and private sectors and engage families and communities in an effort to improve the health of our children. Combining comprehensive strategies with common sense, *Let's Move!* is focused on helping children lead a healthier life during their earliest months and years; providing healthier foods in our schools; ensuring every family has access to healthy, affordable food; and getting children to become more physically active. Everyone has a role to play in ensuring all of our kids grow up healthy, including parents and caregivers, elected officials from all levels of government, schools, health care professionals, faith-based and community-based organizations, and the private sector. For the past 5 years we have welcomed students to the White House from across our Nation to create original and healthy recipes in our annual Healthy Lunchtime Chal-

lenge and Kids' ''State Dinner.'' The First Lady has also invited students to join her in planting and harvesting the White House Kitchen Garden to learn about where their food comes from and experience firsthand how healthy food can be fun and delicious.

Earlier this year, the Food and Drug Administration introduced a modernized Nutrition Facts label—which includes more realistic serving sizes and information on added sugars—to provide families with the accurate information they need to make healthy choices. We know there is a strong connection between what our kids eat and how well they perform in school, too. That is why, in 2010, I signed the bipartisan Healthy, Hunger-Free Kids Act, a law that improves the quality of school meals and snacks for over 50 million students so they have the fuel they need to focus on their education and grow up healthy. A recent study showed that because of the increased availability and variety of fruits and vegetables in school meals, students have been empowered to make healthier choices since these standards were updated. The Act increased the number of students who could get school meals at little or no cost and ensured that any food or beverage marketed to children at school meets specific nutrition standards. It also helped bring about the first major revision of nutrition standards for the Child and Adult Care Food Program since its inception more than 40 years ago.

In addition to improving the nutrition of the food our children eat, we will keep striving to create opportunities for kids to become more physically active. The *Physical Activity Guidelines for Americans* recommend that kids be active for at least 60 minutes every day, but less than one-third of teenagers have met that goal in recent years. Last year, the Surgeon General called on communities to recognize the importance of exercise by walking more and by improving the walkability of our neighborhoods. Through our ''Every Kid in a Park'' initiative, we have opened up our National Parks to fourth graders and their families for free, so that children from all backgrounds, parts of the country, and walks of life can get outdoors more easily.

This year, as we observe National Childhood Obesity Awareness Month, let us renew our commitment to giving America's daughters and sons a healthy start in life. Let us continue to encourage parents and caregivers to make nutritious choices and help their children do the same, improve access to healthy and affordable foods in our communities and our schools, and promote active lifestyles. We must each do our part to reduce childhood obesity and empower our children to reach for the brighter, healthier future they deserve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Childhood Obesity Awareness Month. I encourage all Americans to learn about and engage in activities that promote healthy eating and greater physical activity by all our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand sixteen, and of

the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9481 of August 31, 2016

National Preparedness Month, 2016

By the President of the United States of America
A Proclamation

Americans have been tested by trial and tragedy since our earliest days—but year after year, no matter the hardship, we pull through and forge ahead. Fifteen years after the attacks of September 11, we reflect on our strength as a Nation when anything threatens us. Today, as the residents of Louisiana mourn the loss of loved ones and face tremendous damage caused by historic floods, we are reminded of what Americans do in times like these—we see the power of love and community among neighbors who step up to help in extraordinarily difficult circumstances. Preparing ourselves to meet the unknown challenges of tomorrow is a duty we all share, and when confronted with crisis or calamity, we need to have done everything possible to prepare. During National Preparedness Month, we emphasize the importance of readying ourselves and our communities to be resilient in the face of any emergency we may encounter.

Although my Administration continues doing everything we can to keep the American people safe, it is each citizen's responsibility to be as prepared as possible for emergencies. Whether in the form of natural disasters like hurricanes and earthquakes, or unspeakable acts of evil like terrorism, danger can arise at unexpected times and places. Fortunately, there are many things that individuals, families, and communities can do to improve their readiness. I encourage all Americans to take proactive steps to prepare for any situation that may occur—including signing up for local alerts, checking insurance coverage, documenting valuables, creating a plan for emergency communication and evacuation, and having a fully stocked disaster supply kit on hand. And I encourage those in the business community to prepare their employees, develop a business continuity plan, and engage in community-level planning to help ensure our communities and private sector remain strong when faced with an emergency. For information on how to better prepare for emergencies that are common in your area, or to learn about resources that may be available for increasing preparedness, visit www.Ready.gov or www.Listo.gov.

In the face of unpredictable threats and hazards, we are committed to improving access to information and raising awareness of the importance of precautionary measures. Leaders across our country should take the time to review the 2016 National Preparedness Report and find ways to address the vulnerabilities it highlights. All Americans can play a role in fulfilling our National Preparedness Goal by addressing the risks that affect them and participating in preparedness activities across our Nation.

We continue to collaborate with State, local, and tribal partners, along with those in the public and private sectors, to ensure that communities in crisis do not have to face these dangers alone. In addition to coordinating relief efforts and providing rapid response, we have focused on supporting the needs of survivors, investing in affected neighborhoods, and helping them rebuild their communities to be better, stronger, and more resilient. Federal agencies are also working to share resources with the public, promote the tools and technologies that could help during disasters, and offer preparation strategies. We launched America's PrepareAthon! to bring communities together and help them plan for emergencies, and on September 30, we encourage a national day of action to spur preparedness efforts from coast to coast.

Disasters have become more frequent and severe as our climate changes; both urban and rural areas are already feeling the devastating consequences, including severe droughts and higher sea levels, intense storms and wildfires, and more powerful hurricanes and heat waves. Climate change poses an imminent and lasting threat to our safety and national security, and it is critical that we invest in our infrastructure and integrate the preparedness efforts of our communities to improve our ability to respond to and recover from the effects of our changing climate and extreme weather events.

This month, we pay tribute to the courageous individuals who rush to the scene of disaster for their dedication to our safety and security, no matter the price. Let us recognize that each of us can do our part to prepare for emergencies, help those affected by disasters, and ensure all our people have the necessary resources and knowledge to protect themselves. Together, we will remain strong and resilient no matter what befalls us.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Preparedness Month. I encourage all Americans to recognize the importance of preparedness and work together to enhance our resilience and readiness.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9482 of August 31, 2016

National Wilderness Month, 2016

By the President of the United States of America
A Proclamation

In our Nation's earliest days, a vast majority of North America was wilderness—from majestic plains and imposing mountain ranges to dense forests and rushing waterways. Today, protected wild spaces continue to serve as a backdrop for curious and adventurous Americans to seek

the thrill and joy of connecting with the sacred spirit of our country's wilderness, offering a wide variety of activities including hiking, camping, and climbing. This month, as we cherish our vast and vibrant natural heritage, we resolve to preserve its splendors for all who will follow in our footsteps.

Aiming to leave future generations with a ''glimpse of the world as it was in the beginning,'' President Lyndon B. Johnson signed into law two historic pieces of legislation that opened a new chapter in American conservation—the Wilderness Act and the Land and Water Conservation Fund Act. The Wilderness Act defined our untrammeled lands as wilderness and created the National Wilderness Preservation System, recognizing forests, parks, and wildlife refuges as having intrinsic value as wild lands worth protecting. The Land and Water Conservation Fund (LWCF) was established out of a bipartisan commitment to ensure that we can protect lands and waters for use and enjoyment by all our people; throughout the last 50 years it has supported conservation efforts in every State, including tens of thousands of State and local projects through billions of dollars in grants. But a lack of full and secure funding hinders many important LWCF projects that protect critical habitats and provide recreational opportunities—which is why I keep calling on the Congress to pursue permanent funding for the LWCF.

Our great outdoors are home to some of the richest and most beautiful ecosystems and resources on the planet, and my Administration has made protecting them a priority. Climate change, one of the greatest challenges of our time, is already harming many of our wild spaces, which is one important reason why I have pushed for stronger action to cut greenhouse gas pollution and strengthen the resilience of our ecosystems to rising temperatures. In my first year in office, I signed the most extensive expansion of conservation efforts in more than a generation. Since then, my Administration has protected hundreds of millions of acres of land and water, more than any Administration in history. Through our America's Great Outdoors initiative, we have worked with local, State, and tribal partners to build a conservation agenda worthy of the 21st century. And to ensure more Americans can experience everything the wilderness has to offer, we launched the ''Every Kid in a Park'' initiative, giving fourth graders and their families free entrance to our National Parks and other public lands and waters.

It is one of our greatest responsibilities as citizens of this Nation and stewards of this planet to protect these outdoor spaces of incomparable beauty and to ensure that this powerful inheritance is passed on to future generations. During National Wilderness Month, let us strengthen our connection with these natural treasures and ensure that the stories they tell and the resources they provide are resilient and everlasting in the years to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Wilderness Month. I invite all Americans to visit and enjoy our wilderness areas, to learn about their vast history, and to aid in the protection of our precious national treasures.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9483 of September 1, 2016

National Childhood Cancer Awareness Month, 2016

By the President of the United States of America
A Proclamation

More than 10,000 children are diagnosed with cancer each year. Although rare, pediatric cancer is the leading disease-related cause of death among children. As we invest in cutting-edge research and work to advance medical treatments to beat childhood cancer, each of us can help carry our vision of a cancer-free future forward. Each September, we remember those who lost their lives to cancer far too young and honor the courageous children who bring unwavering strength and optimism to their fight against cancer every single day, and we refocus our efforts on striving to cure cancer once and for all.

Cancer affects children of all ages, generally without a known cause. Over the last half-century, as cancer research and treatment has advanced, the outlook for children with cancer has greatly improved. We have witnessed tremendous improvements in overall survival rates, and a larger number of long-term survivors now look forward to longer life expectancies. Unfortunately, many face chronic health challenges or complications after they beat their cancer. As a Nation, we must recognize that there is more we must do to better understand and treat pediatric cancer.

My Administration continues to invest in the critical research we need to defeat this devastating disease. In 2014, I signed the Gabriella Miller Kids First Research Act, which established the 10-Year Pediatric Research Initiative Fund and has already helped divert millions of dollars every year to advancing childhood cancer research. Through our Precision Medicine Initiative—a bold research effort to revolutionize our approach to treating diseases by personalizing treatment based on specific genetic characteristics—we are already making powerful discoveries for cancer patients and looking to transform the ways we treat many types of cancer. And earlier this year, I tasked Vice President Joe Biden with leading a new national effort to fight cancer. The White House Cancer Moonshot Task Force—a collaborative effort to make a decade's worth of progress in preventing, diagnosing, and treating cancer in just 5 years—is working toward an ultimate goal of eliminating cancer as we know it.

To give children with cancer the care they need and reduce the financial burden that falls on their families, we have worked to provide quality, affordable health care to all people. The Affordable Care Act (ACA) has helped millions of Americans access medical care and enabled them to receive regular checkups, which can help detect cancer. Many children's cancer centers participate in clinical trials, which are

partly responsible for much of the progress we have made in advancing treatment of childhood cancer; under the ACA, insurers can no longer drop or limit coverage because of participation in one of these trials. The ACA eliminated annual and lifetime limits on insurance coverage, and because the law prevents insurance companies from denying or limiting coverage for pre-existing conditions, children diagnosed with cancer now have a better chance at a healthy life.

During National Childhood Cancer Awareness Month, let us tell the stories of the brave children who battle cancer every day and thank the loved ones, health care professionals, and communities who lift them up. Let us renew our commitment to prevent, treat, and cure childhood cancer, and together ensure that all children can experience the full and healthy upbringing they deserve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Childhood Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of childhood cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9484 of September 1, 2016

National Ovarian Cancer Awareness Month, 2016

By the President of the United States of America
A Proclamation

Causing more deaths than any other female reproductive system cancers, ovarian cancer affects women of all ages and backgrounds. But the incidence of ovarian cancer, and its death rate, have fallen in recent years. Today, cancer research is on the cusp of major breakthroughs, and it is of critical national importance that we accelerate this progress and keep reaching for prevention, treatment, and a cure. Each September, in honor of the women who have been taken by ovarian cancer and the brave individuals still fighting this disease, we reaffirm our commitment to carrying forward this important work.

It is estimated that more than 22,000 American women will be diagnosed with ovarian cancer this year, and due to a lack of effective screening tests and early warning signs, many of these cases will be caught at an advanced stage—making the cancer more difficult to treat, with a lower chance for recovery. Ovarian cancer is more common among older women and those who have it in their family history, but because most women are diagnosed without being at high risk, it is crucial that all women consult with their health care providers when experiencing some of its symptoms, which include pressure, swelling,

and abdominal pain. I encourage everyone to visit www.Cancer.gov/Ovarian to learn more about the signs and symptoms of this disease.

Under the Affordable Care Act, annual and lifetime limits on insurance coverage have been eliminated, and critical preventive services like well-woman visits—which are now available without a copay or deductible—have been expanded for millions more women. The Act also prohibits insurance companies from denying coverage based on a preexisting condition, including cancer, or from denying coverage due to a family history of cancer.

Earlier this year, I announced a new national effort to cure cancer. Led by Vice President Joe Biden, the White House Cancer Moonshot Task Force is promoting research efforts and breaking down barriers to progress to eliminate cancer as we know it. With the help of a nearly $1 billion initiative to jumpstart this work, we are harnessing the spirit of American innovation to identify new ways to prevent, diagnose, and treat cancer. The Task Force builds on the important work that Federal agencies have already been doing throughout my time in office to fight ovarian cancer. The Department of Defense Ovarian Cancer Research Program is supporting high-impact, cutting-edge research where it is needed most and has helped push these research priorities forward. And the Centers for Disease Control and Prevention has striven to raise awareness of the main types of gynecologic cancer, including ovarian cancer, and to encourage women to learn of warning signs and seek medical care.

For the mothers, sisters, daughters, partners, and families who face the pain and heartache of ovarian cancer, we must make America the country that cures cancer once and for all. During National Ovarian Cancer Awareness Month, as we recognize those in the medical community who work tirelessly to provide treatment and care and pay tribute to those who have lost their lives to this disease, let us resolve to increase awareness of ovarian cancer and shape a cancer-free future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Ovarian Cancer Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise ovarian cancer awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9485 of September 1, 2016

National Prostate Cancer Awareness Month, 2016

By the President of the United States of America

A Proclamation

Prostate cancer is one of the leading causes of cancer-related death in American men, and too many men and their families feel the pain and grief it brings. As a country, we must do everything in our power to support men who are battling prostate cancer, deliver the care and treatment they need, and defeat this devastating disease. A cancer-free future is within our grasp—with bold vision and daring optimism, we are pioneering medical breakthroughs in research and seeking to discover a cure for cancer in our time. During National Prostate Cancer Awareness Month, we remember all the men who lost their lives to this disease, and resolve to reach a tomorrow where prostate cancer is no longer a threat to our sons and grandsons.

In 2016, approximately 180,000 men will be diagnosed, and 26,000 men will lose their battle with prostate cancer. Incredible advancements have paved the way for better prevention, detection, and treatment of this disease, and over the past two decades, the incidence of new cases and mortality rates for prostate cancer have been steadily declining. Men who are African American, over the age of 65, or have a family history of prostate cancer are at higher risk and should be aware of risk factors and symptoms. I encourage all men to talk to their health care providers about how prostate cancer can affect them, and to learn more by visiting www.Cancer.gov/Prostate or www.CDC.gov/Cancer/Prostate.

The Affordable Care Act has ensured that more Americans have access to quality, affordable health insurance, and it prohibits insurance companies from denying coverage to someone simply because they have prostate cancer. The Act eliminates annual and lifetime limits on coverage and ensures individuals have the option to participate in clinical trials, which have proven helpful in advancing research of new treatment strategies and improving clinical care for men with prostate cancer.

This year, I asked Vice President Joe Biden to lead our Nation in a new effort to end cancer as we know it. The White House Cancer Moonshot Task Force is striving to make a decade of advances in cancer prevention, treatment, and care in just 5 years through the collaboration of Federal agencies, jumpstarted by a proposed nearly $1 billion investment. Additionally, the Department of Veterans Affairs is helping to introduce a series of pilot programs that will accelerate clinical research and care for veterans with prostate cancer using cutting-edge biotechnologies—they are also working to increase precision oncology research and strengthen personalized medicine for the treatment of prostate cancer among veterans. These efforts build on the goals of our Precision Medicine Initiative, which aims to deliver personalized care and apply medicine more efficiently and effectively based on genetics—and ultimately, to bring us closer to curing diseases like cancer.

This month, let us thank the countless researchers, medical professionals, and advocates who dedicate themselves to supporting survivors and beating cancer. Let us continue raising awareness of pros-

tate cancer and renew our commitment to finding a cure once and for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2016 as National Prostate Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9486 of September 2, 2016

Labor Day, 2016

By the President of the United States of America

A Proclamation

The strongest middle class the world has ever known was not built overnight. It was achieved by men and women who believed that living up to the promise of this Nation meant more than hoping for the best—it meant toiling in the day, working through the night, and proving that theirs was a future worth fighting for. On Labor Day, we celebrate the grit and resilience of America's workers and their families, and we recommit to reaching for a world in which they are afforded the rights and opportunities they deserve.

America celebrated its first Labor Day in the late 19th century, when a group of industrial workers in New York joined in common purpose to celebrate their contributions to our country. Growing in numbers by the thousands, they went without their daily pay to march for their cause—setting in motion a labor movement that has inspired generations of Americans since. Clear-eyed and persistent, these hardworking union members, and those that followed in the path they forged, helped secure privileges we now take for granted—not only for themselves, but also for their friends and loved ones and neighbors. Their efforts brought about weekends and 40-hour workweeks, overtime pay and a minimum wage, and the collective bargaining rights that have empowered so many. Because of the battles they waged, our Nation benefits from health insurance and Medicare, Social Security, and other retirement programs. Their legacy is one we will never stop striving to uphold.

When I took office, our country faced the worst recession many of us had ever seen. But through the determination of our resilient workforce—the best workers on the planet—we have been able to lay a stronger foundation for our economy. Our auto industry has emerged stronger than ever, and the manufacturing sector, on the decline during the Great Recession and in its aftermath, has added over 800,000 new jobs. American businesses have added 15.1 million jobs since 2010.

We are now in the middle of the longest streak of overall job growth on record, and wage growth has accelerated.

My priority since taking office has always been the well-being of the American people, and over the course of my Administration, I have taken steps to make sure everyone in our workforce is treated and compensated in ways that reflect the effort they put in. Whether by pursuing measures that can help ensure a fair day's pay for a hard day's work, updating occupational health and safety rules so that no one has to risk their life or health for their job, or working with State leaders to increase access to paid sick and family leave, we have made great strides on our journey to protecting and growing the middle class. We are working to increase and diversify apprenticeships as part of a job-driven skills agenda, and protect middle class savings by expanding retirement security. And by striving to close the gender pay gap, include more veterans and Americans with disabilities in our workforce, protect people who choose to organize a union in their workplaces, and prevent people from being denied opportunities because of who they are or who they love, we have moved closer to giving all our people an equal shot at making it in our global economy.

On Labor Day, we are reminded that jobs are about more than a paycheck. They afford us the ability to take care of our family, friends, and neighbors; to save for that well-deserved retirement; to give back to our communities and the country we would do anything for. Jobs allow us to dream, to look toward the future, and to encourage our children to do the same. Though there is much more to do until all our men and women have the rights and respect they need to thrive in their workplaces, on this occasion, let us recommit to standing together and resolving to create change. If we do, I am confident we can reach new heights for ourselves, for our children, and for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 5, 2016, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9487 of September 9, 2016

National Hispanic-Serving Institutions Week, 2016

By the President of the United States of America

A Proclamation

Ensuring opportunity is within reach for everyone requires us to provide all our people with access to a world-class education. Higher education gives people a sense of who they are and sharpens how they see

the world, and in our 21st-century economy, it is an investment that pays off—helping Americans work their way into the middle class. Across our country, Hispanic-Serving Institutions (HSIs) have helped Hispanic students—many of whom are the first in their family to go to college—earn a college degree. This week, we reflect on how these important institutions have helped Hispanic students reach for their dreams, and we reaffirm our commitment to supporting them for generations to come.

HSIs have given more Hispanics access to the resources and opportunities they need to compete in our economy. More than half of America's Hispanic undergraduates attend HSIs, which have played a critical role in increasing access to a college education and have worked to bolster enrollment, retention, and graduation rates. In the last several years, college enrollment among Hispanics hit a record high, and today, it continues to grow. Over the past two decades, the percentage of young Hispanics who have earned a college degree has increased significantly—but in that same time, disparities have persisted. HSIs are helping ensure more Hispanics have the opportunity to complete college, moving us closer to our goal of leading the world in higher education by 2020.

Hispanics are the largest and fastest growing minority group in America, and we must keep striving to ensure they can pursue an exceptional education. My Administration has sought to improve educational outcomes and opportunities for every American, including Hispanics through the White House Initiative on Educational Excellence for Hispanics. We have helped strengthen HSIs, which serve a higher proportion of low-income students than other institutions of higher education, by investing more than $1 billion in them over 10 years. Because college has never been more expensive, I have also taken steps to make it easier for more Americans to pay for higher education—steps that include expanding Pell Grants and offering tuition tax credits. And I am fighting for 2 years of free community college for any student willing to work for it, because no American should be priced out of a quality education.

The contributions of Hispanics have shaped our national narrative, and it is crucial to our success that we empower more Hispanics and young people across our country to thrive. For generations, HSIs have helped Hispanics earn college degrees, seek meaningful careers, and aspire to be anything they want. At the heart of our Nation is the idea that no matter where you come from or what you look like, if you are willing to work hard, you can make it in America. By expanding opportunities for all, we can bring more people closer to reaching their piece of the American dream.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 12 through September 18, 2016, as National Hispanic-Serving Institutions Week. I call on public officials, educators, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities that acknowledge the many ways these institutions and their graduates contribute to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand sixteen, and of the

Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9488 of September 9, 2016

National Days of Prayer and Remembrance, 2016

By the President of the United States of America

A Proclamation

On September 11, 2001, a group of small and hateful minds conspired to threaten the very fiber of our country, seeking to break the American spirit and destroy our way of life. From the Atlantic to the Pacific, Americans were struck with grief as devastation and senseless loss of innocent human life unfolded. In the empty shadow of the World Trade Center, the remains of the Pentagon, and a charred Pennsylvania field where courageous passengers saved countless lives, what emerged from the ashes of that day was not defeat—it was the heroism, compassion, and unity of the American people, which no act of terror or hate could ever take away. On September 11, we recall the true spirit of our Nation following these heinous attacks, and we resolve to enshrine the enduring compassion and love of our people forever in the heart of America.

Fifteen years later, we pay tribute to the loss of nearly 3,000 lives, reflect on treasured memories of those we lost, and resolve to never forget that day, even as we look toward a brighter and more hopeful future. We draw inspiration from the survivors who still bear the scars—both seen and unseen—of that tragic day. We honor the valiance of our Nation's first responders, whose instinct was not to turn back to find safety for themselves, but to run toward untold danger. We show our gratitude to those young Americans of the 9/11 Generation, who until that day lived knowing only peace, but who have answered our country's call to serve under our flag to meet the threats of our time with bravery and distinction.

In the years that have followed, with prayer and reflection, grace and faith, Americans have grieved together, held each other close, and looked out for one another. Though the void felt by those who lost a loved one on that day can never be filled, we can continue to heal the wounds inflicted by hatred by honoring the notion that, no matter our differences, we are forever united as one American family.

As we mourn on this most solemn anniversary, let us also reflect on the freedom and tolerance that define this great Nation, and let us reaffirm our commitment to preserving those fundamental values for each generation of Americans to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 9 through Sunday, September 11, 2016, as National Days of Prayer and Remembrance. I ask that the people of the United States honor and remember the victims of September 11, 2001, and their loved ones through prayer, contemplation, memorial services, the vis-

iting of memorials, the ringing of bells, evening candlelight remembrance vigils, and other appropriate ceremonies and activities. I invite people around the world to participate in this commemoration.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9489 of September 9, 2016

World Suicide Prevention Day, 2016

By the President of the United States of America
A Proclamation

Every year, too many people are taken from us by suicide. These tragedies tear at families and communities, leaving behind heartbroken loved ones who suffer immeasurably. World Suicide Prevention Day is a time to join with neighbors across the globe to reaffirm our commitment to preventing suicide. Here at home—thanks to dedicated crisis counselors on hotlines and in schools; clinicians and other health professionals in hospitals and mental health centers; faith leaders, teachers, friends, and family members who never give up on trying to make a meaningful difference—lives have been saved. Together, we can get people critical help when they are in crisis and raise awareness of the importance of preventing suicide in every community.

It is critical that we recognize the connections that mental health conditions and substance use disorders have to suicide, as well as how other external factors, including harassment, bullying, and discrimination, can play a role. Suicide can touch any of us—regardless of age, gender, or race—and leave a lasting mark on communities. We must strive to build safe and supportive environments and eliminate the stigma surrounding mental health issues that too often prevents people from seeking the care they need.

No one should feel alone when facing these challenges—there is always hope, and always a helping hand. My Administration has served as a partner in this important effort through the National Action Alliance for Suicide Prevention—a public-private partnership through which the Federal Government has helped champion suicide prevention. All Americans can make a difference in this effort. Reach out to a friend, let them know you are there in moments of need, and encourage others to seek assistance—because empowering others to find the strength to ask for help and lifting up those who feel alone can save lives. The National Suicide Prevention Lifeline provides immediate assistance for all Americans at 1–800–273–TALK, and I encourage you to call if you or someone you know is in need of help. Veterans, service members, and their loved ones can also call this number to reach the Veterans Crisis Line, and they can also send a text message to 838255.

The Affordable Care Act provides the largest expansion of mental health coverage in a generation, and it has helped increase access to

quality, affordable health insurance for all Americans. The Act prohibits insurers from discriminating against people based on pre-existing conditions like depression, expands mental health and substance use disorder parity policies to more than 60 million Americans, and requires that Health Insurance Marketplace plans cover mental health and substance use disorder services. Additionally, my Administration proposed a new $500 million investment to increase access to mental health care. And because more than 20,000 Americans each year take their own lives with a firearm, we must do all we can to ensure people who need help get it and improve gun safety technology that can help prevent suicides.

We also have to end the tragedy of suicide among our troops and our veterans. These American heroes give of themselves for our country, and they deserve the best from us in return—so long as any veteran is suffering or feels like they have nowhere to turn, we have more work to do. In 2014, I announced 19 Executive actions to improve mental health care for our veterans, members of our Armed Forces, and their loved ones. And last year, to build on these efforts, I signed the Clay Hunt Suicide Prevention for American Veterans Act to improve how we serve veterans with post-traumatic stress and other illnesses. By increasing peer support and outreach to service members transitioning to civilian life, this Act makes it easier for veterans to find the care they need when they need it.

The theme of this year's World Suicide Prevention Day is ''Connect. Communicate. Care.'' These words provide a roadmap to reaching our universal goal of suicide prevention—encouraging all people to reach out to those who are suffering in silence, express when they are in need of help, and lift up those around them. On this day, we are reminded that help is available and that a brighter future lies ahead. Let us honor the souls we have lost too soon and vow to do everything in our power to prevent suicide.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 10, 2016, as World Suicide Prevention Day. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise awareness of the mental health resources and support services available in their communities and encourage all those in need to seek the care and treatment necessary for a long and healthy life.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9490 of September 9, 2016

National Grandparents Day, 2016

By the President of the United States of America
A Proclamation

Every day, families and communities across the globe benefit from the too often unheralded wisdom and devotion of dedicated grandparents—women and men who blazed trails, broke down barriers, and shaped the world we know today. On National Grandparents Day, we honor America's grandparents as the backbone of our communities, and acknowledge the progress they forged so that their children and grandchildren could live out their dreams.

In our grandmothers and grandfathers, we see a reflection of what is possible with hard work, grit, and determination. Their fight for inclusivity and opportunity for all can be seen in board rooms and courthouses across our country, and their efforts helped build the world's largest, most durable economy and strongest middle class. This enduring legacy spans generations and will empower innovators and leaders for years to come.

Some grandparents sacrificed everything, leaving behind all they knew and loved to fight for freedom far from home, or to start a new life and give their families a chance at a brighter tomorrow in America. Millions of grandparents serve as primary caregivers, providing the discipline, guidance, and encouragement needed to thrive. And for so many Americans, our grandparents are our heroes, our confidantes, and our fiercest advocates. As connections to our past and inspirations for our future, grandparents made us who we are today and have paved a path we can aspire to follow.

Today, we pause to reflect not only on the myriad ways our grandparents have enriched our lives with their selfless acts of compassion and kindness, but also on our responsibility to ensure they can retire as they deserve—with security and dignity. Let us recognize their lasting contributions to their families and communities, and let us express our gratitude for all they have made possible.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 11, 2016, as National Grandparents Day. I call upon all Americans to take the time to honor their own grandparents and those in their community.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9491 of September 9, 2016

Patriot Day and National Day of Service and Remembrance, 2016

By the President of the United States of America
A Proclamation

Fifteen years ago, nearly 3,000 innocent lives—men, women, and children who had been going about their normal routines—were taken from us, depriving families and loved ones of a lifetime of precious moments. But the acts of terror of September 11, 2001, sought to do more than hurt our people and bring down buildings: They sought to break our spirit and destroy the enduring values that unite us as Americans. In the years that followed, our capacity to love and to hope has guided us forward as we worked to rebuild, more sound and resilient than ever before. With the hearts of those we lost held faithfully in our memories, we reaffirm the unwavering optimism and everlasting strength that brought us together in our darkest hour, and we resolve to give of ourselves in service to others in that same spirit.

The pain inflicted on our Nation on September 11 was felt by people of every race, background, and faith. Though many young Americans have grown up without knowing firsthand the horrors of that day, their lives have been shaped by it. They hear of the many acts of service that occurred—coworkers who led others to safety, passengers who stormed a cockpit, and first responders who charged directly into the fire. Many Americans did everything they could to help survivors, from volunteering their time to donating food, clothing, and blood. And many signed up to don our Nation's uniform to prove to the world that no act of terror could eclipse the strength or character of our country.

United by a common creed, a commitment to lifting up our neighbors, and a belief that we are stronger when we stand by one another, we must find the courage to carry forward the legacy of those who stepped up in our time of need. By devoting ourselves to each other and recognizing that we are a part of something bigger than ourselves—just as heroic patriots did on September 11—we are paying tribute to their sacrifices. On this National Day of Service and Remembrance, we must ensure that darkness is no match for the light we shine by engaging in acts of service and charity. I invite all Americans to observe this day with compassionate and selfless deeds that embody the values that define our people, and to visit www.Serve.gov to find opportunities to give back to their communities.

America endures in the tenacity of our survivors, and in the dedication of those who keep us safe. Today, we honor all who lost their lives in the heartbreaking attacks of September 11, and all who made the ultimate sacrifice for our country in the years that followed. In memory of these beautiful souls, we vow to keep moving forward. Let us have confidence in the values that make us American, the liberties that make us a beacon to the world, and the unity we sustain every year on this anniversary. Above all, let us stand as strong as ever before and recognize that together, there is nothing we cannot overcome.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as ''Patriot

Day,'' and by Public Law 111–13, approved April 21, 2009, the Congress has requested the observance of September 11 as an annually recognized ''National Day of Service and Remembrance.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 11, 2016, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9492 of September 14, 2016

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Section 502 of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2462), authorizes the President to designate countries as beneficiary developing countries, and to designate any beneficiary developing country as a least-developed beneficiary developing country, for purposes of the Generalized System of Preferences (GSP) program. Section 502(f)(1)(A) of the 1974 Act (19 U.S.C. 2462(f)(1)(A)) requires the President to notify the Congress before designating any country as a beneficiary developing country. Section 502(f)(1)(B) of the 1974 Act (19 U.S.C. 2462(f)(1)(B)) requires the President to notify the Congress at least 60 days before designating any country as a least-developed beneficiary developing country.

2. Pursuant to section 502(a)(1) of the 1974 Act, and taking into account the factors set forth in section 502(c) (19 U.S.C. 2462(c)), I have determined that the suspension pursuant to Proclamation 5955 of April 13, 1989, of preferential treatment for Burma as a beneficiary developing country under the GSP program should be ended, and I will so notify the Congress.

3. Pursuant to section 502(a)(2) of the 1974 Act, and having considered the factors set forth in sections 501 (19 U.S.C. 2461) and 502(c), I have

also determined that Burma should be designated as a least-developed beneficiary developing country for purposes of the GSP program, and I will so notify the Congress.

4. Section 604 of the 1974 Act (19 U.S.C. 2483), as amended, authorizes the President to embody in the Harmonized Tariff Schedule (HTS) of the United States the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, Barack Obama, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act (19 U.S.C. 2461–67, 2483), do proclaim that:

(1) In order to reflect in the HTS the restoration of preferential treatment for Burma as a beneficiary developing country under the GSP program, general note 4(a) is modified by adding in alphabetical order ''Burma'' to the list entitled ''Independent Countries'' and to the list entitled ''Member Countries of the Association of South East Asian Nations (ASEAN).''

(2) In order to reflect in the HTS the designation of Burma as a least-developed beneficiary developing country under the GSP program, general note 4(b)(i) is modified by adding in alphabetical order ''Burma.''

(3) The modifications to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of this proclamation.

(4) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9493 of September 14, 2016

National Hispanic Heritage Month, 2016

By the President of the United States of America
A Proclamation

Since our founding, our Nation has drawn strength from the diversity of our people. With faith and passion, a sturdy work ethic and profound devotion to family, Hispanics have helped carry forward our legacy as a vibrant beacon of opportunity for all. Whether their ancestors have been here for generations or they are among the newest members of our American family, they represent many countries and cultures, each adding their own distinct and dynamic perspective to our country's story. In celebration of National Hispanic Heritage Month, we

honor the contributions Hispanics have made throughout our history, and we highlight an important part of the rich diversity that keeps our communities strong.

Hispanic Americans have had a lasting impact on our history and have helped drive hard-won progress for all our people. They are the writers, singers, and musicians that enrich our arts and humanities; the innovative entrepreneurs steering our economy. They are the scientists and engineers revolutionizing our ways of life and making sweeping new discoveries; the advocates leading the way for social and political change. They are the brave men and women in uniform who commit themselves to defending our most cherished ideals at home and abroad. And their lasting achievements and devotion to our Nation exemplify the tenacity and perseverance embedded in our national character.

My Administration stands firmly committed to opening doors of opportunity for all Americans and addressing issues of vital importance to the Hispanic community. The unemployment rate for the Hispanic community has dropped steadily since I took office, and we have worked to support the growth and development of Hispanic-owned businesses. Last year, Hispanic Americans saw the largest gains of any racial or ethnic group in median income and experienced among the greatest reductions in poverty. We have fought to make home ownership more affordable and to raise the Federal minimum wage—which would benefit more than 8 million Hispanic workers. Thanks to the Affordable Care Act, 4 million Hispanic non-elderly adults have gained access to quality, affordable health care, reducing the uninsured rate among Hispanics by more than a quarter. The high school graduation rate among Hispanic students is rising, and we have taken action to help more Hispanic students enroll in college. And by charting a new course in our relationship with Cuba, we are strengthening communication and bolstering relations between friends and family in both countries—reinforcing many ties to Latin America.

Our Nation's remarkable story began with immigration. Today, we must continue seeking to make the promise of our Nation real in the lives of all people, including for those who are Americans by every measure except for a piece of paper. Through the Deferred Action for Childhood Arrivals policy, hardworking young Dreamers—including many Hispanics—have been given more opportunities to reach for their highest aspirations. I remain deeply committed to passing comprehensive immigration reform, and my Administration will continue doing all that we can to carry forward our Nation's legacy as a melting pot of the world. Through the work of the White House Task Force on New Americans, we are striving to support the integration of immigrants and refugees into our communities. We will continue to welcome those fleeing persecution, including those from the Western Hemisphere, and we will keep working to make our immigration system fairer and smarter.

This month, let us reflect on the countless ways in which Hispanics have contributed to our Nation's success, and let us reaffirm our commitment to expanding opportunity and building an ever brighter future for all. Let us embrace the diversity that strengthens us and continue striving to ensure the American dream is within reach for generations of Hispanics to come.

To honor the achievements of Hispanics in America, the Congress by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 15 through October 15, 2016, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9495 of September 15, 2016

National POW/MIA Recognition Day, 2016

By the President of the United States of America
A Proclamation

For centuries, courageous members of our Armed Forces have embodied the best of America with devotion and patriotism. On National POW/MIA Recognition Day, we pause to remember our servicemen and women who never returned home. The hardship experienced by prisoners of war and by the family members of those who have gone missing in action is unimaginable to most Americans; it is our country's solemn obligation to bring these heroes back to the land they served to defend, and to support the families who, each day, carry on without knowing the peace of being reunited with their loved ones.

The United States does not leave anyone behind, and we do not forget those who remain missing. We will never stop working to bring home those who gave everything for their country, nor cease in our pursuit of the fullest possible accounting for all who are missing. We are working to fulfill this promise by strengthening communication with the families of those service members missing or taken prisoner. And as Commander in Chief, I am committed to living up to this responsibility.

The men and women of our Armed Forces face unthinkable conditions and bear the painful cost of war. Theirs is a debt we can never fully repay, though we will continue striving to remain worthy of their sacrifice. In honor of those who have not yet come home, and the families who struggle with the fear of unknown fate, we renew our fierce commitment to our patriots in uniform and pledge to do everything we can to bring those missing or held prisoner home.

On September 16, 2016, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memo-

rial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. We raise this flag as a solemn reminder of our obligation to always remember the sacrifices made to defend our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 16, 2016, as National POW/MIA Recognition Day. I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9496 of September 15, 2016

Northeast Canyons and Seamounts Marine National Monument

By the President of the United States of America

A Proclamation

For generations, communities and families have relied on the waters of the northwest Atlantic Ocean and have told of their wonders. Throughout New England, the maritime trades, and especially fishing, have supported a vibrant way of life, with deep cultural roots and a strong connection to the health of the ocean and the bounty it provides. Over the past several decades, the Nation has made great strides in its stewardship of the ocean, but the ocean faces new threats from varied uses, climate change, and related impacts. Through exploration, we continue to make new discoveries and improve our understanding of ocean ecosystems. In these waters, the Atlantic Ocean meets the continental shelf in a region of great abundance and diversity as well as stark geological relief. The waters are home to many species of deep-sea corals, fish, whales and other marine mammals. Three submarine canyons and, beyond them, four undersea mountains lie in the waters approximately 130 miles southeast of Cape Cod. This area (the canyon and seamount area) includes unique ecological resources that have long been the subject of scientific interest.

The canyon and seamount area, which will constitute the monument as set forth in this proclamation, is composed of two units, which showcase two distinct geological features that support vulnerable ecological communities. The Canyons Unit includes three underwater canyons—Oceanographer, Gilbert, and Lydonia—and covers approximately 941 square miles. The Seamounts Unit includes four seamounts—Bear, Mytilus, Physalia, and Retriever—and encompasses 3,972 square miles. The canyon and seamount area includes the waters and submerged lands within the coordinates included in the accompanying map. The canyon and seamount area contains objects of historic and scientific interest that are situated upon lands owned or controlled by the Federal

Government. These objects are the canyons and seamounts themselves, and the natural resources and ecosystems in and around them.

The canyons start at the edge of the geological continental shelf and drop from 200 meters to thousands of meters deep. The seamounts are farther off shore, at the start of the New England Seamount chain, rising thousands of meters from the ocean floor. These canyons and seamounts are home to at least 54 species of deep-sea corals, which live at depths of at least 3,900 meters below the sea surface. The corals, together with other structure-forming fauna such as sponges and anemones, create a foundation for vibrant deep-sea ecosystems, providing food, spawning habitat, and shelter for an array of fish and invertebrate species. These habitats are extremely sensitive to disturbance from extractive activities.

Because of the steep slopes of the canyons and seamounts, oceanographic currents that encounter them create localized eddies and result in upwelling. Currents lift nutrients, like nitrates and phosphates, critical to the growth of phytoplankton from the deep to sunlit surface waters. These nutrients fuel an eruption of phytoplankton and zooplankton that form the base of the food chain. Aggregations of plankton draw large schools of small fish and then larger animals that prey on these fish, such as whales, sharks, tunas, and seabirds. Together the geology, currents, and productivity create diverse and vibrant ecosystems.

The Canyons

Canyons cut deep into the geological continental shelf and slope throughout the mid-Atlantic and New England regions. They are susceptible to active erosion and powerful ocean currents that transport sediments and organic carbon from the shelf through the canyons to the deep ocean floor. In Oceanographer, Gilbert, and Lydonia canyons, the hard canyon walls provide habitats for sponges, corals, and other invertebrates that filter food from the water to flourish, and for larger species including squid, octopus, skates, flounders, and crabs. Major oceanographic features, such as currents, temperature gradients, eddies, and fronts, occur on a large scale and influence the distribution patterns of such highly migratory oceanic species as tuna, billfish, and sharks. They provide feeding grounds for these and many other marine species.

Toothed whales, such as the endangered sperm whale, and many species of beaked whales are strongly attracted to the environments created by submarine canyons. Surveys of the area show significantly higher numbers of beaked whales present in canyon regions than in non-canyon shelf-edge regions. Endangered sperm whales, iconic in the region due to the historic importance of the species to New England's whaling communities, preferentially inhabit the U.S. Atlantic continental margin. Two additional species of endangered whales (fin whales and sei whales) have also been observed in the canyon and seamount area.

The Seamounts

The New England Seamount Chain was formed as the Earth's crust passed over a stationary hot spot that pushed magma up through the seafloor, and is now composed of more than 30 extinct undersea volcanoes, running like a curved spine from the southern side of Georges

Bank to midway across the western Atlantic Ocean. Many of them have characteristic flat tops that were created by erosion by ocean waves and subsidence as the magma cooled. Four of these seamounts—Bear, Physalia, Retriever, and Mytilus—are in the United States Exclusive Economic Zone. Bear Seamount is approximately 100 million years old and the largest of the four; it rises approximately 2,500 meters from the seafloor to within 1,000 meters of the sea surface. Its summit is over 12 miles in diameter. The three smaller seamounts reach to within 2,000 meters of the surface. All four of these seamounts have steep and complex topography that interrupts existing currents, providing a constant supply of plankton and nutrients to the animals that inhabit their sides. They also cause upwelling of nutrient-rich waters toward the ocean surface.

Geographically isolated from the continental platform, these seamounts support highly diverse ecological communities with deep-sea corals that are hundreds or thousands of years old and a wide array of other benthic marine organisms not found on the surrounding deep-sea floor. They provide shelter from predators, increased food, nurseries, and spawning areas. The New England seamounts have many rare and endemic species, several of which are new to science and are not known to live anywhere else on Earth.

The Ecosystem

The submarine canyons and seamounts create dynamic currents and eddies that enhance biological productivity and provide feeding grounds for seabirds; pelagic species, including whales, dolphins, and turtles; and highly migratory fish, such as tunas, billfish, and sharks. More than ten species of shark, including great white sharks, are known to utilize the feeding grounds of the canyon and seamount area. Additionally, surveys of leatherback and loggerhead turtles in the area have revealed increased numbers above and immediately adjacent to the canyons and Bear Seamount.

Marine birds concentrate in upwelling areas near the canyons and seamounts. Several species of gulls, shearwaters, storm petrels, gannets, skuas, and terns, among others, are regularly observed in the region, sometimes in large aggregations. Recent analysis of geolocation data found that Maine's vulnerable Atlantic puffin frequents the canyon and seamount area between September and March, indicating a previously unknown wintering habitat for those birds.

These canyons and seamounts, and the ecosystem they compose, have long been of intense scientific interest. Scientists from government and academic oceanographic institutions have studied the canyons and seamounts using research vessels, submarines, and remotely operated underwater vehicles for important deep-sea expeditions that have yielded new information about living marine resources. Much remains to be discovered about these unique, isolated environments and their geological, ecological, and biological resources.

WHEREAS, the waters and submerged lands in and around the deep-sea canyons Oceanographer, Lydonia, and Gilbert, and the seamounts Bear, Physalia, Retriever, and Mytilus, contain objects of scientific and historic interest that are situated upon lands owned or controlled by the Federal Government;

WHEREAS, section 320301 of title 54, United States Code (the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the marine environment, including the waters and submerged lands, in the area to be known as the Northeast Canyons and Seamounts Marine National Monument, for the care and management of the objects of historic and scientific interest therein;

WHEREAS, the well-being of the United States, the prosperity of its citizens and the protection of the ocean environment are complementary and reinforcing priorities; and the United States continues to act with due regard for the rights, freedoms, and lawful uses of the sea enjoyed by other nations under the law of the sea in managing the canyon and seamount area and does not compromise the readiness, training, and global mobility of the U.S. Armed Forces when establishing marine protected areas;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Northeast Canyons and Seamounts Marine National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled ''Northeast Canyons and Seamounts Marine National Monument,'' which is attached hereto, and forms a part of this proclamation. The Federal lands and interests in lands reserved consist of approximately 4,913 square miles, which is the smallest area compatible with the proper care and management of the objects to be protected.

The establishment of the monument is subject to valid existing rights. All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws to the extent that those laws apply, including but not limited to, withdrawal from location, entry and patent under mining laws, and from disposition under all laws relating to development of oil and gas, minerals, geothermal, or renewable energy. Lands and interest in lands within the monument not owned or controlled by the United States shall be reserved as part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretaries of Commerce and the Interior (Secretaries) shall share management responsibility for the monument. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), and in consultation with the Secretary of the Interior, shall have responsibility for management of activities and species within the monument under the Magnuson-Stevens Fishery Conservation and

Management Act, the Endangered Species Act (for species regulated by NOAA), the Marine Mammal Protection Act, and any other applicable Department of Commerce legal authorities. The Secretary of the Interior, through the United States Fish and Wildlife Service (FWS), and in consultation with the Secretary of Commerce, shall have responsibility for management of activities and species within the monument under its applicable legal authorities, including the National Wildlife Refuge System Administration Act, the Refuge Recreation Act, and the Endangered Species Act (for species regulated by FWS), and Public Law 98–532 and Executive Order 6166 of June 10, 1933.

The Secretaries shall prepare a joint management plan, within their respective authorities, for the monument within 3 years of the date of this proclamation, and shall promulgate as appropriate implementing regulations, within their respective authorities, that address any further specific actions necessary for the proper care and management of the objects and area identified in this proclamation. The Secretaries shall revise and update the management plan as necessary. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall consult, designate, and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense and Department of State, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations. In addition, the Secretaries shall work to continue advances in resource protection in the Monument area that have resulted from a strong culture of collaboration and enhanced stewardship of marine resources.

This proclamation shall be applied in accordance with international law, and the Secretaries shall coordinate with the Department of State to that end. The management plans and their implementing regulations shall not unlawfully restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding U.S. Armed Forces actions and compliance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. Also, in accordance with international law, no restrictions shall apply to foreign warships, naval auxiliaries, and other vessels owned or operated by a state and used, for the time being, only on government non-commercial service, in order to fully respect the sovereign immunity of such vessels under international law.

Restrictions

Prohibited Activities

The Secretaries shall prohibit, to the extent consistent with international law, any person from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil and gas or minerals, or undertaking any other energy exploration or development activities within the monument.

2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a monument resource.

3. Introducing or otherwise releasing an introduced species from within or into the monument.

4. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging, or attempting to remove, move, take, harvest, possess, injure, disturb, or damage, any living or nonliving monument resource, except as provided under regulated activities below.

5. Drilling into, anchoring, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands, except for scientific instruments and constructing or maintaining submarine cables.

6. Fishing commercially or possessing commercial fishing gear except when stowed and not available for immediate use during passage without interruption through the monument, except for the red crab fishery and the American lobster fishery as regulated below.

Regulated Activities

Subject to such terms and conditions as the Secretaries deem appropriate, the Secretaries, pursuant to their respective authorities, to the extent consistent with international law, may permit any of the following activities regulated by this proclamation if such activity is consistent with the care and management of the objects within the monument and is not prohibited as specified above:

1. Research and scientific exploration designed to further understanding of monument resources and qualities or knowledge of the North Atlantic Ocean ecosystem and resources.

2. Activities that will further the educational value of the monument or will assist in the conservation and management of the monument.

3. Anchoring scientific instruments.

4. Recreational fishing in accordance with applicable fishery management plans and other applicable laws and other requirements.

5. Commercial fishing for red crab and American lobster for a period of not more than 7 years from the date of this proclamation, in accordance with applicable fishery management plans and other regulations, and under permits in effect on the date of this proclamation. After 7 years, red crab and American lobster commercial fishing is prohibited in the monument.

6. Other activities that do not impact monument resources, such as sailing or bird and marine mammal watching so long as those activities are conducted in accordance with applicable laws and regulations, including the Marine Mammal Protection Act. Nothing in this proclamation is intended to require that the Secretaries issue individual permits in order to allow such activities.

7. Construction and maintenance of submarine cables.

Regulation of Scientific Exploration and Research

The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Emergencies and Law Enforcement Activities

The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

U.S. Armed Forces

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the U.S. Armed Forces, including those carried out by the United States Coast Guard.

2. The U.S. Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent so far as is practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate action to respond to and mitigate any harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the U.S. Armed Forces' discretion to use, maintain, improve, manage or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

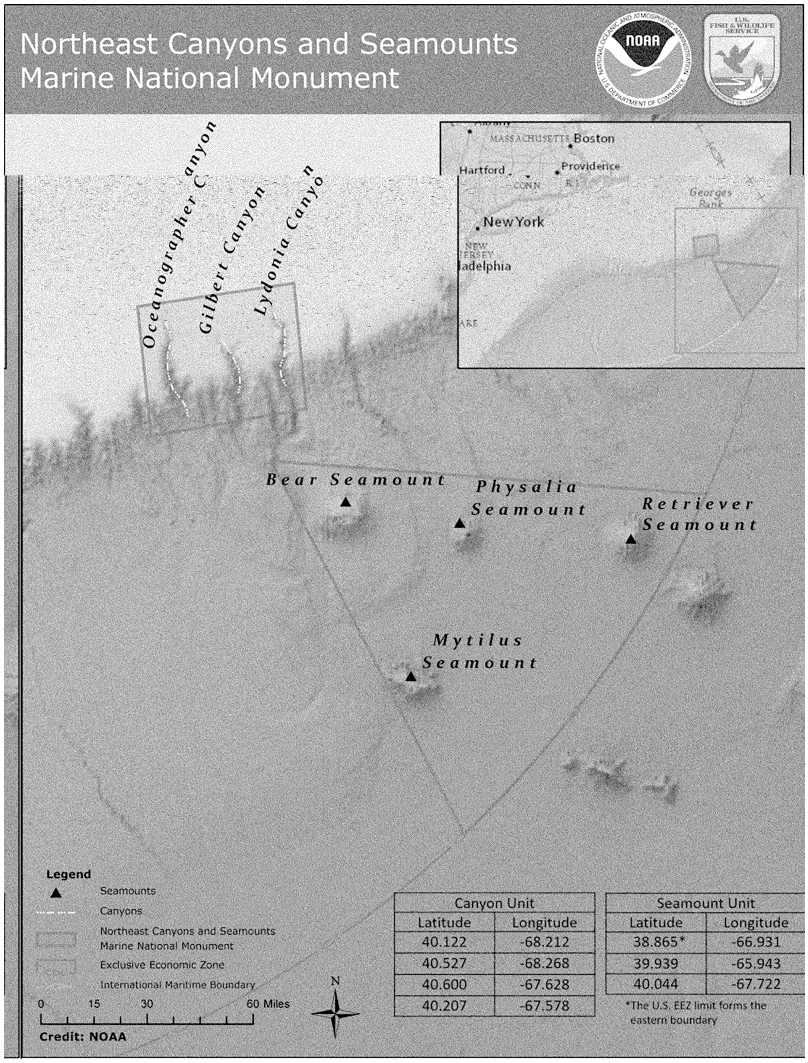
Other Provisions

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA



Canyon Unit	
Latitude	Longitude
40.122	-68.212
40.527	-68.268
40.600	-67.628
40.207	-67.578

Seamount Unit	
Latitude	Longitude
38.865*	-66.931
39.939	-65.943
40.044	-67.722

*The U.S. EEZ limit forms the eastern boundary

Proclamation 9497 of September 16, 2016

Constitution Day and Citizenship Day, Constitution Week, 2016

By the President of the United States of America
A Proclamation

Tasked with the awesome responsibility of building a Government to endure for generations to come, a band of dedicated patriots gathered in Philadelphia in 1787, seeking to build a more stable and permanent framework for a nascent democracy. Passionate debates and intense negotiation gave way to lasting compromise, and a document emerged that became the bedrock of America. Signed on September 17, the Constitution of the United States has steered our country through ever-changing times. It guides us as leaders on the world stage and safeguards the fundamental rights of our citizens. And it guarantees that the greatness of our Nation never depends on any one person—it requires the full and active participation of an engaged and vibrant citizenry.

The vision of self-government laid out in our Constitution is dependent on Americans doing the hard and sometimes frustrating—yet always essential—work of citizenship. Being a citizen is a responsibility that challenges each of us to stay informed, to speak out when something is not right or not just, and to come together to shape the course our country will take. Citizenship is a commitment, calling on us to stand up for what we believe in and to exercise our rights to protect the rights of others. The Bill of Rights and other amendments added in the decades that followed have paved the way for progress, and they embody a truth held since our founding: the simple but powerful idea that people who love their country can change it for the better.

America is more than a piece of land—it is an idea, a place where we can contribute our talents, fulfill our ambitions, and be part of something bigger than ourselves. Each year on Citizenship Day, we celebrate our newest citizens who raise their hands and swear a sacred oath to join our American family. The journey they have taken reminds us that immigration is our origin story. For centuries, immigrants have brought diverse beliefs, cultures, languages, and traditions to our country, and they have pledged to uphold the ideals expressed in our founding documents. They come from all around the world, mustering faith that in America, they can build a better life and give their children something more. That is why I was proud to create the White House Task Force on New Americans, which is helping to build welcoming communities around our country and enhance civic, economic, and linguistic integration for immigrants and refugees. Through the Task Force, Federal agencies and local communities are working together to raise awareness about the rights, responsibilities, and opportunities of citizenship—and to give immigrants and refugees the tools they need to succeed.

As a Nation of immigrants, our legacy is rooted in their success. Their contributions help us live up to our founding principles. With pride in our diverse heritage and in our common creed, we affirm our dedication to the values enshrined in our Constitution. We, the people,

must forever breathe life into the words of this precious document, and together ensure that its principles endure for generations to come.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Constitution Day and Citizenship Day,'' and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2016, as Constitution Day and Citizenship Day, and September 17 through September 23, 2016, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that bring together community members to reflect on the importance of active citizenship, recognize the enduring strength of our Constitution, and reaffirm our commitment to the rights and obligations of citizenship in this great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9498 of September 16, 2016

National Farm Safety and Health Week, 2016

By the President of the United States of America

A Proclamation

For generations, farmers and ranchers have formed the backbone of our economy and shaped the course of our Nation. They have served as critical stewards of our environment and natural resources. Toiling day in and day out in rural communities across our country, their dedication and dogged work ethic provide us with food, fuel, and other necessities, sustaining our people and our communities. Throughout National Farm Safety and Health Week, we honor their significant contributions by reaffirming our commitment to bolstering programs and practices that promote health and safety on America's farms.

Millions of farmers and their families face a variety of unsafe conditions when they wake up for work each morning. Extreme weather, and exposure to livestock or hazardous chemicals can pose threats to their safety. Much of their work takes place in dangerous environments and with potentially harmful equipment, such as wells, silos, and grain bins. And putting in long hours of physical labor can also cause illness or injury. Our farmers and ranchers are exposed to too many of these dangers, and we must ensure they are equipped with the tools, trainings, and resources they need to take proper precautions and safety measures in their workplaces.

To reduce work-related accidents and deaths among farming communities, my Administration has encouraged regular participation in health and safety programs. Increasing awareness of proper procedures is crucial, and farmers and farmworkers can improve their safety practices by correctly handling materials and inspecting machinery, paying careful attention to instructions and labels on products and equipment, and practicing and communicating plans for emergency response. Because many farms and ranches are family businesses, we have partnered with people across our country to help formalize youth farm safety education to improve farm safety for children.

The best farmers in the world have enriched our Nation and driven our agriculture sector forward; it is our shared duty to ensure their health and safety, because we all have a stake in the well-being of those who provide us with food and energy. By maintaining safe work environments and taking steps to practice caution on our farms, we can minimize risks and increase productivity in one of the greatest and most essential industries in America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18 through September 24, 2016, as National Farm Safety and Health Week. I call upon the agencies, organizations, businesses, and extension services that serve America's agricultural workers to strengthen their commitment to promoting farm safety and health programs. I also urge Americans to honor our agricultural heritage and express appreciation to our farmers, ranchers, and farmworkers for their contributions to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9499 of September 16, 2016

Prescription Opioid and Heroin Epidemic Awareness Week, 2016

By the President of the United States of America
A Proclamation

Each year, more Americans die from drug overdoses than in traffic accidents, and more than three out of five of these deaths involve an opioid. Since 1999, the number of overdose deaths involving opioids, including prescription opioid pain relievers, heroin, and fentanyl, has nearly quadrupled. Many people who die from an overdose struggle with an opioid use disorder or other substance use disorder, and unfortunately misconceptions surrounding these disorders have contributed to harmful stigmas that prevent individuals from seeking evidence-based treatment. During Prescription Opioid and Heroin Epidemic Awareness Week, we pause to remember all those we have lost to opioid use disorder, we stand with the courageous individuals in re-

covery, and we recognize the importance of raising awareness of this epidemic.

Opioid use disorder, or addiction to prescription opioids or heroin, is a disease that touches too many of our communities—big and small, urban and rural—and devastates families, all while straining the capacity of law enforcement and the health care system. States and localities across our country, in collaboration with Federal and national partners, are working together to address this issue through innovative partnerships between public safety and public health professionals. The Federal Government is bolstering efforts to expand treatment and opioid abuse prevention activities, and we are working alongside law enforcement to help get more people into treatment instead of jail.

My Administration is steadfast in its commitment to reduce overdose deaths and get more Americans the help they need. That is why I continue to call on the Congress to provide $1.1 billion to expand access to treatment services for opioid use disorder. These new investments would build on the steps we have already taken to expand overdose prevention strategies, and increase access to naloxone—the overdose reversal drug that first responders and community members are using to save lives. We are also working to improve opioid prescribing practices and support targeted enforcement activities. Although Federal agencies will continue using all available tools to address opioid use disorder and overdose, the Congress must act quickly to help more individuals get the treatment they need—because the longer we go without congressional action on this funding, the more opportunities we miss to save lives.

Too often, we expect people struggling with substance use disorders to self-diagnose and seek treatment. And although we have made great strides in helping more Americans access care, far too many still lack appropriate, evidence-based treatment. This week, we reaffirm our commitment to raising awareness about this disease and supporting prevention and treatment programs. Let us ensure everyone with an opioid use disorder can embark on the road to recovery, and together, let us begin to turn the tide of this epidemic.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18 through September 24, 2016, as Prescription Opioid and Heroin Epidemic Awareness Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities that raise awareness about the prescription opioid and heroin epidemic.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9500 of September 23, 2016

National Hunting and Fishing Day, 2016

By the President of the United States of America

A Proclamation

Hunting and fishing have endured as cherished traditions for generations. Whether for sport, sustenance, or both, these activities provide opportunities for Americans to connect with those around them—from tribal elders sharing sacred practices to parents spending time outdoors with their children. On this day, as we celebrate America's hunters and fishers for the ways in which they have strengthened our communities, we also honor their call to serve as good stewards of our lands and waters.

Anglers and hunters were some of the earliest conservation leaders, and they remain key partners in safeguarding the important recreational opportunities provided by our unparalleled natural spaces. Caring for our environment is critical for supporting hunting and fishing, and today we recognize the growing urgency of conserving our Nation's lands, waters, and ecosystems so that more Americans can enjoy all they have to offer. That is why I continue to call on the Congress to permanently fund the Land and Water Conservation Fund, which has helped create new opportunities for hunting and fishing.

Outdoor areas across America are renowned for their beauty and for the wealth of recreational activities they support. To secure this legacy, my Administration has protected more acres of public lands and waters than any other in our Nation's history—and this past summer, I established the Katahdin Woods and Waters National Monument, which preserves access to hunting. And at national wildlife refuges, in forests, and on public and private lands throughout our country, we have expanded opportunities for Americans to hunt, fish, and reconnect with nature.

Hunting and fishing strengthen local economies, provide sustenance, and help Americans experience the outdoors. By enriching our communities and bringing people together, hunters and anglers have carried forward traditions dating back to long before our Nation's founding. On National Hunting and Fishing Day, we recognize the majestic landscapes that make these activities possible for Americans around our country. As we acknowledge the important cultural heritage surrounding hunting and fishing, let us vow to protect our Nation's remarkable outdoor spaces for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 24, 2016, as National Hunting and Fishing Day. I invite all Americans to observe this day with appropriate activities in our great outdoors.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9501 of September 23, 2016

National Public Lands Day, 2016

By the President of the United States of America
A Proclamation

Nothing can truly capture the beauty and majesty of America's expansive landscapes and wide-open acres. On National Public Lands Day, Americans from coast-to-coast celebrate these spaces by participating in the largest single-day volunteer effort to restore and enhance the lands we all enjoy. Volunteers will remove litter and invasive plant species, blaze new trails and maintain existing ones, and plant seeds that will grow in the years to come—taking full advantage of the chance to give back to the lands that have given us all so much.

Our public lands reflect our shared history, and enable us to connect to each other and to something bigger than ourselves. National Parks, forests, wildlife refuges, conservation lands, and marine sanctuaries not only strengthen our economy through tourism and provide endless recreational and educational opportunities, but are also home to important biodiversity and rich ecosystems. I am proud that my Administration has protected hundreds of millions of acres of these vital lands and waters—more than any Administration in history. Through the America's Great Outdoors Initiative, we have also promoted innovative, community-level efforts to conserve outdoor spaces and reconnect Americans with nature. And through the 21st Century Conservation Corps, we have worked to inspire millions of young adults and veterans to engage in hands-on service in the great outdoors.

On National Public Lands Day, all federally managed public lands and waters are offering free admission so Americans can observe this day not just by caring for these spaces, but by enjoying their vast wonders. To ensure more young people can discover our great outdoors, my ''Every Kid in a Park'' initiative is again giving fourth grade students and their families free access to all National Parks and other Federal lands for an entire year. And as the National Park Service celebrates 100 years of preserving and protecting these important spaces, we are encouraging more Americans to ''Find Your Park'' and explore the extraordinary parks and public lands in their communities.

As stewards of our environment and caretakers of these public lands, we must build on our legacy of conservation. Climate change poses the single biggest threat to our natural resources. Across our country, we are experiencing stronger storms, harsher droughts, increased flooding, and longer wildfire seasons that put these public spaces at risk—which is why any effort to fully combat climate change must include protecting our land, water, and wildlife. Let us rededicate ourselves to this critical work and continue looking after these natural treasures and protecting our historic and cultural heritage for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 24, 2016, as National Public Lands Day. I encourage all Americans to participate in a day of public service for our lands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9502 of September 23, 2016

Gold Star Mother's and Family's Day, 2016

By the President of the United States of America
A Proclamation

Since our Nation's founding, in peace and in war, the values that define our brave men and women in uniform have remained constant: honor, courage, and selflessness. From the deafening sounds of combat to the silence of the sacred hills at Arlington, we remember the countless sacrifices our service members make to preserve the freedoms we too often take for granted. No one understands the true price of these freedoms like our Gold Star families, whose humility, even in times of grief, represents the best of our country. Today, we recognize their sacrifices by listening to their stories, sharing in their pain and pride, and pledging to do all we can to honor them and the loved ones they hold close in their hearts.

Through unspeakable sorrow, our Gold Star families suffer from loss that can never be restored—pain that can never truly be healed. It is because of their selfless character and unfailing grace that Americans can come home each day, gather with family and friends, and live in peace and security. And though the debt our fallen soldiers and their families pay is one we can never fully pay back, we must continue to support our veterans when they come home and stand by our military families who endure unthinkable loss. We must maintain the sacred covenant we share with our veterans by ensuring they have the care and benefits they deserve, and as citizens, we must all work to lift each other up in a manner that is worthy of those who laid down their lives to protect the land and freedoms we cherish.

Less than one percent of our Nation wear the uniform, but all of us have an obligation to acknowledge the losses endured by Gold Star Mothers and Families and to fill the painful absence of their loved ones with our profound gratitude. We must strive to support these families—not just with words, but with actions—by being there every day for the parents, spouses, and children who feel the weight of their loss. On this day of remembrance, may we carry forward the work of those who gave their last full measure of devotion and vow to keep their memories burning bright in our hearts. And may we lift up their families, who have steadfastly supported their mission through immeasurable heartbreak, by remaining a Nation worthy of their sacrifice.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1985 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim September 25, 2016, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9503 of September 26, 2016

National Voter Registration Day, 2016

By the President of the United States of America

A Proclamation

One of the most fundamental and sacred rights of any democracy is the right to vote; in order for our government to function effectively and respond to the needs of our people, all citizens can and must play a role in shaping it. Each year on National Voter Registration Day, we reaffirm the strong sense of civic pride among our people and encourage friends, family members, and neighbors to get involved in civic life by registering to vote.

Democracy is not a spectator sport. If we are serious about improving our country and ensuring our government reflects our values, we cannot afford to sit out on Election Day. Unfortunately, among those who are eligible to vote, too many choose not to—far too many people disenfranchise themselves by not getting involved. When we do not take full advantage of the right to vote, we not only give away our voice; our power; our ability to shape the future of the country we love—we also do a disservice to the generations of Americans before us who risked everything, including their lives, to protect this fundamental aspect of our Republic.

Our brand of democracy is hard, and it requires our citizens to be able to fully participate in a smooth and effective way. Through a bipartisan, independent commission dedicated to improving the voting process, we are working to ensure our democracy and our elections function the way they are supposed to. Whether through strengthening mechanisms that allow more people to vote—such as online registration—or going door-to-door to register voters in our communities, we must make registering to vote easier. By protecting and expanding this right, we can ensure this grand experiment in self-government works for more Americans. For more information on how to register to vote, visit www.VOTE.USA.gov.

It is easy to feel frustrated when the pace of change is slow—and to lose hope in the political process as a result. But we cannot give in to that cynicism. Heroic things happen when people get involved. Our government is only as strong as what we put into it, and it is only re-

flective of the will of our citizenry when we exercise our right to vote. Today, as we once again celebrate National Voter Registration Day, let us carry forward the tradition of promoting voter registration and civic engagement, recommit to exercising one of the most precious of our democratic rights, and remember that the task of perfecting our Union belongs to us all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 27, 2016, as National Voter Registration Day. I call upon all Americans to observe this day by ensuring they are registered to vote.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9504 of September 28, 2016

Death of Shimon Peres

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of Shimon Peres, former President and Prime Minister of Israel, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on September 30, 2016. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9505 of September 28, 2016

National Arts and Humanities Month, 2016

By the President of the United States of America
A Proclamation

Throughout history, the arts and humanities have been at the forefront of progress. In diverse mediums and methods—whether through the themes of a novel, the movement of a dancer, or a monologue on a stage—the arts enrich our souls, inspire us to chase our dreams, and challenge us to see things through a different lens. During National Arts and Humanities Month, we celebrate the important role the arts and humanities have played in shaping the American narrative.

Our achievements as a society and a culture go hand-in-hand. The arts embody who we are as a people and have long helped drive the success of our country. They provoke thought and encourage our citizenry to reach new heights in creativity and innovation; they lift up our identities, connecting what is most profound within us to our collective human experiences.

In seeking to break down barriers and challenge our assumptions, we must continue promoting and prioritizing the arts and humanities, especially for our young people. In many ways, the arts and humanities reflect our national soul. They are central to who we are as Americans—as dreamers and storytellers, creators and visionaries. By investing in the arts, we can chart a course for the future in which the threads of our common humanity are bound together with creative empathy and openness. When we engage with the arts, we instill principles that, at their core, make us truer to ourselves.

This month, we acknowledge all those who have proudly and passionately dedicated their lives to these diverse, beautiful, and often challenging forms of expression. In our increasingly global economy, we recognize the power of the arts and humanities to connect people around the world. Be it through the pen of a poet, the voice of a singer, or the canvas of a painter, let us continue to harness the unparalleled ways the arts and humanities bring people together.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Arts and Humanities Month. I call upon the people of the United States to observe this month with appropriate ceremonies, activities, and programs to celebrate the arts and the humanities in America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9506 of September 29, 2016

Child Health Day, 2016

By the President of the United States of America
A Proclamation

Today's youth will shape our Nation's narrative and drive our progress, and it is our duty to ensure our young people are given every opportunity to live full, healthy lives. Securing a bright future for America's daughters and sons requires us to continue expanding access to quality health care and working to foster cleaner, safer, and more supportive environments. On Child Health Day, we renew our strong commitment to protecting and empowering our children by giving them the tools, resources, and knowledge they need to grow into healthy and productive adults.

My Administration has made children's health a top priority throughout the past 8 years. Through First Lady Michelle Obama's *Let's Move!* initiative, we have worked to bring parents, schools, and communities together to reduce childhood obesity by increasing access to affordable and nutritious food, and by encouraging physical activity early on in life. Parents and guardians serve as role models when it comes to forming healthy habits, and they can help their children learn to make smart choices that will shape their lifestyles for years to come.

Thanks to the Affordable Care Act, no child can be denied coverage because of a pre-existing condition, and millions of young people are able to remain on a parent's insurance plan until age 26. Cancer touches the lives of millions of Americans, and pediatric cancer remains the leading cause of death by disease among children. Earlier this year, I called on Vice President Joe Biden to lead the White House Cancer Moonshot Task Force—a collaborative effort that is striving to make a decade's worth of progress in preventing, diagnosing, and treating cancer in just 5 years and is dedicated to ending cancer as we know it.

Supporting our children's emotional and mental health is just as critical as protecting their physical health. Bullying touches the lives of young people across our country and can affect their mental health, and we are committed to providing parents and schools with the support they need to address harassment—because no child should be hurt, and no child should feel ashamed because of who they are.

As we face growing environmental threats, it is our responsibility to combat climate change and protect our planet for future generations. That is why we have taken concrete steps to address carbon pollution and advocate for cleaner energy options. Through the Paris Climate Agreement, we are joining with nearly 200 countries to adopt ambitious measures that will reduce carbon pollution across the globe. By taking unprecedented action to protect the air we breathe and the water we drink, we are striving to reduce the harmful effects that climate change can have on our children, including the potential for higher incidence of asthma attacks, and other health problems exacerbated by dirty air.

This Child Health Day, we are reminded that the well-being of America's children is in our hands and that it is our responsibility to keep building a society that will allow them to thrive. Let us reaffirm our

belief in the notion that all children should be able to live a healthy and happy life—no matter where they come from or what they look like—and let us continue reaching for a future where all our children are limited by nothing but the size of their dreams.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Monday, October 3, 2016, as Child Health Day. I call upon families, educators, health professionals, faith-based and community organizations, and all levels of government to help ensure America's children are healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9507 of September 30, 2016

National Breast Cancer Awareness Month, 2016

By the President of the United States of America
A Proclamation

Every year, too many Americans are touched by the pain and hardship caused by breast cancer—a disease that, among women, is not only one of the most common cancers, but also one of the leading causes of cancer-related death. During National Breast Cancer Awareness Month, we honor all those who lost their lives to breast cancer, and we recognize the courageous survivors who are still fighting it. For these individuals, and for their loved ones who give their unwavering support during the most trying times, we recommit ourselves to the essential and necessary work of forging a future free from cancer in all its forms.

Hundreds of thousands of Americans will be diagnosed with breast cancer this year, and tens of thousands will lose their battle with this disease. Although both women and men can have breast cancer, women are at higher risk. Women with a family history of breast cancer, or those who are older or obese, are also more likely to be diagnosed with breast cancer. I encourage all women to find out if they are at increased risk and to learn more about recommended screenings by speaking with their health care providers and by visiting www.Cancer.gov/Breast.

Early detection and treatment can save lives. Since I took office, I have worked to make quality, affordable health care a reality for more Americans. The Affordable Care Act has given millions of women expanded access to preventive services, including screening tests such as mammograms, with no out-of-pocket costs. Women can no longer be denied coverage because of a pre-existing condition, including a family history

of breast cancer, and lifetime and annual limits on essential health benefits have been eliminated.

Critical research efforts over time have yielded great progress in how we diagnose and treat breast cancer, which has produced a steady increase in survival rates for those suffering from this disease—and it is crucial that we keep building on these successes. This year, the National Cancer Institute launched the largest study of its kind to investigate the role of genetic and biological factors in breast cancer risk among African American women, who have a higher risk of dying from breast cancer. The White House Cancer Moonshot Task Force, also launched this year, is a new national effort striving to make a decade's worth of progress in preventing, diagnosing, and treating cancer in just 5 years. And through the Precision Medicine Initiative—a bold research effort aimed at delivering disease prevention and treatment based on an individual's unique traits and genetic information—we are pursuing new oncology-focused efforts to advance personalized care through targeted cancer therapies.

This month, with bold pink ribbons displayed proudly across America, we stand in solidarity with breast cancer survivors and reaffirm our commitment to raising awareness of this disease and to advancing research efforts. Let us thank the countless advocates, medical professionals, researchers, and caregivers who dedicate their lives to fighting for a world without breast cancer, and together, let us carry out our mission to cure cancer once and for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9508 of September 30, 2016

National Cybersecurity Awareness Month, 2016

By the President of the United States of America
A Proclamation

Technology plays an increasingly significant role in our daily lives. The rise of the Internet has brought incredible opportunity and new ways of innovating and enhancing our way of life—but with great potential also comes heightened risk to our data. Keeping cyberspace secure is a matter of national security, and in order to ensure we can reap the benefits and utility of technology while minimizing the dangers and threats it presents, we must continue to make cybersecurity a top priority. Throughout National Cybersecurity Awareness Month,

we recognize the role that individuals can play in enhancing cybersecurity, and we join to raise awareness of the importance of securing our information against cyber threats.

To build on the cybersecurity efforts already underway, my Administration introduced the Cybersecurity National Action Plan earlier this year to address short-term and long-term challenges when it comes to cybersecurity. We have proposed increasing the budget for cybersecurity by more than one-third and establishing an Information Technology Modernization Fund to help retire, replace, and modernize our costly information technology legacy systems. We are also striving to invest in cybersecurity education, reform the way Government manages and responds to large-scale cyber threats, and update obsolete Federal IT systems that are vulnerable to attack.

To meet these goals, we created the position of the first-ever Federal Chief Information Security Officer to help drive cybersecurity policy, planning, and implementation across the Federal Government. We also established the Commission on Enhancing National Cybersecurity to recommend actions that can be taken over the next decade to strengthen cybersecurity in both the public and private sectors while protecting privacy. This Commission will maintain public safety and economic and national security, foster discovery and development of new technical solutions, and bolster partnerships between governments and the private sector in an effort to promote best cybersecurity practices.

Cyber threats not only pose a danger to our national security, but also have the potential to harm our financial security and undermine the privacy of millions of Americans. An important part of enhancing cybersecurity involves empowering more Americans to help themselves take proper precautions online and in their financial transactions; cybersecurity is a shared responsibility, and everyone can do their part to make smart, safe choices. The Federal Government is also doing our part through the BuySecure Initiative, which has issued more than three million more secure credit cards for Government purchases. We are also working to help give Americans earlier warning of identity crimes with free access to credit scores through their existing consumer accounts.

Through the Department of Homeland Security's ''Stop.Think.Connect.'' campaign, we are aiming to increase awareness of the simple steps people can take to strengthen their cybersecurity. The National Cyber Security Alliance, in partnership with the private sector and non-profit organizations, recently launched the ''Lock Down Your Login'' campaign to empower Americans to take control of their online accounts and add an extra layer of security beyond just using passwords. I encourage every American to take this important step and to visit www.LockDownYourLogin.com to learn more.

Keeping America safe requires us to bolster our security online. This month, we renew our commitment to ensuring our information is more secure, our data is safer, and our families and businesses are more protected than ever before. If we work toward this goal—as individuals and as a Nation—together we can realize our full potential in the digital age.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October

2016 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with activities, events, and training that will enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9509 of September 30, 2016

National Disability Employment Awareness Month, 2016

By the President of the United States of America

A Proclamation

Americans with disabilities are entitled to the same rights and freedoms as any other citizen—including the right to dignity and respect in the workplace. Too often in our Nation's history, individuals with disabilities have been eager to work but could not find a job, facing red tape, discrimination, or employers who assumed that disabled meant unable and refused to hire them. This month, we recognize the significant progress our country has made for those living with disabilities, and we honor the lasting contributions and diverse skills they bring to our workforce.

As a country, we must acknowledge that despite the great strides we have made in the 26 years since the passage of the Americans with Disabilities Act—a groundbreaking civil rights law aimed at eliminating discrimination and assuring equality for people with disabilities—we still have far to go to raise awareness of discriminatory obstacles that individuals with disabilities encounter in employment. Today, the labor force participation rate for Americans with disabilities is less than one-third the rate of those without a disability, and the unemployment rate is more than twice as high for individuals with disabilities. To break down more of these barriers, we must expand access to the resources and training necessary for Americans with disabilities to succeed in the workplace.

My Administration is dedicated to upholding our Nation's promise of equal opportunity for all and advancing employment for people with disabilities in every community. I am proud that the Federal Government is leading by example as a model employer, now employing more Americans with disabilities than at any time in the last 30 years. Last year, the White House hosted a Summit on Disability and Employment to share resources for employers to hire more individuals with disabilities and effective strategies for recruitment, retention, hiring, and promotion of these employees. Two years ago, through updates to Section 503 of the Rehabilitation Act, we took action to increase the representation of workers with disabilities in the Federal contractor workforce. In 2014, I signed the Workforce Innovation and Opportunity Act to help the Departments of Labor and Education build initiatives that advance employment opportunities for individuals with disabilities—and

earlier this summer, we issued new regulations to provide greater and more inclusive career development and training opportunities for anyone facing barriers to employment.

This year's National Disability Employment Awareness Month theme focuses on the importance of inclusion, especially when it comes to business, opportunity, and innovation. When we diversify our workforce we create opportunities for growth and improvement—not just for those with disabilities, but for everyone. This month, let us continue striving to forge a future where workplaces are more inclusive and where employees are more accepted for who they are. And because we know that our country does best when everyone gets their fair shot, let us keep working to ensure no one is left behind or unable to pursue their dreams because of a disability.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Disability Employment Awareness Month. I urge all Americans to embrace the talents and skills that individuals with disabilities bring to our workplaces and communities and to promote the right to equal employment opportunity for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9510 of September 30, 2016

National Domestic Violence Awareness Month, 2016

By the President of the United States of America
A Proclamation

The physical and emotional scars of domestic violence can cast a long shadow. Too many individuals, regardless of age, ability, sex, sexual orientation, gender identity, circumstance, or race, face the pain and fear of domestic violence. During National Domestic Violence Awareness Month, we shine a light on this violation of the basic human right to be free from violence and abuse, pledge to ensure every victim of domestic violence knows they are not alone, and foster supportive communities that help survivors seek justice and enjoy full and healthy lives.

Over the past two decades, rates of domestic violence against females have dropped by nearly three-quarters—but there is still much work to do to build on the progress we have made. Nearly 1 in 4 women and 1 in 7 men have suffered from domestic violence by an intimate partner. All people deserve to feel safe with loved ones, and my Administration is committed to eliminating this scourge and supporting survivors' healing—and we must ensure that survivors and their families have access to the resources, care, and support they need to do so.

My Administration is dedicated to ensuring that all people feel safe in all aspects of their lives, which is why I proposed significant funding for responding to domestic violence in my most recent budget proposal. We have also championed legislative action like the Family Violence Prevention and Services Act, and the Affordable Care Act—which ensures that most health plans cover domestic violence screening and counseling services at no additional cost. And the Violence Against Women Act, which was reauthorized in 2013, has enhanced and expanded protections to Native Americans, immigrants, lesbian, gay, bisexual, and transgender individuals, and victims who reside in public housing.

This is progress we must continue to invest in and carry forward. Earlier this year, I announced a series of commonsense steps my Administration is taking to reduce gun violence, including work to renew our domestic violence outreach efforts. Building on the work of our Police Data Initiative, the White House is promoting smart approaches to collecting data on domestic violence offenses that balance transparency and accountability with victim safety and privacy. And victim safety should also be a priority in the workplace—a truth that extends to the Federal Government. That is why I directed all Federal agencies to adopt domestic violence workplace policies and encouraged employers to do the same.

Our agencies have taken many critical actions to advance this cause. For example, the Department of Justice has invested millions of dollars in new initiatives to prevent domestic violence homicides, urge law enforcement agencies to identify and prevent gender bias when responding to domestic violence and sexual assault, and expand services to underserved victims. And the Department of Housing and Urban Development recently issued guidance to prevent housing discrimination against survivors of domestic violence.

Vice President Joe Biden's leadership has helped guide our progress and worked to change our national culture—which too often tolerates and condones domestic violence. We are challenging harmful stereotypes associated with victims of domestic violence and striving to bring the practice of victim-blaming to an end. We must continue to recognize survivors who experience disproportionate rates of domestic violence, and who have been placed at the margins for generations, including women of color, Native Americans, individuals with disabilities, members of the LGBT community, immigrants, and older adults. Along these lines, we also joined with Canada and Mexico to create the North American Working Group on Violence against Indigenous Women and Girls, working together to enhance responses to violent crimes against indigenous women and girls in North America.

Our Nation's character is tested whenever this injustice is tolerated. When anyone is targeted by someone they place their trust in, we have a responsibility to speak up. We all have a role to play in building a bright and safe future for each other and for future generations. This month, we recommit to standing with survivors of domestic violence and to doing our utmost to extend hope and healing to all who need it. If you or someone you know needs assistance, I encourage you to reach out to the National Domestic Violence Hotline, which recently engaged in its 4 millionth conversation with victims and survivors of domestic violence, by calling 1–800–799–SAFE, or visiting www.TheHotline.org.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Domestic Violence Awareness Month. I call on all Americans to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9511 of September 30, 2016

National Energy Action Month, 2016

By the President of the United States of America

A Proclamation

The sustainability of our country and our world in the 21st century rests on our ability to address our shared energy challenges and to encourage diverse, clean, and efficient energy production. During National Energy Action Month, we rededicate ourselves to securing a more prosperous and energy-independent future. As climate change continues to threaten our planet, we must join together to reduce our carbon emissions, protect our environment, and leave behind a cleaner and more resilient world for generations to come.

Today, America is less reliant on foreign oil than at any point in the previous four decades. To build on this progress, we are implementing new fuel efficiency standards for medium- and heavy-duty vehicles that are projected to significantly reduce diesel consumption. We are also increasing the energy efficiency of our buildings and appliances and modernizing our energy infrastructure as we experience a rapid transformation in the way power is generated and used across our country.

To ensure our energy security for generations, the United States is partnering with Canada and Mexico to pursue regional energy security and combat climate change. Earlier this year at the North American Leaders Summit, we set an historic goal of achieving 50 percent clean power generation across our continent by 2025. These efforts will bolster a transition to clean energy sources that increase economic competitiveness and strengthen growing industries while supporting hundreds of thousands of new jobs. Our solar industry is creating jobs 12 times faster than the rest of the economy, and wind generation now supports tens of thousands of American jobs. Additionally, we are working to diversify our energy portfolio to include sources of zero emissions power like nuclear and hydropower; expand our supply of affordable, reliable, and efficient energy sources; and make it easier for every American to access cleaner forms of energy.

In response to the devastating consequences of our changing climate, we are embracing our responsibility to achieve a low-carbon future. To

do our part, we are on track to reach the 2020 emissions reductions goals I set when I first took office, and we are pursuing even greater cuts for 2025. Last year, we joined nearly 200 countries for the announcement of the most ambitious climate agreement in history, and in September we formally joined the Paris Agreement with China. As we embolden the world to take steps that will dramatically reduce global carbon pollution, we are leading by example—our levels of carbon pollution remain at historic lows. We must continue demonstrating that a country can simultaneously strive for a cleaner environment and a stronger economy.

Despite this progress, there is much work to do to realize the clean energy economy of tomorrow. Last year, in partnership with 19 other countries, we launched Mission Innovation to accelerate clean energy innovation around the world. Through this initiative, 20 countries and the European Union committed to seeking to double public funding for clean energy research and development to $30 billion over 5 years. By doubling our proposed Federal investment in clean energy, we will enable our brightest scientists, engineers, and entrepreneurs to create and advance clean energy technologies that will protect our environment, increase our energy security, and create more jobs across our country.

Although the difficulties that lie ahead are large, the stakes are too great for inaction. Our children and grandchildren are relying on our ability to rise to these challenges and accomplish what is required of us—including advancing clean, renewable, and independent sources of energy. Throughout National Energy Action Month, let us pledge to reduce our carbon footprint and minimize our energy consumption. Let us strive to continue fighting for a cleaner, stronger, and more secure future for our fellow Americans and for all of humanity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Energy Action Month. I call upon the citizens of the United States to recognize this month by working together to achieve greater energy security, a more robust economy, and a healthier environment for our children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9512 of September 30, 2016

National Youth Justice Awareness Month, 2016

By the President of the United States of America
A Proclamation

The essential promise that we make to our young people—that where they start must not determine how far they can go—is part of what makes America exceptional. It is our shared responsibility to ensure all children are given a fair shot at life, including a quality education and

equal opportunities to pursue their dreams. Too often in America, young people are not afforded a second chance after having made a mistake or poor decision—the kind of chance some of their peers receive under more forgiving environments. Many of these young people lack institutional or family support and live in distressed communities. Others may have experienced trauma and violence or may struggle with disabilities, mental health issues, or substance use disorders. As a society, we must strive to reach these children earlier in life and modernize our juvenile and criminal justice systems to hold youth accountable for their actions without consigning them to a life on the margins. During National Youth Justice Awareness Month, we reaffirm our commitment to helping children of every background become successful and engaged citizens.

While the number of juvenile arrests have fallen sharply over the past decade, roughly 1 million juvenile arrests were made in 2014. An overwhelming majority of these arrests were for non-violent crimes, and nearly three-quarters of those arrested were male. Children of color, particularly black and Hispanic males and Native American youth, continue to be overrepresented across all levels of the juvenile justice system. Unfortunately, far too many youth become involved with the adult criminal justice system each year—including in several States where 17-year-olds are prosecuted as adults regardless of their crime, and two where 16-year-olds are as well. Children in the adult system have less access to rehabilitative services and often face higher recidivism and suicide rates. Some States have recently raised the age so that 16- and 17-year-olds are not unnecessarily tried in adult courts, and many are reforming sentencing laws and expanding access to age-appropriate transition services upon reentry.

Even for those youth who were never convicted or otherwise found guilty, simply having had contact with our justice system can lead to lifelong barriers and an increased likelihood of ending up in a cycle of incarceration. To help break this cycle, my Administration increased funding for expunging juvenile records and took steps to ensure young people in juvenile and adult justice facilities can receive Pell Grants to pursue a quality education. The White House launched the Fair Chance Pledge to highlight employers and institutions of higher education that have committed to reducing barriers that justice-involved youth often face in accessing employment, training, and education. To build on these efforts, the Congress must reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) to increase protections for youth and limit the number of minors held in adult jails and prisons. Reauthorizing the JJDPA will promote evidence-based practices, quality education, and trauma-informed care for incarcerated youth, while reducing punishments for things such as breaking curfew and truancy.

We have also seen too many of our youth held in solitary confinement while incarcerated, which can lead to devastating, long-term psychological consequences. Earlier this year, my Administration took steps to implement reforms that include banning this harmful practice for juveniles under the custody of the Federal Bureau of Prisons. We must ensure that young people have quality legal representation throughout every stage of the legal process as well as age-appropriate and rehabilitative sentencing and placements. The financial costs of the juvenile court system can be debilitating and can unfairly penalize children from poor families—by reducing the fees and fines imposed on youth,

we can avoid pushing families into debt and decrease this disproportionate burden.

To meet these goals, we must engage young people before they find themselves locked into a path from which they cannot escape. The Departments of Justice and Education created the Supportive School Discipline Initiative to incentivize positive school climates and rethink discipline policies to foster safer and more supportive learning environments. They are also working to assist States, schools, and law enforcement partners in assessing the proper role of school resource officers and campus law enforcement professionals. The Departments of Justice and Health and Human Services released a joint policy statement against the use of suspension and expulsion in preschool settings—which disproportionately affect children of color. As part of the Office of Juvenile Justice and Delinquency Prevention's Smart on Juvenile Justice initiative, we are providing services such as job training and substance use disorder treatment and counseling for youth in juvenile facilities, and we are expanding the use of effective community-based alternatives to youth detention. We are also screening youth for exposure to trauma that can put them at greater risk of entering the juvenile justice system. And through the My Brother's Keeper initiative, we are working to address persistent opportunity gaps and ensure all young people can reach their full potential—including by helping them get a healthy start in life, enter school ready to learn, and successfully enter the workforce.

When we invest in our children and redirect young people who have made misguided decisions, we can reduce our over-reliance on the juvenile and criminal justice systems and build stronger pathways to opportunity. In addition, for every dollar we put into high-quality early childhood education, we save at least twice that down the road in reduced crime. That is why my Administration has sought to expand high-quality early education by increasing funding for programs like Head Start and investing in preschool, child care, and evidence-based home visiting. Investing in our communities and our kids makes sense, and if we recognize that every child deserves to remain connected to their families and communities, we can ensure youth who come in contact with the law can have a chance at a brighter future.

This month, we come together to ensure all young people are supported, nurtured, and provided an opportunity to succeed. We must make sure youth in every community and from every walk of life can be known for more than their worst mistakes. With enhanced possibilities, a sense of optimism, and an open mind, they can all thrive and live up to the full measure of their promise.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Youth Justice Awareness Month. I call upon all Americans to observe this month by taking action to support our youth and by participating in appropriate ceremonies, activities, and programs in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and

of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9513 of September 30, 2016

National Community Policing Week, 2016

By the President of the United States of America
A Proclamation

Police officers are essential members of our communities—maintaining our way of life depends on their dedicated efforts to keep us safe. These officers hold significant civic and law enforcement responsibilities and put their lives at risk to protect us each day, at times facing some of the most adverse circumstances imaginable. The overwhelming majority of police officers are fair, dedicated, and honest public servants who strive daily to cultivate and sustain positive relationships with the communities they serve and protect. As recent tragedies have illustrated, however, it is clear that there are still too many places in America where these relationships are strained and where officers and community members have struggled to build and maintain trust.

During National Community Policing Week, we reaffirm our commitment to supporting and advancing the practice of community policing and to fortifying the bonds between police officers and communities. Community policing recognizes that law enforcement cannot solve public safety problems alone and encourages interactive partnerships with relevant stakeholders—including community groups, nonprofits, faith-based organizations, and businesses. This active collaboration can improve public trust and fortify relationships, not only advancing public safety, but also deepening social connectivity and creating lasting solutions to challenging problems we face every day.

The underlying tensions that sometimes exist between law enforcement officers and communities span decades and reflect a breadth of social and cultural challenges, including racial and socioeconomic disparities. Through meaningful efforts to strengthen community policing, we can meet these challenges, improve these vital relationships, and make real and lasting progress. Together, we can take constructive steps to support our women and men in uniform while instilling confidence in the fairness of the justice system for everybody and ensuring that law enforcement officers discharge their duties impartially.

A critical part of enhancing trust is making certain that when an incident occurs, the public is confident that an investigation is fair and effective—both for the officer and for the families of those who have been affected. We must also work with law enforcement on training, hiring, and recruiting techniques and provide support and proper resources as they deal with the challenges of the job. In 2015, I announced a Task Force on 21st Century Policing to bring together community leaders and law enforcement to provide recommendations to help us build the kind of trust we need. In the time since the Task Force issued a report of their findings, we have seen progress with re-

spect to data gathering, training, transparency, and community outreach—and communities across America are working to implement these recommendations. We must also recognize that we cannot keep expecting police to solve the issues we fail to address as a society, including poverty, substandard schools, inadequate job opportunities, and lack of care for mental illnesses or substance use disorders; doing so contributes to unrest in communities and exacerbates tensions.

My Administration has worked to bridge divides and bolster community policing efforts across our country. In 2014, the Department of Justice (DOJ) launched the National Initiative for Building Community Trust and Justice to invest in training, evidence-based strategies, and research to help reduce implicit bias and enhance procedural justice and reconciliation. The DOJ has provided additional resources to the Office of Community Oriented Policing Services for hiring police officers across America and advancing 21st-century policing efforts. We are also continuing to provide millions of dollars in grants to agencies that demonstrate robust community policing initiatives. Last year, the White House and the DOJ launched the Police Data Initiative to encourage law enforcement, technologists, and researchers to use data to increase transparency and strengthen accountability between community members and police. And this summer, we launched the Data-Driven Justice Initiative to equip law enforcement officers with the tools they need to safely and effectively divert low-level offenders with mental illnesses out of the criminal justice system. The Federal Government must continue to partner with State and local leaders, as well as the law enforcement community, to expand best practices that increase trust and public safety.

Every American has the power to make change in their communities. By working together to improve law enforcement practices and ensure we give both police officers and community members the respect they deserve, we can fulfill this important endeavor. This week, let us rededicate ourselves to building a future in which police officers are honored for their sacrifices and supported by their communities and in which members of those communities can truly feel they are being served fairly and justly by our women and men in blue.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2 through October 8, 2016, as National Community Policing Week. I call upon law enforcement agencies, elected officials, and all Americans to observe this week by recognizing ways to improve public safety, rebuild trust, and strengthen community relationships.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9514 of October 3, 2016

National Youth Substance Use and Substance Use Disorder Prevention Month, 2016

By the President of the United States of America
A Proclamation

Far too many young people are unable to grow and thrive because of substance use. And far too many precious lives are being taken from us as a result of drug overdoses, leaving families devastated and heartbroken. Substance use can also lead to lower academic achievement and a variety of physical and emotional consequences, and it is crucial that America's youth learn and understand the risks connected with it. Youth substance use can be prevented—and with dedicated, collective effort across our communities, we can ensure more Americans live long, productive lives. During National Youth Substance Use and Substance Use Disorder Prevention Month, we come together in common purpose to unite behind this important mission.

My Administration's *National Drug Control Strategy* has enabled us to amplify prevention efforts by working with States to implement evidence-based strategies that support communities and strengthen drug-free programs. Every dollar invested in school-based substance use prevention programs can save nearly $18 in costs related to the disease of substance use disorder later on. We must facilitate open discussions with families and children—as well as health care providers—about the dangers posed by the misuse of prescription drugs, because for many individuals, their opioid use disorder starts by misusing prescription medications found in their home medicine cabinet. This is especially important because our Nation is currently facing an opioid epidemic, including a near quadrupling of opioid overdose deaths since 1999. That is why I continue to call on the Congress to provide $1.1 billion to expand access to treatment services for prescription opioid misuse and heroin use.

With evidence-based approaches and community-led prevention activities, we can improve health and safety and give our young people the tools they need to make smart decisions. Parents, guardians, teachers, coaches, community members, and the health care community can all play a part in promoting substance use prevention efforts. This month, let us continue taking every step possible to increase these efforts for our young people—and for all Americans—so that they may pursue a bright future filled with possibility and opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2016 as National Youth Substance Use and Substance Use Disorder Prevention Month. I call upon all Americans to engage in appropriate programs and activities to promote comprehensive prevention efforts to reduce youth substance use and substance use disorders within their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord two thousand sixteen, and of the

Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9515 of October 5, 2016

German-American Day, 2016

By the President of the United States of America
A Proclamation

For centuries, German immigrants have ventured to American shores for the same reasons as so many others—to pursue new lives in a land of opportunity and forge brighter futures for themselves and their families. These immigrants and their descendants have changed the course of our history and paved our country's path of progress, and on German-American Day, we recognize their role in building a stronger and more prosperous Nation for all our people.

From those who were among our earliest settlers and farmers to today's innovative leaders in business and public service, German Americans have shaped every sector of our society. More Americans can trace their roots to Germany than to any other nation, and elements of German heritage are embedded deeply in our country's character. German Americans have, throughout our history, proven that our diversity is one of our greatest strengths, and that no matter where we come from, as Americans we are united by the ideal that we are all created equal.

Today, the alliance between the United States and Germany is one of the closest the world has ever known. Our cooperation in striving to protect the security and sustainability of our planet is guided by the enduring friendship between our citizens and the experiences and values that bind us together. On this occasion, let us honor the achievements of German Americans by renewing our devotion to beliefs borne out of common experience—by creating opportunity that lifts up not just the few but the many, and by affirming the inherent dignity and equality of every human being.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2016, as German-American Day. I encourage all Americans to learn more about the history of German Americans and reflect on the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9516 of October 6, 2016

National Manufacturing Day, 2016

By the President of the United States of America
A Proclamation

Since our earliest days, innovation has been one of the most important driving forces of the American economy, and for generations, our manufacturing industry was the ticket to a good middle-class life. Over time, developing technology has changed the way we approach manufacturing. American manufacturing lost roughly one-third of its jobs in the first decade of the new century—during the global recession—and the middle class paid the price. Despite that, in recent years, through the determination of our resilient workforce, our economy and our manufacturing industry have been on the rise. Since 2010, we have added more than 800,000 manufacturing jobs and witnessed the fastest pace of manufacturing job growth since the 1990s—and today, factories are opening doors more quickly than at any time in the past 20 years. On National Manufacturing Day, we celebrate American manufacturing and recognize our potential to remain competitive by continuing to strengthen research, development, and our manufacturing sector.

To build on this progress, we must keep America on the cutting edge of innovation and attract more high-quality manufacturing jobs for workers to fill in the 21st-century economy. We have worked to grow the jobs of tomorrow through Manufacturing USA, a national network of manufacturing hubs that bring businesses, research universities, and governments together to co-invest in the development of world-leading manufacturing technologies and capabilities. These manufacturing hubs not only enable some of the best minds in America to work together, but they also create a home for specific technology focus areas in manufacturing that attract people from around the world. Government can and should play a role in catalyzing this progress, which is why my Administration has already announced nine manufacturing hubs, with even more planned in the future. By supporting this network of global leadership in manufacturing, we are ensuring a steady stream of good jobs and pursuing the potential to fundamentally change the way we build things in America. I encourage everyone to visit www.Manufacturing.gov to learn more about the ways we have highlighted these partnerships to increase our competitiveness and advance our national manufacturing infrastructure.

The growing maker movement has played a role in encouraging manufacturing. Through our Nation of Makers initiative, we have worked to give students, entrepreneurs, and all Americans access to new technologies so they can design and build anything they can dream of. The democratization of tools required to create products has been critical for supporting entrepreneurship and has led to a renaissance of American manufacturing—and we must continue to foster the culture of making and entrepreneurship. Our economic competitiveness in domestic manufacturing depends on critical investments in science, technology, engineering, and math (STEM) education. If we make the necessary investments to help students and young people experience hands-on STEM learning, we can spark a deep interest and help them develop the passion and creativity they need to excel in the 21st-century economy.

Each year, hundreds of thousands of people observe this day by attending open houses, public tours, and career workshops. As we mark 5 years since the first National Manufacturing Day, we must inspire the next generation of workers and innovators to seek careers in manufacturing. Let us continue working to strengthen and expand the manufacturing jobs of tomorrow and ensure that opportunity for all is something we can keep making in America for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 7, 2016, as National Manufacturing Day. I call upon the people of the United States to observe this day with programs and activities that highlight the contributions of American manufacturers, and I encourage all Americans to visit a manufacturer in their local community.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9517 of October 7, 2016

Fire Prevention Week, 2016

By the President of the United States of America

A Proclamation

More than 1 million fires occur each year in the United States. Throughout the past decade, the number of fires—and of resulting deaths and injuries—has gone down. But residential fires still damage homes across our country, causing a higher percentage of fire deaths, injuries, and economic loss than any other fires, and wildfires continue to devastate our forests and threaten nearby homes and businesses. During Fire Prevention Week, we strive to increase our preparedness for fires and commit to giving dedicated firefighters the support they need to keep us safe.

Every moment counts during a fire, and smoke alarms help save lives. However, many people do not know that their smoke alarms should be replaced every 10 years—after 10 years, they tend to become unreliable. I encourage everyone to check the manufacturing dates of their smoke alarms to see if they need replacing. Families and businesses should also develop and practice evacuation plans in case of emergencies and should prepare communication strategies in case of a fire. All Americans can learn more about steps they can take to prepare for fires by visiting www.Ready.gov.

In recent years, we have experienced some of the most severe wildfire seasons in American history, including roughly 50,000 wildfires and over 9 million acres burned last year alone. Climate change exacerbates wildfire risks through drier landscapes and higher temperatures—we must recognize the effects our changing climate has on fire risks and help fire professionals and community leaders take action to enhance community resilience against these risks. Last year, my Administration

brought together fire chiefs from around our country to identify key lessons learned from fires at the wildland-urban interface and actions that can be taken to reduce the harm to people and property associated with wildfires in these areas, where fighting fires is especially complicated, expensive, and dangerous. We need to be smarter about where we build, and we must work to better understand how fires behave so our firefighters can work more safely and effectively—we owe these heroic professionals nothing less.

This week presents opportunities for businesses, families, and communities to learn about ways to protect themselves in case of fire and helps raise awareness of steps we can all take to prevent fires. During Fire Prevention Week, we also pause to honor our first responders and firefighters, including those who have sacrificed their own lives to save the lives of people they had never met. Let us salute them and pay tribute to all firefighters whose bravery, sense of duty, and love of country make our Nation a stronger, safer place.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9 through October 15, 2016, as Fire Prevention Week. On Sunday, October 9, 2016, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9518 of October 7, 2016

National School Lunch Week, 2016

By the President of the United States of America

A Proclamation

Seventy years ago, President Harry Truman signed the National School Lunch Act, declaring ''Nothing is more important in our national life than the welfare of our children, and proper nourishment comes first in attaining this welfare.'' This Act created the National School Lunch Program and provided lunch to 7 million children in its first year—today, more than 30 million children depend on it each day. As we observe the 70th anniversary of this program, we recommit to ensuring access to proper nutrition throughout the school day for all our young people so that they may pursue their education and chase their dreams.

Since the beginning of my Administration, I have worked to build on the legacy of the National School Lunch Program. In 2010, the Congress passed and I signed into law the Healthy, Hunger-Free Kids Act,

which increased the number of students who could get subsidized or free school meals and improved the quality of school meals. For children from low-income households, meals provided by the National School Lunch Program and the School Breakfast Program may be their only reliable source of nutrition throughout the day. We are working to increase access for more children, including by using Medicaid data to automatically connect eligible students in need to free or reduced-priced meals.

During the school year, nearly 22 million children receive free and reduced-price school meals. When school is out for the summer, well over 2 million children rely on the Summer Food Service Program for nourishment. However, too many kids still lack access to adequate nutrition during the summer months, which is why I proposed investing $12 billion in my latest budget to provide supplemental summer food benefits to children who receive free and subsidized school meals during the academic year.

We must also work to give children greater access to nutritious foods and empower them to make healthy choices. Too many young people are obese or overweight and remain at risk for health problems like diabetes or heart disease later in life. First Lady Michelle Obama has championed efforts to build healthy futures for all children, particularly through the *Let's Move!* initiative, which has worked to provide healthier meals in our schools and ensure every family has access to healthy, affordable food. The Department of Agriculture updated school nutrition standards to make sure all school meals and snacks meet science-based nutrition criteria, and almost all schools participating in the National School Lunch Program are meeting these standards.

In order for our children to join the most prepared and educated workforce in the world, we must remember the connection between what our kids eat and how well they perform in school. During National School Lunch Week, let us reaffirm our dedication to helping America's daughters and sons succeed by guaranteeing they have access to the healthy meals they need. Let us express our gratitude for the school nutrition professionals, educators, and administrators who are helping deliver the promise of a bright future to schoolchildren across America each day.

The Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 9 through October 15, 2016, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the

Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9519 of October 7, 2016

Leif Erikson Day, 2016

By the President of the United States of America
A Proclamation

More than 1,000 years ago, an intrepid Scandinavian explorer, Leif Erikson, embarked on a voyage that landed him on the North American coast. A son of Iceland and grandson of Norway, Erikson and his crew are believed to be the first Europeans to reach the shores of our continent, founding the Vinland settlement in modern-day Canada. Today, we recall Leif Erikson's historic journey as we seek to carry forward the bold spirit of exploration that has inspired Nordic Americans for generations.

Eight centuries after Leif Erikson's trip, six families of Norwegians boarded a ship called *Restauration* bound for New York City. Following in Erikson's footsteps, these individuals sought the promise of freedom and opportunity America offered and became the first group of organized American immigrants from Norway. Millions of Americans proudly trace their ancestry to Nordic countries, raised by parents and grandparents who crossed oceans to carve out new lives for their families and help steer the course of our country. The United States and our Nordic partners are united by ties of family and friendship, history and heritage. Earlier this year, I was proud to welcome Nordic leaders to the White House. This visit illustrated many of the values and interests we share—including increasing opportunity for all and recognizing the inherent dignity of every human being.

Nordic countries remain some of our most reliable and effective partners, steadfastly helping us meet the shared challenges of our time. We remain grateful for their friendship, and for the ways the Nordic people have influenced our country and enhanced the American melting pot. On Leif Erikson Day, as we express our appreciation for the myriad contributions of Nordic Americans, let us remember the discovery that set this profound history in motion.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as ''Leif Erikson Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 9, 2016, as Leif Erikson Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our rich Nordic-American heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the

Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9520 of October 7, 2016

Columbus Day, 2016

By the President of the United States of America
A Proclamation

In October of 1492, Christopher Columbus completed the first of his expeditions that would land him on the shores of North America. Sponsored by Isabella I and Ferdinand II, Columbus embarked on a 10-week voyage he had hoped would lead to Asia. But when his ships instead landed in the Bahamas, a new story began to unfold. The spirit of exploration that Columbus embodied was sustained by all who would follow him westward, driving a desire to continue expanding our understanding of the world.

Though Columbus departed from the coast of Spain, his roots traced back to his birthplace of Genoa, Italy. Blazing a trail for generations of Italian explorers and Italian Americans to eventually seek the promise of the New World, his voyage churned the gears of history. The bonds between Italy and the United States could not be closer than they are today—a reflection of the extraordinary contributions made by both our peoples in our common efforts to shape a better future. Across our Nation, Italian Americans continue to enrich our country's traditions and culture.

As we mark this rich history, we must also acknowledge the pain and suffering reflected in the stories of Native Americans who had long resided on this land prior to the arrival of European newcomers. The past we share is marked by too many broken promises, as well as violence, deprivation, and disease. It is a history that we must recognize as we seek to build a brighter future—side by side and with cooperation and mutual respect. We have made great progress together in recent years, and we will keep striving to maintain strong nation-to-nation relationships, strengthen tribal sovereignty, and help all our communities thrive.

More than five centuries ago, one journey changed the trajectory of our world—and today we recognize the spirit that Christopher Columbus's legacy inspired. As we reflect on the adventurers throughout history who charted new courses and sought new heights, let us remember the communities who suffered, and let us pay tribute to our heritage and embrace the multiculturalism that defines the American experience.

In commemoration of Christopher Columbus's historic voyage 524 years ago, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as ''Columbus Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 10, 2016, as Columbus

Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9521 of October 7, 2016

General Pulaski Memorial Day, 2016

By the President of the United States of America
A Proclamation

Over two centuries ago, Polish immigrant Casimir Pulaski crossed an ocean to take up the cause of defending a young nation. Rising quickly to the rank of Brigadier General in the Continental Army, he reformed our cavalry, saved the life of General George Washington, and helped secure our independence. Today, we celebrate the legacy of liberty he forged and reflect on the many ways Polish-American voices continue to shape the unending story of our Nation.

Spending his formative years in Poland laboring for his home country's independence, General Pulaski came to America with both an expertise in combat and a passion for liberty that made him invaluable to our new Nation's fight for freedom. Leading a legion of men on horseback and working alongside General Washington, General Pulaski achieved victory after victory. But he would never see the results of his valiant efforts fully realized—he succumbed to battle injuries on October 11, 1779, giving his final full measure of devotion in defense of the ideals we cherish.

More than 200 years later, Polish Americans across our country honor the spirit of General Pulaski through their many contributions to our Nation and through living the values that unite us all. The proud members of the Polish-American community strengthen the rich heritage of our country—many serve in our Armed Forces, protecting the very freedoms General Pulaski helped secure centuries before—and they reflect the strong friendship that endures today between the United States and Poland.

On General Pulaski Memorial Day, we commemorate one of our Nation's earliest embodiments of the belief that no matter who you are or where you come from, those who love this country can change it for the better. In honor of General Pulaski's sacrifice and the important role Polish Americans play in our country, let us rededicate ourselves to defending our founding ideal of liberty for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October

11, 2016, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9522 of October 7, 2016

International Day of the Girl, 2016

By the President of the United States of America
A Proclamation

No matter where she lives, every girl on this planet deserves the chance to learn and grow, to develop her mind and her talents, and to live a life of her own choosing. Although we have made life significantly better for our daughters than it was for our mothers and grandmothers, in too many parts of the world, girls are still undervalued, disrespected, abused, and prevented from contributing to society. On International Day of the Girl, we recognize our obligation to lift up women and girls at home and abroad and to build a world where all girls feel safe and empowered in their classrooms, their communities, and their homes.

My Administration is committed to combating gender disparities, and through the White House Council on Women and Girls, we have made it a priority to consider the needs of women and girls in our policies, laws, and programs. Today, more American women have the freedom to make their own choices about their lives—about their bodies, their education, their career. The Affordable Care Act has ensured that more girls have access to quality, affordable health care and that no health insurer can charge them more simply because of their gender. By encouraging the media to depict more examples of women in science, technology, engineering, and math (STEM) fields—and by working to expand access to STEM classes and careers, particularly computer science—we are striving to address inequalities in education. We will continue to pursue policies that advance gender equality here at home, from equal pay for equal work to protecting reproductive rights, because while some girls have never had more opportunities, there are still many who remain in the toughest of circumstances.

Under the leadership of Vice President Joe Biden, we are working to put an end to violence against women, and we have launched a movement to fight sexual assault and support survivors. Through the White House Task Force to Protect Students from Sexual Assault and the ''It's On Us'' campaign, we are shining a light on the unconscionable rates of sexual assault against teens and young adults in primary and secondary schools and on college campuses. My Administration recently announced new guidance and resources to help district administrators and educators prevent and appropriately deal with sexual assault in K–

12 settings. We have also provided guidance to educators on ways to address harassment and discrimination of students in school settings, including transgender girls and women—who too often face bullying and abuse that harm their education. The Department of Justice also released guidance to identify and prevent gender bias in law enforcement responses to sexual assault and domestic violence cases. And because 84 percent of American Indian and Alaska Native women and girls will experience some form of violence in their lifetimes, we have protected the ability of tribes to prosecute non-Native perpetrators of domestic violence in Indian Country through provisions included in the 2013 reauthorization of the Violence Against Women Act.

As we work to expand opportunities here in the United States, we must also look abroad and acknowledge that any country that oppresses half of its population—that prevents women and girls from going to school or work or refuses to give them control over their bodies or safety from gender-motivated abuse—is not a society that can thrive. The ideologies that harm girls and prevent them from fulfilling their potential are the same ideologies that have led countries to instability, violence, and terrorism. That is why earlier this year, we launched the *U.S. Global Strategy to Empower Adolescent Girls*—a strategy aimed at bringing Federal agencies together to comprehensively improve the lives of girls around the world, safeguard their rights, and encourage their full social, political, and economic participation. To specifically focus on the challenge of adolescent girls' education, First Lady Michelle Obama and I launched the *Let Girls Learn* initiative, through which we are working with companies, organizations, and foreign governments to help give adolescent girls around the world the chance to go to school—because a world in which all girls have access to an education is a safer, fairer, and more stable place. The initiative includes more than a billion dollars for funding new and ongoing programming in more than 50 countries to help adolescent girls attend and stay in school. And the White House will soon host the first meeting of the North American Working Group on Violence against Indigenous Women and Girls to champion regional coordination on the rights of women and girls from indigenous communities across North America.

Around the world—from Africa to Southeast Asia to Latin America—we are striving to improve girls' welfare, build their skills, and promote their participation as the next generation of leaders. We are working to prevent and respond to violence against women and girls in fragile settings as well as support refugees and displaced persons around the world. We are undertaking targeted efforts to address child, early, and forced marriage, and we are investing in new programs, including survivor-led programs, to end female genital mutilation and cutting in seven countries across Southeast Asia and West Africa. In sub-Saharan Africa, we are helping adolescent girls pay for and attend school, while ensuring they learn about HIV and violence prevention. We have sponsored ''Women in Science'' camps in Peru and Rwanda to give girls abroad the opportunity to learn how to use technology to improve their communities. We are also working with Pakistan to advance women's economic participation and entrepreneurship and launch the country's first ''Take Your Daughter to Work Day.'' And we remain committed to ending human trafficking and have taken unprecedented steps to provide comprehensive services to victims, bring traffickers to justice,

apply new technologies to combat modern slavery, and provide training and promote awareness at home and abroad.

This summer, 5,000 leaders from around the world gathered at the first ever United State of Women Summit to highlight the work we have done and to build an agenda for the future. But we know there is still more to do, and I have made advancing gender equality a foreign policy priority to ensure we can continue removing barriers that prevent women from reaching their full potential. More than our policies, we must commit to changing the culture that raises our daughters to be demure or criticizes them for speaking out—and to changing the attitude that permits the routine harassment of women and girls, whether walking down the street or going online. We are working with communities and businesses that are rethinking workplace policies, funding women entrepreneurs, expanding female leadership, and creating more opportunities for women and girls who too often face disproportionate challenges—including women and girls of color, women and girls with disabilities, and lesbian, bisexual, and transgender women and girls—because everyone has a role to play and everybody deserves the chance to pursue their dreams.

This is the future we are forging: Where women and girls, no matter what they look like or where they are from, can live free from the fear of violence. A future where all girls know they can hold any job, run any company, and compete in any field. Today, we recommit ourselves to the belief that when everyone has the opportunity to go to school, explore their passions, and achieve their dreams, our communities are stronger, more resilient, and better positioned for peace and prosperity. Let us keep working to build a world that is more just and free—because nothing should stand in the way of strong girls with bold dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2016, as International Day of the Girl. I call upon the people of the United States to observe this day with programs, ceremonies, and activities that advance equality and opportunity for girls everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9523 of October 14, 2016

National Character Counts Week, 2016

By the President of the United States of America
A Proclamation

Our country has survived centuries of trial and triumph, and we have endured times that have tested us and marked moments of progress that were once deemed impossible. Today, we live in a time of extraordinary possibility—and we must decide how our next chapters will be

written. The task of shaping America's course falls to each one of us as individuals who make up our American family, and as we celebrate National Character Counts Week, let us seek to live out the ideals that have inspired our country's journey and that define our national character.

No matter who you are, what you look like, where you come from, or what your circumstances are, America should be a place where the things that make you unique and different are celebrated. That promise of equality and acceptance has been our country's North Star since its founding, and in thinking of how that centuries-old ideal translates into our lives today, it comes down to all of us showing others the compassion and acceptance that we would only wish for ourselves. If we seek to understand one another and take advantage of opportunities to bring people together across lines of difference, we will increasingly realize as a people that we are more alike than we are different.

Let us listen to each other, see each other, and recognize the common humanity that makes America what it is. Let us embrace the multitudes of races, faiths, cultures, and origins that make up our diverse, vibrant Nation. It will make us better as a people and stronger as a country, and it starts with reflecting on the way we live our lives, the way we treat others, and the example we set for those around us. We have a collective obligation to reflect in our own lives the values we strive to reflect in our national life, and no gesture of goodwill is too small—together, ripples of kindness can drown out voices of hate, wash away cynicism and doubt, and help us see the world in truer colors.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 16 through October 22, 2016, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9524 of October 14, 2016

National Forest Products Week, 2016

By the President of the United States of America

A Proclamation

Filtering the air we breathe and the water we drink, and providing the habitats that are home to diverse species of fish and wildlife, forests are an essential part of our planet. Across America, they offer a wide range of cultural and recreational activities that have sustained and entertained people since long before our Nation's founding. Today, forests provide products we use each day, including paper, wood, and

building and packaging materials. During National Forest Products Week, we express our appreciation for the incredible bounty forests provide and we renew our commitment to ensuring the next generation can enjoy their irreplaceable resources.

Our forests are at increasing risk from catastrophic wildfires, erosion, drought, and climate change. That is why my Administration is working alongside State and local leaders, landowners, and businesses to develop solutions to preserve our forests—because we must respond to challenges that threaten these important spaces. America's forests play an important role in addressing climate change by absorbing carbon pollution. It is critical that we protect and restore our forests, and through the Climate Action Plan, Federal agencies are coming together to strengthen the resilience of our forests and enhance their ability to absorb even more carbon pollution.

The health and well-being of our forests and our communities go hand in hand. With the Department of Agriculture, we are working to strengthen markets for forest products. By allocating millions of dollars to help expand technologies that encourage the use of wood in innovative ways, we are also striving to improve forest health and generate rural jobs. And we are exploring ways to help forestland owners respond to climate change—earlier this year, we released a roadmap for implementing key building blocks to achieve this goal, such as private forest growth and retention, stewardship of Federal forests, and promotion of wood products.

Forests generate billions of dollars in economic growth, sustaining local economies and enhancing communities across our country. We rely on them in so many aspects of our national life, and throughout this week, we must continue working to protect the precious resources our forests hold so they can continue enriching our world and supporting our way of life.

To recognize the importance of products from our forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 16 through October 22, 2016, as National Forest Products Week. I call on the people of the United States to join me in recognizing the dedicated individuals who are responsible for the stewardship of our forests and for the preservation, management, and use of these precious natural resources for the benefit of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9525 of October 14, 2016

Blind Americans Equality Day, 2016

By the President of the United States of America
A Proclamation

Each day, blind and visually impaired Americans contribute to our society, refusing to allow anything to hold them back. In order to ensure more Americans with disabilities can continue participating fully in our country, we must each do our part to promote equal opportunity for all. On Blind Americans Equality Day, we reaffirm the inherent dignity of every human being and recommit to forging a future in which all Americans, including those with visual impairments, can pursue their full measure of happiness.

More than two decades ago, one of the most comprehensive civil rights bills in our history, the Americans with Disabilities Act (ADA), was signed into law. Ever since, the ADA has helped reduce discrimination and promote equal access to classrooms, workplaces, and transportation—and it is imperative that we build on the significant progress we have made for individuals living with disabilities. Because the unemployment rate is more than twice as high for Americans with disabilities, my Administration has worked to improve employment opportunities, including within the Federal Government where we are leading as a model employer. Last year, we hosted the White House Summit on Disability and Employment, which provided resources to help employers hire more individuals with disabilities. And through the Workforce Innovation and Opportunity Act, we expanded access to critical services for many individuals with disabilities, including those who are blind or visually impaired, so that they can pursue high-quality employment opportunities. People with disabilities deserve to live their lives in their communities and raise their families, and earlier this year we hosted a Forum on the Civil Rights of Parents with Disabilities because every family, including those headed by people with disabilities, deserves the chance to reach for a future of ever greater possibility.

Our Nation must continue to promote equal opportunity and the right of all Americans to live full and independent lives. This begins early on—we must ensure that any child with a print disability can access the tools they need to pursue an education. That is why we have worked to provide appropriate materials and services, including Braille and Braille literacy instruction, in schools. We are investing in technologies that provide visually impaired students equal access to the general education curriculum. We are also working to make the websites of Government agencies and private companies more accessible to anyone with a disability—an effort which remains an important priority. And I have encouraged the Senate to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which will broaden access to a new world of knowledge for these individuals.

Disability touches us all, and together we can strive to ensure that all blind and visually impaired individuals face no unnecessary barriers to success. By providing equal access to resources and technologies and giving everyone the chance to make of their lives what they will,

we can continue to advance opportunity and prosperity for all our people.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as ''White Cane Safety Day'' to recognize the contributions of Americans who are blind or have low vision. Today, let us reaffirm our commitment to being a Nation where all our people, including those with disabilities, have every opportunity to achieve their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2016, as Blind Americans Equality Day. I call upon public officials, business and community leaders, educators, librarians, and Americans across the country to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9526 of October 18, 2016

Minority Enterprise Development Week, 2016

By the President of the United States of America

A Proclamation

Since our earliest days, entrepreneurship has embodied the very promise of our Nation, reaffirming the notion that in a place of such limitless potential, Americans can forge a prosperous future and build a better life for themselves and their families. Women and men of every faith, background, and race have channeled their talents and ingenuity into harnessing the spirit of innovation that has long been the hallmark of our people. And as an essential part of our country's story, minority-owned enterprises have helped spur this progress. During Minority Enterprise Development Week, we reflect on the significant ways they have helped put our economy on the path to success, and we recommit to empowering every hardworking American to write our next great chapters.

Minority-owned firms employ millions of workers and generate more than $1 trillion in economic output, revitalizing our communities and driving our growth. That is why my Administration is helping entrepreneurs of all backgrounds and small businesses across our country get the resources they need to get off the ground. Through the Minority Business Development Agency, we have led efforts to promote growth and competitiveness. We are helping streamline the process of starting a company and investing in entrepreneurship training and skill building for more Americans. Through www.Business.USA.gov, we are helping more enterprises get information about Federal contracts, and we are connecting them to critical resources to help develop and grow a business. In today's global economy, minority-owned businesses are

essential to our country's success. They are twice as likely as other businesses to export their goods and services, and I am working to encourage entrepreneurship and innovation through a smart trade agenda that will allow us to sell more goods, boost economic competitiveness, and help more of our entrepreneurs thrive.

Our Nation has always drawn strength from the diversity of our people, and no matter who you are, what you look like, or where you come from, America is a place where everyone deserves a chance to get ahead. This week, we must continue working to support minority enterprises and all entrepreneurs—and ensure that by expanding access to the networks, capital, and opportunities required to build a business, everybody can have a fair shot at reaching their piece of the American dream.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 23 through October 29, 2016, as Minority Enterprise Development Week. I call upon all Americans to celebrate this week with appropriate programs, ceremonies, and activities to recognize the many contributions of our Nation's minority enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9527 of October 21, 2016

National Historically Black Colleges and Universities Week, 2016

By the President of the United States of America
A Proclamation

America's Historically Black Colleges and Universities (HBCUs) are living monuments to the cause that has driven each generation of our citizens in the task of perfecting our Union—helping ensure that all people can experience the fullest measure of equality, justice, and possibility. Embodying the notion that the ability to pursue a higher education should be an opportunity available to all, rather than a privilege for a few, these campuses were built from a determination to widely and profoundly expand the reach of our country's promise. During National Historically Black Colleges and Universities Week, we celebrate this aspiration and reaffirm our support for HBCUs.

Rendered possible by the extraordinary sacrifices and commitment of women and men who resolved to make real and enduring the new birth of freedom that echoed across our country following the end of the Civil War, the rise of these proud institutions marked the beginning of a new chapter in our national narrative. With each generation, HBCUs have shaped America for the better in indelible ways. From a pastor who would give voice to equality's cause to the great-grandson

of a slave who would reach the bench of our highest court; from pioneers of medical and scientific breakthroughs to creators of innovative and prosperous businesses; from artists who expand the boundaries of expression to historians who illuminate our past and help us write our future, so much of the progress that has come to define America has been carried forward by graduates, academics, and leaders of these colleges and universities.

Since I took office, my Administration has focused on expanding opportunity and opening doors of higher education for more people. We have increased Pell Grants, expanded student loan assistance going directly to students, cut taxes for those paying tuition, allowed students to cap their Federal loan payments at 10 percent of their income, and created the College Scorecard to assist prospective students in understanding their options for pursuing a higher education. Today, more Americans are earning a degree in post-secondary education than ever before, and HBCUs are playing an important role. In the 6 years since I signed an Executive Order bolstering the White House Initiative on HBCUs, we have helped ensure that more students have greater opportunities and that these institutions can benefit from a fuller range of Federal programs and assistance. HBCUs and community colleges help build our Nation's economy and strengthen the middle class, which is why I am working to make 2 years of community college free for hard-working students across our country through America's College Promise—a proposal that also helps 4-year HBCUs provide more low-income students with up to 2 years of college for free or at reduced tuition.

This week, we recognize the ways in which HBCUs are central to our experience as a Nation and recommit ourselves to the work that lies ahead. Let us honor the spirit in which these institutions were constructed by reaffirming the enduring truths at their core, and let us continue endeavoring to ensure all people have the chance to access higher education and secure ever greater opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 23 through October 29, 2016, as National Historically Black Colleges and Universities Week. I call upon educators, public officials, professional organizations, corporations, and all Americans to observe this week with appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9528 of October 21, 2016

United Nations Day, 2016

By the President of the United States of America
A Proclamation

Seventy-one years ago, after rolling back a tide of tyranny that threatened Europe and the world, members of the international community came together to sign the United Nations Charter—advancing a promise to replace the ravages of war with the possibilities of diplomacy. On United Nations Day, we reflect on the progress we have made in the time since, resolve to carry this progress forward, and reaffirm our commitment to international cooperation rooted in the rights and responsibilities of nations across the globe.

Today, because of the international order the United Nations has helped anchor for more than seven decades, we live in a global community that, together, has overcome the greatest financial crisis of our time, lifted billions of people out of poverty, promoted the emergence of more democracies, and taken meaningful steps toward leaving our children with a world that is safer, cleaner, and more stable. Yet the same forces of integration that have helped forge closer ties and stronger partnerships among the world's nations also have exposed deep fault lines that we must address. In too many places around the world, perpetrators of atrocities go unpunished and those who violate international law face no consequences. Climate change remains a serious threat—even after we officially crossed the threshold for the Paris Agreement to take effect earlier this month. Too many governments still silence journalists, quash dissent, and censor vital flows of information. And in camps and cities around the world, families live as refugees, surviving on aid and the compassion of others. These issues present crises of our shared security and challenges to our international system in which all nations must share in our collective responsibilities. Our world is too small, and our destinies too intertwined, for us not to see ourselves in one another. By upholding the values upon which the United Nations was founded—pluralism, diversity, human rights, and togetherness—we can ensure we pass these tests of our common humanity. And by continuing to build a more capable and effective United Nations, we strengthen the world's capacity to respond to global crises, keep peace in fragile societies, and tackle unprecedented humanitarian challenges.

The international community relies on the United Nations today more than ever before. Now in its eighth decade, this institution—and those selfless individuals who devote their lives to sustaining it—is vital to our mission of shaping a better world: one defined by cooperation over confrontation, a shared sense of purpose, and the understanding that the future of a child in America is inextricably linked to that of a child in Afghanistan. On this day, let us pay tribute to the staff of the United Nations, particularly the more than 100,000 uniformed personnel serving in peacekeeping missions, for their selfless service to the cause of promoting international peace and prosperity, and as citizens of the world, let us renew our shared commitment to forging a brighter tomorrow for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2016, as United Nations Day. I urge the Governors of the 50 States, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9529 of October 27, 2016

Military Family Month, 2016

By the President of the United States of America

A Proclamation

For generations, brave Americans have stepped forward and answered our country's call to serve in our Armed Forces. With honor and distinction, our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen fight to defend the principles upon which our Republic was founded so that we might live in a freer and more prosperous world. Behind these courageous Americans stand spouses, children, and parents who give up precious time with their loved ones, bearing the burden of long deployments and difficult moves, and oftentimes putting their careers on hold. During Military Family Month, we salute the families of those who proudly are a part of our Nation's unbroken chain of patriots for their unwavering devotion, and we renew our sacred vow to uphold our promise to our troops, our veterans, and their families.

Our military would not be the greatest in the world without the strength and support of the loved ones who stand alongside our men and women in uniform. While our service members are fighting to secure the values we cherish and defend our homeland, their spouses keep their households running, sometimes through multiple deployments. Spouses of those in the military are often forced to relocate across our country or around the globe, leaving behind jobs they love and sometimes struggling to find new employment. They are our fellow citizens and neighbors; in their service to their families and their country, they represent the true strength of America.

Our Nation has a solemn obligation to support and care for the members of our military and their families—from their first day of training until they conclude their service—and my Administration has worked to ensure we uphold this promise. Through First Lady Michelle Obama and Dr. Jill Biden's *Joining Forces* initiative, we have worked with both the public and private sectors to ensure service members, veterans, and their families have the tools they need to succeed throughout their lives. Over the past 5 years, we have rallied businesses to hire more than 1.2 million veterans and military spouses. Today, every single State has taken action to streamline professional licensing and

credentialing processes so that military spouses can continue their work when they move across State lines without having to re-certify for a job they are already qualified for. We are also working to provide the resources military families need to start businesses and pursue an education, and we are helping teachers and schools support military children from kindergarten through college. By partnering with the private sector, we have also helped expand access to essential science, technology, engineering, and math courses so that 60,000 more military children can be college-ready and prepared for 21st-century careers.

We must always be there for our service members and their families—just as they are there for us. Through the thickest of fights and the darkest of nights, our extraordinary military families—our heroes on the home front—stand alongside our patriots in uniform, and in their example we see the very best of our country's spirit. This month, let us thank them for their tremendous devotion to duty and for their unyielding sacrifice. Let us honor their resolve and patriotism and uphold our solemn responsibility to ensure the priorities of our Nation reflect the priorities of our military families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as Military Family Month. I encourage all Americans to honor military families through private actions and public service for the tremendous contributions they make in support of our service members and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9530 of October 27, 2016

National Adoption Month, 2016

By the President of the United States of America
A Proclamation

Across America, adoptive parents welcome children into stable, loving families, providing a safe and comforting place for children in need to call home. Families who choose the life-changing path of adoption make a meaningful and lasting difference in the lives of some of the most vulnerable young people in our society. Regardless of sexual orientation, gender identity, race, or religion, devoted Americans who adopt help give more children the upbringing they deserve. Each November, we recognize the important role that adoption has played in the lives of children and families in our country and around the world, and we rededicate ourselves to ensuring every child can find their forever family.

Last year, more than 100,000 children were waiting to be adopted from foster care, and every year, too many older youth age out of the foster care system before they are able to find permanence. Without this sup-

port during the critical years of early adulthood, these youth are more likely than their peers to experience homelessness, unemployment, or incarceration. To make the possibility of adoption real for more children across our country, my Administration has eliminated barriers to adoption by extending tax credits and providing financial incentives to child welfare agencies in almost every State to maximize adoptions. I have also worked to strengthen Federal workplace flexibility policies to ensure more families, including adoptive families, can keep their jobs and care for their children as their family grows.

On the Saturday before Thanksgiving, we also recognize National Adoption Day, kicking off a week of reflection and gratitude for many adoptive families. Each year on this day, thousands of adoptions are finalized, including more than 4,000 children in 2015. This year, cities from coast to coast will host a variety of events to commemorate the occasion.

One of the most important jobs many of us will ever have is being a parent. Throughout National Adoption Month, we celebrate all those who have invited a child in need into their hearts and into their homes, and we express our profound appreciation for all who help make adoptions possible. Let us continue strengthening the adoption process so that all children can learn, grow, and thrive with the support of a devoted and permanent family.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Adoption Month. I encourage all Americans to observe this month by answering the call to find a permanent and caring family for every child in need and by supporting the families who care for them.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9531 of October 28, 2016

National College Application Month, 2016

By the President of the United States of America
A Proclamation

In America, all people deserve an equal chance to succeed, and expanding access to affordable higher education is necessary for bringing us closer to fulfilling this ideal. Over the past several generations, our country built a strong middle class through a commitment to keeping a high-quality education within reach for all those willing to work for it, and now more than ever, a college degree is the surest path to the middle class. During National College Application Month, we encourage Americans to apply for a higher education, and we strive to ensure every student—no matter who they are or where they come from—has a chance at the opportunities they need to thrive.

My Administration is committed to giving students and their families important information on college admissions, value, and costs so they can make decisions that are right for them. Last year, we redesigned a new College Scorecard with direct input from students, families, and advisers to provide clear and accessible national data on college cost, graduation rates, debt, and post-college earnings. By visiting CollegeScorecard.Ed.gov, more Americans can evaluate college choices based on the factors that matter most to them. Through First Lady Michelle Obama's Reach Higher initiative, we are inspiring more students to pursue a higher education, ensuring they have what they need to complete their college education, and helping them understand their financial aid eligibility. And we are working to reduce barriers to educational opportunity through the Fair Chance Higher Education Pledge—an effort in which public and private colleges and universities are helping provide individuals with criminal records who have already paid their debt to society a fair chance to seek a higher education. To learn more about ways we are helping more Americans pursue a higher education, visit www.WhiteHouse.gov/ReachHigher.

Although earning a college degree is one of the most important investments individuals can make for themselves and for our country, it still feels out of reach for too many American families. That is why we have taken many steps to make college more affordable, including doubling investments in grant and scholarship aid through Pell Grants and tax credits, keeping interest rates low on Federal student loans, and helping borrowers manage debt after college through programs like the Pay as You Earn plan. This year, we launched the Free Application for Federal Student Aid—which is available at www.FAFSA.gov—3 months earlier than usual so that students can access financial aid sooner and receive better information as they search for and apply to colleges. And because every American at any age and from any walk of life should be able to earn the skills necessary to compete in the 21st-century economy, I have proposed making community college free for students with the drive and discipline to work for it.

This month, we recognize the limitless potential in every student and reaffirm our commitment to offering them the resources they need to succeed. We thank not only the teachers, counselors, and parents who support students throughout the college application process, but also the organizations and institutions partnering with us to eliminate unnecessary barriers to higher education. Let us celebrate the progress we have made as more historically underserved students are enrolling in college for the first time, more students are graduating from college than ever before, and new student loan defaults are on the decline. And together, let us forge a future where every student has the opportunity to go as far as their dreams and hard work will take them.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National College Application Month. I call upon public officials, educators, parents, students, and all Americans to observe this month with appropriate ceremonies, activities, and programs designed to encourage students to make plans for and apply to college.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord two thousand sixteen,

and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9532 of October 28, 2016

National Diabetes Month, 2016

By the President of the United States of America
A Proclamation

More than 29 million Americans have diabetes—a disease in which the glucose levels in one's blood are higher than normal. Although the rate of new cases is falling, the numbers are still alarming. Diabetes is one of the leading causes of death in the United States and results in staggering health and financial costs for Americans. With a concentrated effort to reduce the number of new diagnoses and improve treatment and care for those living with this disease, we must continue making progress in the battle against this epidemic. Each year during National Diabetes Month, we resolve to support everyone battling this chronic disease, and we recommit to fighting it so that more Americans can lead a healthy life.

Diabetes can affect individuals of any age, gender, or background depending on risk factors, which can include a combination of genetics and lifestyle. Type 1 diabetes, often diagnosed in youth, affects people whose bodies do not produce enough insulin, a hormone needed to live. Type 2 diabetes occurs in people who are not able to produce enough insulin to meet their body's needs, and typically develops in adults—however, more young people today are being diagnosed with type 2 diabetes than ever before, and it is more commonly diagnosed among those who are obese or inactive. Both types can lead to health problems such as heart disease, blindness, and kidney failure. Additionally, roughly one-third of American adults have prediabetes—a condition in which their blood sugar levels are higher than normal, but not high enough to be diagnosed with diabetes—placing them at higher risk for other health conditions or for developing type 2 diabetes. Another form of diabetes, known as gestational diabetes, can develop in pregnant women, create complications during pregnancy, and increase chances of developing type 2 diabetes later in life for both mothers and their children.

Type 1 diabetes accounts for a smaller proportion of diagnosed cases of diabetes; over 90 percent of all diagnosed cases are type 2 diabetes. Individuals with type 1 diabetes need to monitor their blood sugar levels and take insulin every day to survive. Diabetes has no cure, but people with type 2 diabetes can manage their disease by following a healthy meal plan, increasing physical activity, taking prescribed medications, and quitting smoking if applicable. For individuals with prediabetes or overweight individuals at higher risk of diabetes, losing weight through healthy eating and regular physical activity can help prevent or delay type 2 diabetes. Americans with any type of diabetes should get regular checkups and work with health care professionals to learn more about this disease. Individuals at higher risk—particularly those who are overweight, older than 45, or have a family history

of type 2 diabetes—should talk to their health care providers about their diabetes risk. African Americans, Hispanic Americans, American Indians, Asian Americans, and Pacific Islanders are also at higher risk of developing type 2 diabetes. I encourage all Americans to visit www.NDEP.NIH.gov to find resources available through the National Diabetes Education Program to help make and sustain healthy lifestyle and behavior changes.

Over the last 8 years, my Administration has worked to provide better care, prevention, and treatment for anyone suffering from diabetes. The Affordable Care Act (ACA) has required that insurers cover preventive services such as certain diabetes screenings without copays or deductibles, and seniors can now receive these screenings free of charge as well. Insurance companies can no longer deny individuals coverage because of a pre-existing condition, including a family history of diabetes, and children can now stay on a parent's health insurance plan until age 26. By supporting the Diabetes Prevention Program—the first preventive service model eligible for expansion under Medicare—the ACA has improved the quality of care, reduced health care costs, and helped prevent the onset of diabetes.

Nearly one in three American children is overweight or obese, causing a rise in the prevalence of type 2 diabetes among children. Unless we act, approximately one-third of all children born since the turn of the century will suffer from diabetes during their lifetimes. The First Lady's *Let's Move!* initiative has worked to reverse this childhood obesity trend and put children on a path to a healthy future during their earliest years by fostering environments that support healthy choices; promoting physical activity; providing healthier foods in our schools; and ensuring families have access to nutritious, affordable foods and the information they need to make healthy choices. We have also harnessed the American spirit of innovation through our Precision Medicine Initiative: By tailoring treatments to individuals based on personalized information such as genetics, we can move closer to curing diseases like diabetes and give more Americans the opportunity to live full, healthy lives.

Every year, too many Americans experience the consequences of diabetes—but in part because of the dedication of our Nation's health care providers, researchers, and advocates, we have made important strides in combating this disease, and we have reason to hope this progress will continue. This month, let us work to show every individual living with diabetes that they are not alone, and let us continue strengthening our investment in the fight against this disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Diabetes Month. I call upon all Americans, school systems, government agencies, nonprofit organizations, health care providers, research institutions, and other interested groups to join in activities that raise diabetes awareness and help prevent, treat, and manage the disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord two thousand sixteen,

and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9533 of October 31, 2016

Critical Infrastructure Security and Resilience Month, 2016

By the President of the United States of America

A Proclamation

From the energy that powers our homes to the systems that allow us to communicate with one another, our critical infrastructure is essential to the stability and strength of our national security, economy, and public health. The assets, networks, and systems that enable us to innovate and prosper are necessary for sustaining and supporting the well-being of our Nation, and our increasing dependence on them makes securing and protecting them a top priority. This month, we recognize the importance of our critical infrastructure and resolve to safeguard these vital systems so they remain strong and resilient.

Our critical infrastructure spans a wide array of structures and systems we rely on to meet our day-to-day needs. It includes government facilities, the electric grid, transportation and water systems, information technology, and financial systems—all which play an equally important role in maintaining our way of life. These complex systems work together to keep us safe and healthy, and although they are among the most advanced and secure in the world, we must remain vigilant and ensure their resilience by mitigating the threats and stresses that can weaken them.

Securing our complex critical infrastructure systems requires cooperation and sustained commitment from everyone, which is why my Administration is working with businesses, infrastructure owners, and officials at all levels of government to protect them. We must take necessary steps to modernize our roads, bridges, pipes, and ports to ensure they remain resilient and strong—especially as climate change becomes an increasing risk, causing more extreme weather events that threaten our infrastructure. In addition to physical threats and hazards, cybersecurity risks pose another significant challenge to our Nation. We must ensure that addressing threats to the security of our data and our digital networks remains a priority. By partnering with the private sector, and with the help of the American people, we can prepare our critical infrastructure to withstand and respond to cyber threats, terrorist attacks, acts of nature including space weather events, and other threats and hazards.

Three years ago, I issued a Presidential Policy Directive to strengthen and maintain secure and resilient critical infrastructure. Today, we are continuing to carry out this vision for how Government and the private sector can work together to reduce risks and increase the stability and security of our infrastructure. And because our world has never been more interconnected, we know that keeping our critical infrastructure functioning will require collaboration with international partners. That

is why we are working to promote global critical infrastructure security and resilience through information sharing with partners around the world.

As our population grows and our technology advances, the demands of our critical infrastructure become increasingly significant. During Critical Infrastructure Security and Resilience Month, we recommit to reducing risks to these important systems and preparing to adapt and respond to any incident that may occur. To ensure more Americans can thrive in a future of greater safety, stability, and prosperity, we must protect and enhance these essential elements of our cyber and physical infrastructure for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate events and training to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9534 of October 31, 2016

National Alzheimer's Disease Awareness Month, 2016

By the President of the United States of America
A Proclamation

A heartbreaking disease present in more than 5 million Americans, Alzheimer's is the most common form of dementia and causes people to lose many of the critical abilities they need to live independently. Too often, those suffering from Alzheimer's cannot recognize their loved ones or remember how to perform daily tasks, struggling physically and mentally with things that once came naturally. Although we have long known Alzheimer's to be irreversible and fatal, we maintain hope that by advancing research and treatment options we can work to change these outcomes and ensure brighter prospects for all those who face this disease. During National Alzheimer's Disease Awareness Month, we resolve to continue working toward this brighter future as we stand with every person battling, Alzheimer's and their loved ones.

Alzheimer's disease is more likely to affect Americans as they grow older—although genetics can also play a role, age is the most significant risk factor. But Alzheimer's touches many more individuals than simply those who are diagnosed. Dedicated caregivers—whether professionals, family members, or friends—are also emotionally, physically, and financially affected by Alzheimer's disease, giving of themselves to ensure those who face it are not alone. And because these individuals need access to information and resources in order to provide

this essential care, we launched www.Alzheimers.gov to give them a place to find help.

Through the National Plan to Address Alzheimer's Disease, my Administration has been working to meet a goal of being able to prevent and effectively treat this illness by 2025. Over the past year we have taken a number of actions to reach this vision, including developing a training curriculum that gives health care workers the necessary skills to care for dementia patients and better detect and diagnose dementia. We have also helped family caregivers look after their own health, in addition to addressing the needs of people with dementia, and launched a campaign to increase awareness of changes in the brain as people age so that older adults feel more comfortable having open conversations with family members and health care providers.

In addition to ensuring anyone with Alzheimer's can access proper care, we must harness the innovative ideas of the scientific community and work to prevent this disease. To ramp up research and development aimed at uncovering the answers to diseases like Alzheimer's, I have increased funding for research dedicated to understanding, preventing, and curing Alzheimer's and related dementias. I also introduced the Brain Research through Advancing Innovative Neurotechnologies Initiative, which will enhance our understanding of brain function and give scientists the tools they need to better understand and discover new ways to treat, cure, and prevent brain disorders. And through a bold new research effort that seeks to deliver personalized care through patient-centered research and collaboration, my Precision Medicine Initiative is working to revolutionize our understanding of diseases like Alzheimer's.

From researchers and advocates who are bringing us closer to preventing this disease to family members who devotedly look after their loved ones, people across our country are doing their part to support those touched by Alzheimer's. This month, let us honor those we have lost too soon and renew our efforts to ensure more Americans can live their lives with health and happiness.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Alzheimer's Disease Awareness Month. I call upon the people of the United States to learn more about Alzheimer's disease and support the individuals living with this disease and their caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9535 of October 31, 2016

National Entrepreneurship Month, 2016

By the President of the United States of America
A Proclamation

Entrepreneurs in America have long lent their talents and passions to solving problems, generating growth and prosperity, and turning dreams into new goods and services for people across our Nation and around the world. During National Entrepreneurship Month, we celebrate the entrepreneurs who serve their communities and bolster our economy, and we pledge our support for them in their pursuit of the ideas and innovations of tomorrow.

Through their intrepid sense of possibility and resilience, and their unwillingness to give in or give up, entrepreneurs from every walk of life make invaluable contributions to the American experience—turning bold ideas into real progress. My Administration has made it a priority from day one to support those who take a risk and put in the hard work required to get a new venture off the ground. In 2010, I signed the Affordable Care Act, which gives Americans greater opportunities to start businesses by offering portable and affordable health insurance plans through the Health Insurance Marketplace. I signed 18 tax breaks for small businesses in my first term, including tax credits for those who hire unemployed workers and veterans, and I launched the Nation of Makers initiative to advance innovation and encourage making, including homegrown technologies and startups. In 2013, I signed an Executive Order to make Government data more accessible to the public, and my Administration has opened up nearly 200,000 datasets on www.Data.gov to fuel economic growth, innovation, and entrepreneurship. And earlier this year, I announced the Computer Science for All Initiative—a plan to give all students in America the chance to learn computer science in school, which will equip our future entrepreneurs, including those from underrepresented backgrounds, with the computational thinking skills they need to succeed.

In the 21st-century economy—where business does not stop at a country's border and where technological advancements have changed the ways we engage in commerce and with one another—it is more important than ever that we give our Nation's entrepreneurs the tools and resources they need to compete on the international stage. This past summer, I signed an Executive Order that encourages entrepreneurship in the United States and around the world, including through the Presidential Ambassadors for Global Entrepreneurship Program, to promote the sharing of knowledge and experience with the entrepreneurs of tomorrow. Additionally, as I attended the Global Entrepreneurship Summit in California in June, companies across America came together to sign the Tech Inclusion Pledge: a commitment to making their technology workforces more representative of the American people. My Administration also used this Summit as an opportunity to announce an expansion of the National Science Foundation's Innovation Corps training program for entrepreneurial scientists and engineers, as well as the Small Business Administration's *Startup in a Day* initiative, with nearly 100 cities and communities across our Nation committed to streamlining licensing, permitting, and other requirements necessary for anyone to start a business. At the end of last year, I signed a bipar-

tisan budget deal that made permanent critical tax incentives to help bolster investment in small businesses and research and experimentation, including by startups and other innovative companies. And thanks to another bipartisan bill I signed, entrepreneurs can raise small-dollar investments from community members, customers, and other individuals through new and regulated online crowdfunding platforms—because access to capital should be available to every aspiring entrepreneur no matter who they are or where they are from.

My Administration has also striven to expand opportunity to those seeking to utilize their entrepreneurial talents abroad. Following the beginning of our process to normalize relations with our neighbors 90 miles to the south in Cuba, we made it easier for Cuban entrepreneurs to import and export. Entrepreneurs flourish when they are surrounded by an environment that encourages their success—that is true here at home and around the world. My Administration remains committed to implementing the Trans-Pacific Partnership, a trade agreement that will have a profound effect on our efforts to support online entrepreneurs and enable American entrepreneurs to sell ''Made in America'' products all over the world. And through our proposed International Entrepreneur Rule, we are working to ensure the world's best and brightest entrepreneurs can launch companies and create jobs in the United States.

As we celebrate National Entrepreneurship Month and Global Entrepreneurship Week, let us resolve to support those budding entrepreneurs looking to use their ideas and expertise to build a better life for themselves and their families—and let us tap into the diverse skills and talents across our country so that entrepreneurs from all backgrounds can continue creating the businesses of the 21st century. Entrepreneurship is about the opportunity to forge one's own future, and an investment in that future can start as something small and turn into something great. That is the legacy shaped by generations of American entrepreneurs who, through ingenuity, passion, and self-determination, have always striven to achieve the next big, unknown thing.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities, and to celebrate November 15, 2016, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9536 of October 31, 2016

National Family Caregivers Month, 2016

By the President of the United States of America
A Proclamation

Our Nation was founded on the fundamental ideal that we all do better when we look out for one another, and every day, millions of Americans from every walk of life balance their own needs with those of their loved ones as caregivers. During National Family Caregivers Month, we reaffirm our support for those who give of themselves to be there for their family, friends, and neighbors in challenging times, and we pledge to carry forward the progress we have made in our health care system and workplaces to give caregivers the resources and flexibility they need.

Each of us may find ourselves in need of or providing care at some point in our lives. That is why it is imperative that we maintain and expand the Affordable Care Act (ACA). At the time Medicare was created, only a little more than half of all seniors had some form of health insurance. Today, the ACA has given older Americans better care and more access to discounted prescriptions and certain preventive services at no cost. The ACA has also expanded options for home- and community-based services, so that, with the help of devoted, loving caregivers, more Americans are now able to live independently and with dignity. And because looking after an aging family member or a friend with a disability can be challenging, States and local agencies connect individuals with caregiver support groups and respite care. The women and men who put their loved ones before themselves show incredible generosity every day, and we must continue to support them in every task they selflessly carry out.

Many devoted caregivers across our country also attend to members of our Armed Forces when they return home, and my Administration is committed to improving the care and support our veterans and their families receive. For over 5 years, First Lady Michelle Obama and Dr. Jill Biden's *Joining Forces* initiative has worked to ensure those who look after our service members who come home with the wounds of war—whether they are visible or not—have the community and Government support they need to help their siblings and spouses, parents and children, neighbors and friends through one of the greatest battles they may face: the fight to recover and heal.

This month, and every month, let us lift up all those who work to tirelessly advance the health and wellness of those they love. Let us encourage those who choose to be caregivers and look toward a future where our politics and our policies reflect the selflessness and openhearted empathy they show their loved ones every day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Family Caregivers Month. I encourage all Americans to pay tribute to those who provide for the health and well-being of their family members, friends, and neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9537 of October 31, 2016

National Native American Heritage Month, 2016

By the President of the United States of America
A Proclamation

As the First Americans, Native Americans have helped shape the future of the United States through every turn of our history. Today, young American Indians and Alaska Natives embrace open-ended possibility and are determining their own destinies. During National Native American Heritage Month, we pledge to maintain the meaningful partnerships we have with tribal nations, and we renew our commitment to our nation-to-nation relationships as we seek to give all our children the future they deserve.

Over our long shared history, there have been too many unfortunate chapters of pain and tragedy, discrimination and injustice. We must acknowledge that history while recognizing that the future is still ours to write. That is why my Administration remains dedicated to strengthening our government-to-government relationships with tribal nations and working to improve the lives of all our people. Three years ago, I issued an Executive Order establishing the White House Council on Native American Affairs to help ensure the Federal Government engages in true and lasting relationships with tribes and promotes the development of prosperous and resilient tribal communities. Last month, I hosted the eighth Tribal Nations Conference and brought tribal leaders together to identify key issues we still face. We have worked to better protect sacred lands and restored many acres of tribal homelands, as well as supported greater representation of indigenous peoples before the United Nations and called for further implementation of the Declaration of the Rights of Indigenous Peoples. And we have taken steps to strengthen tribal sovereignty in criminal justice matters, including through the Tribal Law and Order Act.

Through the Affordable Care Act and permanent reauthorization of the Indian Health Care Improvement Act, we empowered more Native Americans to access the quality health care they need to live full, healthy lives. Throughout their lives, 84 percent of American Indian and Alaska Native women and girls will experience some form of violence, and in 2013, I signed the reauthorization of the Violence Against Women Act, which allows tribes to prosecute non-Native individuals who commit acts of domestic violence in Indian Country. And through the North American Working Group on Violence Against Indigenous Women and Girls, we are strengthening regional coordination on the rights of women and girls from indigenous communities across the continent.

In recognition of the immeasurable contributions that Native Americans have made to our Nation, we continue to advocate for expanding opportunity across Indian Country. We have supported tribal colleges and universities and worked to return control of education to tribal nations—not only to prepare Native youth for the demands of future employment, but also to promote their own tribal languages and cultures. We are investing in job training and clean-energy projects, infrastructure, and high-speed internet that connects Native American communities to the broader economy. We are connecting more young people and fostering a national dialogue to empower the next generation of Native leaders through the Generation Indigenous initiative. Through www.NativeOneStop.gov, we have also worked to improve coordination and access to Federal services throughout Indian Country. Indian Country still faces many challenges, but we have made significant progress together since I took office, and we must never give up on our pursuit of the ever brighter future that lies ahead.

This month, let us celebrate the traditions, languages, and stories of Native Americans and ensure their rich histories and contributions can thrive with each passing generation. Let us continue to build on the advancements we have made, because enduring progress will depend on our dedication to honoring our trust and treaty responsibilities. With sustained effort and unwavering optimism, we can ensure a vibrant and resilient Indian Country filled with possibility and prosperity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2016 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities, and to celebrate November 25, 2016, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9538 of November 8, 2016

World Freedom Day, 2016

By the President of the United States of America

A Proclamation

The Berlin Wall stood in the city it divided for nearly 30 years, separating families and loved ones and embodying the authoritarianism that reigned in Communist states throughout the Cold War. On November 9, 1989, with the courage of their convictions and a longing to forge their own destinies, Germans from both the East and West sides of the Wall celebrated history as a defining symbol of the Iron Curtain collapsed. Twenty-seven years later, we pay tribute to the unyielding determination of those who chose unity over division, and we rededi-

cate ourselves to carrying this spirit forward wherever core tenets of democracy and liberty are at stake.

When President John F. Kennedy declared in West Berlin that ''when one man is enslaved, all are not free,'' he captured the irrevocable truth of the work that remains to this day. Our world is more prosperous and free than at any time in our history, with more people than ever before choosing their leaders through free elections and living in democracies with greater respect for human rights. But such liberty will not emerge across the globe in a single wave—building strong, democratic institutions and maintaining robust civil societies is the work of generations, and it is up to each of us to put our shoulders to the wheel of progress and fight for the future we seek. Whether in quiet struggle or boisterous protest, the Berliners who endured the division the Berlin Wall created and stood for remind us of the necessity to never abandon the values that have brought us as far as we are today.

For centuries, people of every nation have borne witness to great strife and tension in our ever-changing world—but we have proven we can always choose a better course through our relentless pursuit of freedom. Across oceans and continents, in recognition of World Freedom Day, let us reaffirm our commitment to carrying forward the enduring celebration of liberty that defined the fall of the Berlin Wall.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2016, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9539 of November 8, 2016

Veterans Day, 2016

By the President of the United States of America
A Proclamation

America has long stood as a beacon of hope and opportunity, and few embody that spirit here at home and beyond our borders more than the members of our Armed Forces. Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen are part of an unbroken chain of brave patriots who have served our country with honor and made tremendous sacrifices so that we may live free. On Veterans Day, we salute the women and men who have proudly worn the uniform of the United States of America and the families who have served alongside them, and we affirm our sacred duty as citizens to express our enduring gratitude, both in words and in actions, for their service.

Our country has the best-trained and best-equipped military force in the world, and we need to make sure we have the most supported and respected veterans in the world. We are a Nation that leaves no one behind, and my Administration has made historic investments to provide veterans access to the resources and education they need to share in our Nation's promise when they return home. Partnering with community leaders across America, First Lady Michelle Obama and Dr. Jill Biden's Joining Forces initiative works to ensure our country's heroes can thrive by combatting veteran homelessness, promoting their emotional well-being, and advancing employment training and placement—and we have made great progress. Today, the unemployment rate for veterans is lower than the national average, and veteran homelessness has been nearly cut in half since 2010. We also recognize that some of these courageous men and women have faced and overcome profound challenges, both physically and emotionally, in defense of our freedom. We must continue to provide high quality health care to our veterans and make sure they have the support they have earned and deserve.

The example our Nation's veterans set throughout their lives is a testament to the drive and perseverance that define the American character. Let us uphold our obligations to these heroic individuals and never forget those who paid the ultimate price for our liberty. On this day and throughout the year, may we sustain their lasting contributions to our Nation's progress and carry forward their legacy by building a future that is stronger, safer, and freer for all.

With respect for, and in recognition of, the contributions our service members have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim November 11, 2016, as Veterans Day. I encourage all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers, and by observing 2 minutes of silence for our Nation's veterans. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9540 of November 10, 2016

American Education Week, 2016

By the President of the United States of America
A Proclamation

With great potential to prepare our young people for the world they will inherit and lead, education provides one of the most essential foundations for prosperity and opportunity, strengthening our democracy and civic life and serving as a pathway to economic success. It helps cultivate passion and inspire young people to build and create; analyze and discover; understand and empathize with the people around them, and through education, students can form a deeper understanding of history and society, literature and languages, and how things work and why they do. During American Education Week, we recognize the importance of education and renew our commitment to bringing a better education within reach for all our people.

America's high school graduation rate is now the highest ever recorded, and the hard work people across our country have put in is paying off. States have set higher, better standards to help us out-teach and out-compete other nations. Teachers are going that extra mile to create meaningful and memorable lessons, rather than merely teaching to a test, and we have given them more flexibility to do so through the Every Student Succeeds Act—a bipartisan bill I signed last year to improve schools, give State and local lawmakers more control, and target resources to where they are needed most. But across our country, there are unfortunately still too many places where we can do far better for our students. Too many schools are underfunded and lack the resources or structures they need to prepare students for success, and for far too many students, their zip codes still determine how far they can go.

From strengthening high-quality early education and preschool to bolstering access to higher education, my Administration has made improving our education system a priority for our students from their first days of school to the days they start their careers. Nobody should be priced out of a higher education, so we are striving to make college more affordable and provide 2 years of free community college for any student willing to work for it. We also reformed the student loan system and expanded Pell grants to more students. The demands of our global economy and changing technology require students to learn real-world skills such as computer science in the classroom, so we are bringing new technology and digital tools, including high-speed internet, into classrooms to modernize education. And because too many girls, young people of color, and low-income students are not encouraged and underrepresented in science, technology, engineering, and math (STEM) courses and careers, we are investing in ways to broaden STEM participation as well as working to train more STEM teachers.

Empowering students of all ages, backgrounds, and beliefs to challenge themselves to reach higher, education can lift up a generation, allowing them to carry the torch of progress forward and make our world a better place. This week, let us recommit to the important work that remains and ensure every student in America can access the support, resources, and opportunities they need to thrive.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 13 through November 19, 2016, as American Education Week. I call upon all Americans to observe this week by supporting their local schools and educators through appropriate activities, events, and programs designed to help create opportunities for every school and student in America.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9541 of November 10, 2016

Get Smart About Antibiotics Week, 2016

By the President of the United States of America

A Proclamation

Since their discovery nearly nine decades ago, antibiotics have transformed the world of modern medicine. They have been instrumental in combating previously deadly or debilitating illnesses and have saved countless lives. Yet the misuse of antibiotics can pose risks to public health. As antibiotics have become more commonly prescribed and misused in all health care settings, bacteria have developed the capability to resist them, which can undermine their effectiveness. Get Smart About Antibiotics Week is an important opportunity to highlight the need to use antibiotics responsibly.

Antibiotic-resistant bacteria cause tens of thousands of deaths each year in the United States alone, and millions of Americans contract antibiotic-resistant illnesses that are difficult and expensive to treat. A major factor contributing to the emergence of antibiotic resistance is the inappropriate use of antibiotics, which are among the most frequently prescribed medicines and are also given to animals that are used for food. When a person takes antibiotics for a bacterial infection, bacteria sensitive to that medicine are generally destroyed or prevented from growing further—but bacteria that are resistant to that antibiotic will multiply, making current or future bacterial infections even worse and harder to treat. When antibiotics are used inappropriately, including when they are not needed—such as for treating viral infections like the common cold, or used in wrong doses or for the wrong period of time—the likelihood of antibiotic resistance is greatly increased, reducing the effectiveness of these antibiotics in the future. Antibiotic-resistant bacteria and infections cost our country tens of billions of dollars in health care expenses, but more importantly, if we lose effective antibiotic options for treating people, more patients will be put at risk—unless we act now.

That is why my Administration has taken action to reduce the emergence and spread of antibiotic-resistant bacteria and help ensure the continued availability of effective therapeutics for the treatment of bac-

terial infections. In 2014, I signed an Executive Order that created the Task Force for Combating Antibiotic-Resistant Bacteria, established an interagency approach to improve our Nation's antibiotic use, and built a framework to strengthen surveillance systems so important data on antibiotic-resistant bacteria can more easily be shared and tracked to prevent and control infections. We also launched the National Action Plan for Combating Antibiotic-Resistant Bacteria, through which we are working to slow the emergence of resistant bacteria and accelerate research efforts to develop alternative treatments, diagnostic tools, and vaccines. Last year, with recognition that our public health is connected to the health of animals and the environment, especially with regards to the spread of disease, we hosted the White House Forum on Antibiotic Stewardship to bring together key human and animal health stakeholders to identify successful strategies and opportunities for collaboration. We must continue working with food producers, health care providers, leaders in the private sector, and the American people to improve our antibiotic use.

With a sustained commitment to promoting the appropriate use of antibiotics, we can address this growing public health problem. In September, the United Nations General Assembly pledged their commitment to international cooperation to combat this global threat to human health, development, and security, and heads of states came together to commit to initiating, increasing, and sustaining awareness of antimicrobial resistance. This week, we resolve to improve awareness of the threat of antibiotic resistance to our public health, and we encourage medical professionals to prescribe, and patients to use, antibiotics responsibly. Let us ensure that future generations can access safe and effective antibiotics, and together let us address the harmful effects of antibiotic resistance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 13 through November 19, 2016, as Get Smart About Antibiotics Week. I call upon the scientific community, medical professionals, educators, businesses, industry leaders, and all Americans to observe this week by promoting the responsible use of antibiotics and raising awareness of the dangers inherent in their misuse and overuse.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9542 of November 10, 2016

National Apprenticeship Week, 2016

By the President of the United States of America

A Proclamation

When I took office, our economy was in freefall—millions of Americans lost their jobs and paid the price of the worst recession of our

time. But with grit and determination, our people fought their way back and began working to rebuild an economy that works for everyone. Although we have added more than 15 million jobs in the last 6 years, too many people are still feeling left behind in our 21st-century economy. And because the jobs of today and tomorrow require more advanced skills and training, apprenticeship programs play an increasingly important role in helping people succeed in the workforce. This week, we celebrate the ways this job-driven training model prepares Americans for meaningful employment, and we resolve to expand access to this essential pathway to opportunity.

Registered apprenticeships connect job-seekers to better paying jobs that are in high demand, and by providing hands-on experiences and allowing Americans to earn while they learn, they help workers gain the skills and knowledge necessary to thrive in our modern economy. More than 90 percent of apprentices find employment after completing their programs, with graduates earning an average starting salary over $60,000. In addition to benefitting employees, apprenticeship programs also help employers by increasing productivity and innovation with a high return on investment. A variety of industries—from healthcare to construction to information technology and advanced manufacturing—are using apprenticeship programs to meet their workforce needs. To bolster the competitiveness of those industries and others, it is imperative that our Nation continues investing in apprenticeship programs. Across our country, State and local leaders have done just that—in some cases expanding apprenticeships by over 20 percent in their regions. And since 2014, 290 colleges have joined in the effort to offer college credit toward a degree for completing apprenticeship programs.

My Administration applauds these widespread efforts and remains committed to supporting apprenticeship programs. Two years ago, I announced a goal to double the number of registered apprenticeships, and with 125,000 more active apprenticeships today than in 2014, we have seen the largest 3-year increase in nearly a decade. We invested unprecedented levels of Federal funding in apprenticeships, including recently awarding more than $50 million in new grants to States through the ApprenticeshipUSA initiative. This year, we also invested over $20 million to start new apprenticeship programs and help historically underrepresented individuals—including women, minorities, and people with disabilities—access apprenticeship programs. Last year, I signed the first-ever annual Federal funding for apprenticeship programs into law, and I will keep calling on the Congress to continue funding these efforts so that this work is carried forward for years to come. And because those who have served our country in uniform deserve every opportunity to enjoy the American dream they helped defend, we are working to provide assistance to service members and veterans who seek to enter registered apprenticeship programs.

During National Apprenticeship Week, employers, sponsors, and leaders across our country will host open houses to highlight the significant value of apprenticeships in our economy. Let us encourage more employers to offer—and more workers to take advantage of—these indispensable learning and training opportunities, and together let us continue working to equip the American workforce to meet the demands of an ever changing future so it is filled with prosperity and opportunity for all who are willing to work for it.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 13 through November 19, 2016, as National Apprenticeship Week. I urge the Congress, State and local governments, educational institutions, industry and labor leaders, and all Americans to support apprenticeship programs in the United States and to raise awareness of their contributions to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9543 of November 14, 2016

America Recycles Day, 2016

By the President of the United States of America
A Proclamation

Having only one planet and limited natural resources, it is imperative we reduce our environmental impact—particularly when it comes to waste. More than half of everything we throw away gets permanently discarded, packing landfills across our country with trash that can take centuries to decompose and provides no utility. Today, we resolve to raise awareness of the important role that reducing, reusing, and recycling can play in achieving a more sustainable future.

Recycling is a process that allows materials that would otherwise be thrown out to be manufactured into new materials that can be used again. By decreasing landfill waste and conserving important natural resources, recycling can mitigate pollution, save energy, and reduce greenhouse gas emissions. Many items such as paper, plastics, and batteries are commonly known to be recyclable, but many other products—including oil and tires—can also be recycled. In addition to helping reduce our environmental footprint, recycling also strengthens our economy and creates hundreds of thousands of green jobs. To learn more about what can be recycled and ways to encourage recycling in your community, visit www.EPA.gov/Recycle.

People of all ages can do their part by reducing waste and reusing items. In our homes we can compost food and yard waste rather than sending it to a landfill; in schools we can utilize reusable containers for storing lunches and school supplies; and in workplaces we can print more documents double-sided and on recycled paper, or opt for digital copies rather than printing in the first place. The Federal Government is doing our part to lead by example—from helping businesses purchase recycled materials to assisting grocery stores, schools, and stadiums with reducing their food waste, we are striving to give businesses, States, and local governments the resources they need to encourage recycling across our Nation.

One of the most important things we can do with our time on Earth is to make it better for future generations. On America Recycles Day,

we renew our commitment to making environmentally conscious changes in our lives so that our children and grandchildren can live that better, cleaner future. Let us continue striving to reduce waste, conserve resources, and meet our obligations to our planet and to future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15, 2016, as America Recycles Day. I call upon the people of the United States to observe this day with appropriate programs and activities, and I encourage all Americans to continue their reducing, reusing, and recycling efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9544 of November 18, 2016

National Family Week, 2016

By the President of the United States of America
A Proclamation

Through every passing generation, families have formed the backbone of our society. With pride, passion, and a commitment to their loved ones, family members give of themselves to create opportunities they never had and forge a brighter future for themselves and their children. This week, we honor the families who have built the America we know today and reaffirm our commitment to ensuring every family can have their chance at a fair shot.

Nobody should have to choose between spending time with their family and financially supporting them, and my Administration has prioritized efforts to strengthen families and address the challenges we face in our workforce. Thanks to the Affordable Care Act, the uninsured rate has never been lower, and more families have been able to get quality, affordable health care. But there is more work to be done. The United States is the only advanced country that does not guarantee paid family or sick leave, and too often, American workers have to make painful choices about whether they can afford to be there when their families need them most. Workers also deserve fair work schedules that ensure predictability and certainty. And women should be paid the same as men for doing the same jobs—a principle that is not just fair and ethical, but also necessary because more women are their family's main breadwinners than ever before.

We all have a role to play in lifting up families, and the Federal Government is leading by example. To help give more families the comfort of safe and nurturing child care, my Administration published a new rule earlier this year to strengthen quality, health, and safety standards for child care programs. Earlier this year, I took action to expand overtime protections to more than 4 million workers, and because no one

who works full time should have to raise their family in poverty, I have called on the Congress to raise the Federal minimum wage—in the meantime, cities, States, and businesses across our country have taken action, answering the call to raise the minimum wage and helping American families everywhere.

Families of every race, religion, and background have written America's story and embodied our founding notion: that out of many, we are one. Adoptive and foster families open their hearts and their homes to welcome children in need, patriotic military families sacrifice precious time with their loved ones to give us the opportunity to be with ours, and last year, the families of gay and lesbian couples who fought so long for basic civil rights were finally recognized as equal under the law.

Through challenging moments and difficult times, America's families are representative of the strength and unity at the core of our communities. Their love is an enduring reminder of what is best about our country. This week, let us celebrate the devotion of dedicated family members across our Nation and pledge to give them the support they need to thrive.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 20 through November 26, 2016, as National Family Week. I invite all States, communities, and individuals to join in observing this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9545 of November 18, 2016

National Child's Day, 2016

By the President of the United States of America
A Proclamation

No matter what zip code they are born into, every young child in America deserves the opportunity to learn, grow, and realize their dreams in a safe and healthy environment. From ensuring they are cared for and nourished to helping them become educated participants in our democracy, we must all do our part to support the next generation of leaders. Today, let us lift up every child in need and strive to leave behind a world that we are proud of for children across our country.

My Administration has worked to put children in every community on a path to a healthier future. Through First Lady Michelle Obama's *Let's Move!* initiative, we have fostered environments that support healthy choices, promote physical activity, and reduce childhood obesity. We

have also fought to improve Head Start and expand quality, affordable child care, which promotes healthy development and school readiness in young children and helps families be more financially secure at home. Because of the broader coverage expansions made possible by the Affordable Care Act (ACA), and improvements made to the Children's Health Insurance Plan through legislation I signed during my first month in office, more than 3 million children have gotten health insurance and the uninsured rate among children has fallen by almost half since 2008. And because of the ACA, children can no longer be denied coverage because of a pre-existing condition. They can also remain on a parent's health insurance plan until age 26, and all plans on the Health Insurance Marketplace are now required to cover basic pediatric services. Anyone who is in need of health insurance can visit www.HealthCare.gov to find coverage for themselves and their children. You can also visit www.Medicaid.gov to find out if you qualify for coverage through Medicaid.

It is one of our greatest obligations to create cleaner and safer environments for our children to live in. Not only must we protect our planet against climate change and secure it for future generations, but we must continue taking concrete action to reduce the effects that dirty air and water can impose on our children—such as the potential for higher incidence of asthma attacks. We must also work to keep our children safe from violence and abuse, prevent youth substance use and its consequences, and modernize our juvenile justice system to hold youth accountable for their actions without consigning them to a never-ending cycle of incarceration.

We know that when we invest in young children, the outcomes are significant—and by investing in early education and preschool for all, we can set children up for success later in life. Education has the potential to unlock ladders of opportunity and empower children to pursue their passions, and we must continue working to strengthen our Nation's education system for children at every grade level. That is why my Administration has pursued efforts to bring higher education within reach for more students and make college more affordable.

Our journey is not complete until all our children are cared for, cherished, and safe from harm. On National Child's Day, let us forge a future of greater opportunity and prosperity for every young person, and let us seek to reach our greatest potential as a Nation by ensuring our daughters and sons can live up to theirs.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 20, 2016, as National Child's Day. I call upon all citizens to observe this day with appropriate activities, programs, and ceremonies, and to rededicate ourselves to creating the bright future we want for our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9546 of November 23, 2016

Thanksgiving Day, 2016

By the President of the United States of America
A Proclamation

Nearly 400 years ago, a small band of Pilgrims fled persecution and violence and came to this land as refugees in search of opportunity and the freedom to practice their faith. Though the journey was rough and their first winter harsh, the friendly embrace of an indigenous people, the Wampanoag—who offered gracious lessons in agriculture and crop production—led to their successful first harvest. The Pilgrims were grateful they could rely on the generosity of the Wampanoag people, without whom they would not have survived their first year in the new land, and together they celebrated this bounty with a festival that lasted for days and prompted the tradition of an annual day of giving thanks.

This history teaches us that the American instinct has never been to seek isolation in opposite corners; it is to find strength in our common creed and forge unity from our great diversity. On that very first thanksgiving celebration, these same ideals brought together people of different backgrounds and beliefs, and every year since, with enduring confidence in the power of faith, love, gratitude, and optimism, this force of unity has sustained us as a people. It has guided us through times of great challenge and change and allowed us to see ourselves in those who come to our shores in search of a safer, better future for themselves and their families.

On this holiday, we count our blessings and renew our commitment to giving back. We give thanks for our troops and our veterans—and their families—who give of themselves to protect the values we cherish; for the first responders, teachers, and engaged Americans who serve their communities; and for the chance to live in a country founded on the belief that all of us are created equal. But on this day of gratitude, we are also reminded that securing these freedoms and opportunities for all our people is an unfinished task. We must reflect on all we have been afforded while continuing the work of ensuring no one is left out or left behind because of who they are or where they come from.

For generations, our Nation's progress has been carried forward by those who act on the obligations we have to one another. Each year on Thanksgiving, the selflessness and decency of the American people surface in food banks and shelters across our country, in time spent caring for the sick and the stranger, and in efforts to empathize with those with whom we disagree and to recognize that every individual is worthy of compassion and care. As we gather in the company of our friends, families, and communities—just as the Pilgrims and the Wampanoag did centuries ago—let us strive to lift up others, promote tolerance and inclusiveness, and give thanks for the joy and love that surround all of us.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 24, 2016, as a National Day of Thanksgiving. I encourage the peo-

ple of the United States to join together—whether in our homes, places of worship, community centers, or any place of fellowship for friends and neighbors—and give thanks for all we have received in the past year, express appreciation to those whose lives enrich our own, and share our bounty with others.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9547 of November 30, 2016

National Impaired Driving Prevention Month, 2016

By the President of the United States of America

A Proclamation

Driving drunk, drugged, or distracted poses a significant threat to drivers, passengers, pedestrians, and all who share our roads. During the holiday season, incidents of impaired driving occur more frequently, and every December, we observe National Impaired Driving Prevention Month to highlight steps we can take to improve safety on our streets and raise awareness of these preventable dangers.

Recently, the number of traffic crash fatalities caused by impaired driving has unfortunately increased—last year, preventable alcohol-related driving fatalities accounted for nearly one-third of all traffic fatalities. Consumption of alcohol by drivers, even those who are of legal drinking age, is highly dangerous, and drug use, including prescription drug use, can also harm judgment, perception, and the motor skills used when driving. Distracted driving—including eating, tending to passengers, and using a cell phone—can also be dangerous and is equally preventable.

We can all do our part to keep our roads safe and prevent these tragedies. As passengers, we can reduce our interactions with drivers and lessen distractions. As friends and family members, we can look out for loved ones who may be drinking and help them get home safely. And as citizens, we can always call 911 to report any dangerous driving we observe.

My Administration has worked to help Americans who struggle with substance use disorders and substance misuse, which can lead to incidents of drunk or drugged driving. We are also striving to give law enforcement officers the resources and support they need to combat impaired driving, and we must encourage the development of technologies like ignition interlock devices, which can prevent impaired individuals from getting behind the wheel. Through the Drive Sober or Get Pulled Over campaign, States and communities across our country are working to increase road patrols and sobriety checkpoints, in addition to raising awareness and improving education on the dangers of impaired driving. You can learn more about what we are doing to prevent impaired driving by visiting www.WhiteHouse.gov/ONDCP/DruggedDriving, www.NHTSA.gov/DriveSober, and www.Distraction.gov.

Whether encouraging parents to set a good example for their teen drivers or educating every driver on the dangers of unsafe driving, we must recommit to doing everything we can to prevent driving-related injuries and fatalities. This month, let us continue empowering drivers to make responsible decisions and educating the American people on ways they can help keep our roads safe and our futures bright.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2016 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9548 of November 30, 2016

World AIDS Day, 2016

By the President of the United States of America

A Proclamation

Thirty-five years ago the first documented cases of AIDS brought about an era of uncertainty, fear, and discrimination. HIV/AIDS has taken tens of millions of lives—and far too many people with HIV have struggled to get the care, treatment, and compassion they deserve. But in the decades since those first cases, with ingenuity, leadership, research, and historic investments in evidence-based practices, we have begun to move toward an era of resilience and hope—and we are closer than ever to reaching an AIDS-free generation. On World AIDS Day, we join with the international community to remember those we have lost too soon, reflect on the tremendous progress we have made in battling this disease, and carry forward our fight against HIV/AIDS.

By shining a light on this issue and educating more communities about the importance of testing and treatment, we have saved and improved lives. Although we have come far in recent decades, our work is not yet done and the urgency to intervene in this epidemic is critical. In the United States, more than 1.2 million people are living with HIV. Gay and bisexual men, transgender people, youth, black and Latino Americans, people living in the Southern United States, and people who inject drugs are at a disproportionate risk. People living with HIV can face stigma and discrimination, creating barriers to prevention and treatment services.

My Administration has made significant efforts to fight HIV/AIDS, including by encouraging treatment as prevention, expanding access to pre-exposure prophylaxis, eliminating waiting lists for medication as-

sistance programs, and working toward a vaccine. Thanks to the Affordable Care Act, no one can be denied coverage for pre-existing conditions like HIV, and millions of people can now access quality, affordable health insurance plans that cover important services like HIV testing and screening. In 2010, I introduced the first comprehensive National HIV/AIDS Strategy in the United States, and last year, through an Executive Order, I updated it to serve as a guiding path to 2020. This update builds on the primary goals of the original Strategy, including reducing the number of HIV-infected individuals and HIV-related health disparities, improving health outcomes for anyone living with HIV and increasing their access to care, and strengthening our coordinated national response to this epidemic.

Currently, more than 36 million people, including 1.8 million children, are living with HIV/AIDS across the globe, and the majority of people living with HIV reside in low- to middle-income countries. We need to do more to reach those who are at risk for contracting HIV/AIDS, and the United States is helping shape the world's response to this crisis and working alongside the international community to end this epidemic by 2030. We have strengthened and expanded the President's Emergency Plan for AIDS Relief (PEPFAR), with now more than $70 billion invested, to accelerate our progress and work to control this epidemic with comprehensive and data-focused efforts. With PEPFAR support for more than 11 million people on life-saving treatment and through contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria—including a new pledge of more than $4 billion through 2019—there are now more than 18 million people getting HIV treatment and care. Because in sub-Saharan Africa young women and adolescent girls are over eight times more likely to get HIV/AIDS than young men, we launched a comprehensive prevention program to reduce HIV infections among this population in 10 sub-Saharan African countries. This summer, PEPFAR established an innovative investment fund to expand access to quality HIV/AIDS services for key populations affected by the epidemic and reduce the stigma and discrimination that persists. We have also helped prevent millions of new infections worldwide, including in more than 1.5 million babies of HIV-positive mothers who were born free of HIV. By translating groundbreaking research and scientific tools into action, for the first time we are seeing early but promising signs of controlling the spread of HIV.

Accelerating the progress we have made will require sustained commitment and passion from every sector of society and across every level of government around the world. A future where no individual has to suffer from HIV/AIDS is within our reach, and today, we recommit to ensuring the next generation has the tools they need to continue fighting this disease. Let us strive to support all people living with HIV/AIDS and rededicate ourselves to ending this epidemic once and for all. Together, we can achieve what once seemed impossible and give more people the chance at a longer, brighter, AIDS-free future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2016, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and the American people

to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9549 of December 1, 2016

To Modify the Harmonized Tariff Schedule of the United States and for Other Purposes

By the President of the United States of America

A Proclamation

1. Section 1205(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'') (19 U.S.C. 3005(a)) directs the United States International Trade Commission (the ''Commission'') to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and periodically to recommend to the President such modifications to the HTS as the Commission considers necessary or appropriate to accomplish the purposes set forth in that subsection. Pursuant to sections 1205(c) and (d) of the 1988 Act (19 U.S.C. 3005(c) and (d)), the Commission has recommended modifications to the HTS to conform the HTS to amendments made to the International Convention on the Harmonized Commodity Description and Coding System and the Protocol thereto (the ''Convention'').

2. Section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act, if the President determines that the modifications are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to section 1206(a) of the 1988 Act are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States.

3. Presidential Proclamation 6763 of December 23, 1994, implemented with respect to the United States the trade agreements resulting from the Uruguay Round of multilateral trade negotiations, including Schedule XX-United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (Schedule XX), that were entered into pursuant to sections 1102(a) and (e) of the 1988 Act (19 U.S.C. 2902(a) and (e)), and approved in section 101(a) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3511(a)).

4. Pursuant to the authority provided in section 111 of the URAA (19 U.S.C. 3521) and sections 1102(a) and (e) of the 1988 Act, Proclamation 6763 included the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out the terms of

Schedule XX. In order to ensure the continuation of such rates of duty for imported goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed, including certain technical or conforming changes within the tariff schedule.

5. Presidential Proclamation 7857 of December 20, 2004, implemented the United States-Australia Free Trade Agreement (USAFTA) with respect to the United States and, pursuant to section 201 of the United States-Australia Free Trade Agreement Implementation Act (the ''USAFTA Act'') (19 U.S.C. 3805 note), the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, and 2.6 of the USAFTA and the schedule of reductions with respect to Australia set forth in Annex 2–B of the USAFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

6. Presidential Proclamation 7971 of December 22, 2005, implemented the United States-Morocco Free Trade Agreement (USMFTA) with respect to the United States and, pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (the ''USMFTA Act'') (19 U.S.C. 3805 note), the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15 of the USMFTA and the schedule of reductions with respect to Morocco set forth in Annex IV of the USMFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

7. Presidential Proclamations 7987 of February 28, 2006, 7991 of March 24, 2006, 7996 of March 31, 2006, 8034 of June 30, 2006, 8111 of February 28, 2007, 8331 of December 23, 2008, and 8536 of June 12, 2010, implemented the Dominican Republic-Central America-United States Free Trade Agreement (the ''CAFTA-DR Agreement'') with respect to the United States and, pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the ''CAFTA-DR Act'') (19 U.S.C. 4031), the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of the United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA-DR Agreement. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

8. Presidential Proclamation 8332 of December 29, 2008, implemented the United States-Oman Free Trade Agreement (USOFTA) with respect

to the United States and, pursuant to section 201 of the United States-Oman Free Trade Agreement Implementation Act (the ''USOFTA Act'') (19 U.S.C. 3805 note), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and the schedule of duty reductions with respect to Oman set forth in Annex 2–B of the USOFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

9. Presidential Proclamation 8341 of January 16, 2009, implemented the United States-Peru Trade Promotion Agreement (USPTPA) with respect to the United States and, pursuant to section 201 of the United States-Peru Trade Promotion Agreement Implementation Act (the ''USPTPA Act'') (19 U.S.C. 3805 note), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the USPTPA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

10. Presidential Proclamation 8783 of March 6, 2012, implemented the United States-Korea Free Trade Agreement (USKFTA) with respect to the United States and, pursuant to section 201 of the United States-Korea Free Trade Agreement Implementation Act (the ''USKFTA Act'') (19 U.S.C. 3805 note), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and the schedule of duty reductions with respect to Korea set forth in Annex 2–B, Annex 4–B, and Annex 22–A of the USKFTA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

11. Presidential Proclamation 8894 of October 29, 2012, implemented the United States-Panama Trade Promotion Agreement (PTPA) with respect to the United States and, pursuant to section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (the ''PTPA Act'') (19 U.S.C. 3805 note), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.26, 3.27, 3.28, and 3.29, and the schedule of duty reductions with respect to Panama set forth in Annex 3.3 of the PTPA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

12. Presidential Proclamation 9466 of June 30, 2016, implemented the World Trade Organization Declaration on the Expansion of Trade in Information Technology Products (the ''Declaration'') and, pursuant to section 111(b) of the URAA (19 U.S.C. 3521(b)), modified the HTS to include the schedule of duty reductions necessary or appropriate to

carry out the Declaration. These modifications to the HTS were set out in Annex I to that proclamation, and included certain technical errors that affected the tariff treatment accorded to certain goods covered by the Declaration. I have determined that modifications to the HTS are necessary to correct the technical errors.

13. Presidential Proclamation 9466 of June 30, 2016, implemented amendments to sections 112(b)(3)(A) and 112(c)(1) of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3721(b)(3)(A) and 3721(c)(1)), as amended by sections 103(b)(2) and 103(b)(3) of the Trade Preferences Extension Act of 2015 (TPEA) (Public Law 114–27). That proclamation, in part, modified the HTS to extend the regional apparel article program and the third-country fabric program through September 30, 2025. These modifications to the HTS included certain technical errors. I have determined that modifications to the HTS are necessary to correct the technical errors.

14. Executive Order 13742 of October 7, 2016, authorized by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the National Emergencies Act (50 U.S.C. 1601 *et seq.*), revoked the ban on the importation into the United States of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma. Presidential Proclamation 9383 of December 21, 2015, previously modified the HTS to include additional U.S. Note 4 to Chapter 71 of the HTS, which prohibited the importation of any jadeite or rubies mined or extracted from Burma and any articles of jewelry containing jadeite or rubies mined or extracted from Burma. Importation of those products was previously prohibited under the Burmese Freedom and Democracy Act of 2003 (the ''BFDA'') (Public Law 108–61), as amended by section 6(a) of the Tom Lantos Block Burmese JADE Act of 2008 (the ''JADE Act'') (Public Law 110–286), before its expiration on July 28, 2013. I have determined that the deletion of additional U.S. Note 4 to Chapter 71 of the HTS is necessary to the implementation of Executive Order 13742.

15. Section 604 of the Trade Act of 1974, as amended (the ''Trade Act'') (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register*.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 1102 and 1206 of the 1988 Act, section 111 of the URAA, section 201 of the USAFTA Act, section 201 of the USMFTA Act, section 201 of the CAFTA-DR Act, section 201 of the USOFTA Act, section 201 of the USPTPA Act, section 201 of the USKFTA, section 201 of the PTPA Act, section 112 of AGOA, section 604 of the Trade Act, 50 U.S.C. 1701 *et seq.*, and 50 U.S.C. 1601 *et seq.*, do proclaim that:

(1) In order to modify the HTS to conform it to the Convention or any amendment thereto recommended for adoption, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing provisions, the HTS is modified as set forth in Annex I of Publication 4653 of the United States International Trade Commission, titled, ''Modifications to the Harmonized Tariff Schedule of the United States Under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988,'' which is incorporated by reference into this proclamation.

(2) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Morocco under the USMFTA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (a) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The Rates of Duty 1–Special subcolumn is modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''MA'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''MA'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(3) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Australia under the USAFTA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (b) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The Rates of Duty 1–Special subcolumn for each of the subheadings enumerated in subsection B is modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''AU'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''AU'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(4) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods under general note 29 to the HTS that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in subsections (c)(1) and (c)(2) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The rate of duty in the HTS set forth in the Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in sub-

section (c)(1) of Annex II is modified by inserting in such subcolumn for each subheading the rate of duty specified in the table column titled 2017 before the symbol ''P'' in parentheses;

(b) The rates of duty for such subheadings set forth before the symbol ''P'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof;

(c) The Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in subsection (c)(2) of Annex II is modified by inserting in such subcolumn for each subheading the rate of duty specified in the table column titled 2017 before the symbol ''P+'' in parentheses; and

(d) For each of the subsequent dated table columns in such subsection set forth before the symbol ''P+'' in parentheses, are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(5) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Peru under the USPTPA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (d) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The rate of duty in the HTS set forth in the Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in section (d) of Annex II is modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''PE'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''PE'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(6) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Oman under the USOFTA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (e) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The rate of duty in the HTS set forth in the Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in section (e) of Annex II is modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''OM'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''OM'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(7) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Korea under the USKFTA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (f) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The rate of duty in the HTS set forth in the Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in section (f) of Annex II shall be modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''KR'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''KR'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(8) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Panama under the PTPA that are classifiable in the provisions modified by Annex I of Publication 4653 and entered, or withdrawn from warehouse for consumption, on or after each of the dates specified in section (g) of Annex II of Publication 4653, the HTS is modified as follows:

(a) The Rates of Duty 1–Special subcolumn is modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2017 before the symbol ''PA'' in parentheses; and

(b) For each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''PA'' in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(9) In order to make technical corrections necessary to provide the intended tariff treatment to goods covered by the Declaration in accordance with Presidential Proclamation 9466 of June 30, 2016, the HTS is modified as set forth in Annex III of Publication 4653.

(10) In order to make technical corrections necessary to provide that the regional apparel article program and the third-country fabric program are effective through September 30, 2025, in accordance with Presidential Proclamation 9466 of June 30, 2016, the HTS is modified as set forth in Annex III of Publication 4653.

(11) In order to implement Executive Order 13742 of October 7, 2016, as authorized by the International Emergency Economic Powers Act, National Emergencies Act, the BFDA, and the JADE Act, the HTS is modified by deleting additional U.S. Note 4 to Chapter 71 of the HTS.

(12) (a) The modifications and technical rectifications to the HTS set forth in Annex I of Publication 4653 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or

after the later of (i) January 1, 2017, or (ii) the thirtieth day after the date of publication of this proclamation in the *Federal Register*.

(b) The modifications to the HTS set forth in Annexes II and III of Publication 4653 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the respective dates specified in each section of such Annex for the goods described therein.

(13) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9550 of December 2, 2016

International Day of Persons With Disabilities, 2016

By the President of the United States of America
A Proclamation

Over a quarter-century ago, the United States enshrined into law the principles of equal access and equal opportunity for people with disabilities through the Americans with Disabilities Act (ADA), which upholds the principle that each of us is entitled to a set of fundamental freedoms and protections. This progress has made America a leader in advancing the rights of people with disabilities around the globe. On International Day of Persons with Disabilities, we celebrate how far we have come in protecting the rights of those who live with disabilities and recommit to shaping a future in which all members of this community can enjoy their full rights and freedoms.

Building on the progress of the ADA, my Administration has taken important steps to remove barriers and eliminate discrimination based on disability. Thanks to the Affordable Care Act, individuals can no longer be denied coverage because of a pre-existing condition or disability. We have supported increasing funding for the Individuals with Disabilities Education Act, reauthorized the Children's Health Insurance Program, and strengthened anti-discrimination and Olmstead enforcement at the Department of Justice. Additionally, we created the first-ever Special Advisor for International Disability Rights, and we established the United States Strategy to Prevent and Respond to Gender-Based Violence Globally in order to address violence against women and girls around the world—because women with a disability are more likely to experience physical and sexual abuse than women without one. And last year, we committed to achieving the Sustainable Development Goals, which recognize inclusive education, disability employment, and social acceptance of the disability community as important steps to ending world poverty.

Our progress at home reflects our full commitment to the rights of people with disabilities around the world. America was the first country

to comprehensively address non-discrimination on the basis of disability in national legislation and declare that disability rights are human rights which must be recognized and promoted everywhere. In my first year in office, the United States joined 140 other nations in signing the United Nations Convention on the Rights of Persons with Disabilities—the first international human rights convention to fully address human rights in the context of disability. Now joined by over 160 States Parties, this Convention serves as a beacon of hope to the more than 1 billion people worldwide who live with a disability—a reminder that the need to protect disability rights does not end at our borders. Regrettably, the Senate has still not provided its advice and consent for ratification of this Convention, and I urge them to do so and to uphold our global commitment to the international disability community.

We have taken important steps forward to advance the rights of persons with disabilities, but the fight is not over. As long as anyone succumbs to casual discrimination or fear of the unfamiliar, we have more work to do to honor the many people with disabilities who have shared their stories of exclusion and injustice—and the millions more they spoke up for. Because of the advocates who have led the way, more individuals with disabilities can pursue their full measure of happiness. They have taught us that our world is far better off when all people can live up to their full potential—it makes all of us more whole, and it makes our world a better place.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 3, 2016, as International Day of Persons with Disabilities. I call on all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9551 of December 6, 2016

National Pearl Harbor Remembrance Day, 2016

By the President of the United States of America

A Proclamation

Seventy-five years ago, Japanese fighter planes attacked the United States Naval Base at Pearl Harbor, destroying much of our Pacific Fleet and killing more than 2,400 Americans. The following day, President Franklin D. Roosevelt called on the Congress to declare war and ''make it very certain that this form of treachery shall never again endanger us.'' In that spirit, Americans came together to pay tribute to the victims, support the survivors, and shed the comforts of civilian life to serve in our military and fight for our Union. Each year on National Pearl Harbor Remembrance Day, we honor those whose lives were for-

ever changed that December morning and resolve to uphold the legacy of all who stepped forward in our time of need.

From the docks of Pearl Harbor to the beaches of Normandy and far around the world, brave patriots served their country and defended the values that have sustained our Nation since its founding. They went to war for liberty and sacrificed more than most of us will ever know; they chased victory and defeated fascism, turning adversaries into allies and writing a new chapter in our history. Through their service and unparalleled devotion, they inspired a generation with their refusal to give in despite overwhelming odds. And as we reflect on the profound debt of gratitude we owe them for the freedoms we cherish, we are reminded of the everlasting responsibilities we have to one another and to our country.

In memory of all who lost their lives on December 7, 1941—and those who responded by leaving their homes for the battlefields—we must ensure the sacrifices they made in the name of liberty and democracy were not made in vain. On this solemn anniversary, there can be no higher tribute to these American patriots than forging a united commitment to honor our troops and veterans, give them the support and care they deserve, and carry on their work of keeping our country strong and free.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 7, 2016, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff this December 7 in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9552 of December 9, 2016

Death of John Glenn

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of John Glenn, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and

throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9553 of December 9, 2016

Human Rights Day and Human Rights Week, 2016

By the President of the United States of America

A Proclamation

When the Universal Declaration of Human Rights was adopted on December 10, 1948, it set in motion a movement to secure liberty and justice for all people. Out of the ashes of the Second World War, the United Nations General Assembly proclaimed that ''All human beings are born free and equal in dignity and rights.'' On Human Rights Day and during Human Rights Week, we reflect on how far we have come in upholding these universal rights and resolve to continue fighting to safeguard them wherever they are threatened.

In the last few decades, our world has made great strides in advancing human rights and the institutions that protect them. More countries have pursued self-government and democracy—and more people are electing their leaders freely and fairly and holding their governments accountable through calls for increased transparency. Around the world, the United States has promoted freedom: We have worked to expand the protection of human rights, end gender-based violence, and defend the freedoms of expression, peaceful assembly, and the press. In promoting these liberties and pushing back against tyranny, corruption, and oppression, we have recognized that universal human rights and fundamental freedoms do not stop at our borders. They are the birthright of people everywhere.

History ultimately moves in the direction of justice and inclusion, but despite the great progress we have made, unprecedented and rapid change has posed great challenges. It is our collective duty to continue striving for a world where nobody is left behind, forgotten, or mistreated, and where all nations recognize that societies that draw on the contributions of every citizen are stronger. Far too many people around the world are still denied their human rights and fundamental freedoms, and we must work to end the discrimination that is too often felt by LGBT individuals, people with disabilities, immigrants, women and girls of all ages, and members of religious, ethnic, and other minorities. And we must strengthen our ongoing efforts to rid the world of violence, oppression, and hatred.

Our relationships to one another—person to person, nation to nation—are defined not by our differences, but by our shared belief in the

ideals enshrined in the Universal Declaration of Human Rights. As we observe the anniversary of the affirmation that inalienable rights exist for every individual, we vow to ensure these rights are afforded to every person. Together, let us continue striving to stamp out all forms of injustice and promote dignity, humanity, and respect around the world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2016, as Human Rights Day and the week beginning December 10, 2016, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9554 of December 14, 2016

Bill of Rights Day, 2016

By the President of the United States of America
A Proclamation

After much debate and deliberation among the Framers, the first 10 Amendments to our Constitution were written to reflect a compromise between preserving the rights of individual citizens and supporting a strong and secure Federal Government. Since its ratification on December 15, 1791, the Bill of Rights has enshrined many of our most fundamental liberties and unalienable rights—including the freedoms of speech, worship, and assembly; the rights to trial by jury and due process, and the protections from unreasonable search and seizure and cruel and unusual punishment. For 225 years, the Bill of Rights has shaped our Nation and protected our citizens, and today, in honor of all those who have worked to secure these freedoms, we strive to continue forming a more perfect Union guided by an enduring belief in these highest ideals.

As it was originally created, the Bill of Rights safeguarded personal liberties and ensured equal justice under the law for many—but not for all. In the centuries that followed its ratification, courageous Americans agitated and sacrificed to extend these rights to more people, moving us closer to ensuring opportunity and equality are not limited by one's race, sex, or circumstances. The desire and capacity to forge our own destinies have propelled us forward at every turn in history. The same principles that drove patriots to choose revolution over tyranny, a country to cast off the stains of slavery, women to reach for the ballot, and workers to organize for their rights still remind us that our freedom is intertwined with the freedom of others. If we are to ensure the sacred ideals embodied in the Bill of Rights are afforded to everyone, each generation must do what those who came before them

have done and recommit to holding fast to our values and protecting these freedoms.

Two and a quarter centuries later, these 10 Constitutional Amendments remain a symbol of one of our Nation's first successful steps in our journey to uphold the rights of all citizens. On Bill of Rights Day, we celebrate the long arc of progress that transformed our Nation from a fledgling and fragile democracy to one in which civil rights are the birthright of all Americans. This progress was never inevitable, and as long as people remain willing to fight for justice, we can work to swing open more doors of opportunity and carry forward a vision of liberty and equality for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 15, 2016, as Bill of Rights Day. I call upon the people of the United States to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9555 of December 15, 2016

To Implement the Nepal Preference Program and for Other Purposes

By the President of the United States of America
A Proclamation

1. Section 915(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (the ''TFTEA'') (19 U.S.C. 4454) confers authority upon the President to provide preferential treatment for eligible articles imported directly from Nepal into the customs territory of the United States if the President determines that Nepal meets the eligibility requirements specified in section 915(b)(1)(A) of the TFTEA, taking into account the factors specified in section 915(b)(1)(B) of the TFTEA.

2. Pursuant to section 915(b) of the TFTEA, I have determined that Nepal meets the eligibility requirements of section 915(b)(1)(A), taking into account the factors specified in section 915(b)(1)(B).

3. Section 915(c) of the TFTEA describes the requirements for articles from Nepal to be considered eligible for duty-free treatment. Pursuant to section 915(c)(2)(A)(iv) of the TFTEA, the President may designate certain articles as eligible for duty-free treatment when imported from Nepal if, after receiving the advice of the United States International Trade Commission (Commission) in accordance with section 503(e) of the Trade Act of 1974 (the ''Trade Act'') (19 U.S.C. 2463(e)), the President determines that such articles are not import-sensitive in the context of imports from Nepal.

4. Pursuant to sections 915(c)(2)(A)(iv) of the TFTEA, and after receiving advice from the Commission in accordance with section 503(e) of the Trade Act, I have determined to designate the articles included in Annex I of this proclamation as eligible for duty-free treatment when imported from Nepal.

5. Section 604 of the Trade Act (19 U.S.C. 2483), as amended, authorizes the President to embody in the Harmonized Tariff Schedules of the United States (the ''HTS'') (19 U.S.C. 1202) the substance of the relevant provisions of the Trade Act and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

6. In order to implement the duty-free treatment provided in accordance with the provisions of the TFTEA, it is necessary to modify the HTS, thus incorporating the substance of relevant provisions of the TFTEA, and of actions taken thereunder, into the HTS, pursuant to section 604 of the Trade Act.

7. In Proclamation 7748 of December 30, 2003, President Bush determined that the Central African Republic was not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act (19 U.S.C. 2466a(a)), as added by section 111(a) of the African Growth and Opportunity Act (the ''AGOA''). Thus, pursuant to section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)), President Bush terminated the designation of the Central African Republic as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act.

8. Section 506A(a)(1) of the Trade Act authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a ''beneficiary sub-Saharan African country'' if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the Trade Act (19 U.S.C. 2462).

9. Pursuant to section 506A(a)(1) of the Trade Act, based on actions that the Central African Republic has taken, I have determined that the Central African Republic meets the eligibility requirements set forth in section 104 of the AGOA and the eligibility criteria set forth in section 502 of the Trade Act, and I have decided to designate the Central African Republic as a beneficiary sub-Saharan African country.

10. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the ''USIFTA''), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'') (19 U.S.C. 2112 note).

11. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

12. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 US-Israel Agreement'').

13. In Proclamation 7826 of October 4, 2004, consistent with the 2004 US-Israel Agreement, President Bush determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

14. Each year from 2008 through 2015, the United States and Israel entered into agreements to extend the period that the 2004 US-Israel Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 US-Israel Agreement.

15. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; Proclamation 9223 of December 23, 2014; and Proclamation 9383 of December 21, 2015, modified the HTS to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

16. On December 5, 2016, the United States entered into an agreement with Israel to extend the period that the 2004 US-Israel Agreement is in force through December 31, 2017, and to allow for further negotiations on an agreement to replace the 2004 US-Israel Agreement.

17. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2017, for specified quantities of certain agricultural products of Israel.

18. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'') (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act (19 U.S.C. 3005) if he determines that the modifications are in conformity with United States obligations under the International Convention on the Harmonized Commodity Description and Coding System (Convention) and do not run counter to the national economic interest of the United States. In 2006 and 2011, the Commission recommended modifications to the HTS pursuant to section 1205 of the 1988 Act to conform the HTS to amendments made to the Convention. In Proclamation 8097 of December 29, 2006, and Proclamation 8771 of December 29, 2011, President Bush and I, respectively, modified the HTS pursuant to section 1206 of the 1988 Act to conform the HTS to the amendments to the Convention.

19. Proclamation 8332 of December 29, 2008, implemented the United States-Oman Free Trade Agreement (the ''USOFTA'') with respect to the United States and, pursuant to section 201 of the United States-Oman Free Trade Agreement Implementation Act (the ''USOFTA Act'') (19 U.S.C. 3805 note), the staged reductions in rates of duty that President Bush determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and the schedule of duty reductions with respect to Oman set forth in Annex 2–B of the USOFTA.

20. In order to ensure the continuation of the staged reductions in rates of duty for originating goods from Oman in categories that were modified to conform to the Convention, President Bush and I proclaimed in Proclamation 8097 and Proclamation 8771, respectively, modifications to the HTS that we determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 8332.

21. The United States and Oman are parties to the Convention. Because the substance of changes to the Convention are reflected in slightly differing form in the national tariff schedules of the United States and Oman, the rules of origin set out in Annex 3–A and Annex 4–A of the USOFTA must be changed to ensure that the tariff and certain other treatment accorded under the USOFTA to originating goods will continue to be provided under the tariff categories that were modified in Proclamation 8097 and Proclamation 8771. The United States and Oman have agreed to make these changes.

22. Section 202 of the USOFTA Act (19 U.S.C. 3805 note) provides certain rules for determining whether a good is an originating good for the purposes of implementing preferential tariff treatment under the USOFTA. Section 202(j) of the USOFTA Act authorizes the President to proclaim the rules of origin set out in the USOFTA and any subordinate tariff categories necessary to carry out the USOFTA, subject to the exceptions stated in section 202(j)(2)(A) of the USOFTA Act.

23. I have determined that the modifications to the HTS proclaimed pursuant to section 202 of the USOFTA Act and section 1206(a) of the 1988 Act are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 8097 and Proclamation 8771 and to carry out the duty reductions proclaimed in Proclamation 8332.

24. Section 604 of the Trade Act authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act (19 U.S.C. 3006(c)), as amended, provides that modifications proclaimed by the President may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register.*

25. Proclamation 8894 of October 29, 2012, implemented the United States-Panama Trade Promotion Agreement (the ''USPTPA'') with respect to the United States and, pursuant to section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (the ''USPTPA Act'') (19 U.S.C. 3805 note), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.26, 3.27, 3.28, and 3.29, and the

schedule of duty reductions with respect to Panama set forth in Annex 3.3 of the USPTPA.

26. The United States and Panama are parties to the Convention. Because changes to the Convention are reflected in slight differences of form between the national tariff schedules of the United States and Panama, the rules of origin set out in Annex 4.1 of the USPTPA must be changed to ensure that the tariff and certain other treatment accorded under the USPTPA Act to originating goods will continue to be provided under the tariff categories that were proclaimed in Proclamation 8894. The United States and Panama have agreed to make these changes.

27. Section 202 of the USPTPA Act (19 U.S.C. 3805 note) provides certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USPTPA. Section 202(o) of the USPTPA Act authorizes the President to proclaim the rules of origin set out in the USPTPA and any subordinate tariff categories necessary to carry out the USPTPA, subject to the exceptions stated in section 202(o) of the USPTPA Act.

28. I have determined that the modifications to the HTS proclaimed pursuant to section 202 of the USPTPA Act and section 1206(a) of the 1988 Act are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 8097 and Proclamation 8771 and to carry out the duty reductions proclaimed in Proclamation 8894.

29. Section 604 of the Trade Act authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other Acts affecting import treatment, and of actions taken thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act provides that modifications proclaimed by the President may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register.*

30. Proclamation 7987 of February 28, 2006, implemented the Dominican Republic-Central America-United States Free Trade Agreement (the ''CAFTA-DR'') with respect to the United States and, pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the ''CAFTA-DR Act'') (19 U.S.C. 4031), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA-DR.

31. The United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (the ''CAFTA-DR countries'') are parties to the Convention. Because changes to the Convention are reflected in slight differences of form between the national tariff schedules of the United States and the other CAFTA-DR countries, Annexes 4.1, 3.25, and 3.29 of the CAFTA-DR must be changed to ensure that the tariff and certain other treatment accorded under the CAFTA-DR to originating goods will continue to be provided under the tariff categories that were proclaimed in Proclamation 7987. The United States and the other CAFTA-DR countries have agreed to make these changes.

32. Section 201 of the CAFTA-DR Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA-DR.

33. I have determined that the modifications to the HTS proclaimed pursuant to section 201 of the CAFTA-DR Act and section 1206(a) of the 1988 Act are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 8097 and Proclamation 8771 and to carry out the duty reductions proclaimed in Proclamation 7987.

34. Section 604 of the Trade Act authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other Acts affecting import treatment, and of actions taken thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act provides that modifications proclaimed by the President may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register.*

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 915 of the TFTEA (19 U.S.C. 4454), section 506A(a)(1) of the Trade Act (19 U.S.C. 2466a(a)); section 4(b) of the USIFTA Act (19 U.S.C. 2112 note); section 301 of title 3, United States Code; section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)); section 202 of the USOFTA Act (19 U.S.C. 3805 note); section 202 of the USPTPA Act (19 U.S.C. 3805 note); section 201 of the CAFTA-DR Act (19 U.S.C. 4031); and section 604 of the Trade Act (19 U.S.C. 2483), do proclaim that:

(1) In order to provide for the preferential treatment provided for in section 915 of the TFTEA, the HTS is modified as provided in Annex I to this proclamation. The modifications to the HTS set forth in Annex I shall continue in effect through December 31, 2025.

(2) The Central African Republic is designated as a beneficiary sub-Saharan African country.

(3) In order to reflect this designation in the HTS, general note 16(a) and U.S. note 1 to subchapter XIX of chapter 98 to the HTS are each modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries ''Central African Republic.'' Further, note 2(d) to subchapter XIX of chapter 98 is modified by inserting in alphabetical sequence in the list of lesser developed beneficiary sub-Saharan African countries ''Central African Republic.''

(4) In order to implement U.S. tariff commitments under the 2004 US-Israel Agreement through December 31, 2017, the HTS is modified as provided in Annex II to this proclamation.

(5) The modifications to the HTS set forth in Annex II to this proclamation shall be effective with respect to eligible agricultural products of Israel that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(6) The provisions of subchapter VII of chapter 99 of the HTS, as modified by Annex II to this proclamation, shall continue in effect through December 31, 2017.

(7) In order to reflect in the HTS the modifications to the rules of origin under the USOFTA, general note 31 to the HTS is modified as provided in Annex III to this proclamation.

(8) The modifications and technical rectifications to the HTS set forth in Annex III to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of (i) February 1, 2017, or (ii) the thirtieth day after the date of publication of this proclamation in the *Federal Register.*

(9) In order to provide generally for the modifications in the rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under Annex 4.1 of the USPTPA, to provide preferential tariff treatment for certain other goods under the USPTPA, and to make technical and conforming changes in the general notes to the HTS, the HTS is modified as set forth in Annex IV to this proclamation.

(10) The modifications to the HTS made by paragraph (9) of this proclamation shall enter into effect on the date, as announced by the United States Trade Representative in the *Federal Register,* that the conditions set forth in the Agreement have been fulfilled, and shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after that date.

(11) In order to provide generally for the modifications in the rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the CAFTA-DR, to provide preferential tariff treatment for certain other goods under the sterrito., tariffSTst

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES, AS REQUIRED BY THE TRADE FACILITATION AND TRADE ENFORCEMENT ACT

Effective with respect to goods the product of Nepal that are entered, or withdrawn from warehouse for consumption, on or after December 30, 2016 and through December 31, 2025, the Harmonized Tariff Schedule of the United States (HTS) is hereby modified as follows:

1. General note 4 is modified by inserting at the end thereof the following new subdivision (e):

"(e) Notwithstanding the provisions of subdivision (c) of this note, articles provided for in a provision for which a rate of duty of "Free" appears in the "Special" subcolumn followed by the symbol "NP" in parentheses are those designated by the President to be eligible articles for purposes of section 915 of the Trade Facilitation and Trade Enforcement Act of 2015. An article described in this subdivision is eligible for this treatment if–

(i)(1) the article is the growth, product or manufacture of Nepal; and

(2) in the case of a textile or apparel article, Nepal is the country of origin of the article, as determined under section 102.21 of title 19, Code of Federal Regulations (as in effect on February 24, 2016),

(ii) the article is imported directly from Nepal into the customs territory of the United States; and

(iii) the sum of the cost or value of the materials produced in, and the direct costs of processing operations performed in, Nepal or the customs territory of the United States is not less than 35 percent of the appraised value of the article at the time it is entered.

An article shall not be treated as the growth, product or manufacture of Nepal for the purposes of this subdivision by virtue of having merely undergone (A) simple combining or packaging operations, or (B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article. For purposes of subdivision (iii) above, the cost or value of materials produced in, and the direct costs of processing operations performed in, the customs territory of the United States and attributed to the 35 percent requirement under such subdivision may not exceed 15 percent of the appraised value of the article at the time it is entered."

2. The Rates of Duty 1-Special subcolumn for each of the subheadings enumerated in the table below is modified by inserting the symbol "NP," in the parenthetical expression following the "Free" rate of duty in such subcolumn for each such subheading:

4202.11.00	4202.32.80	5701.10.90	6216.00.80
4202.12.21	4202.32.91	5702.31.20	6217.10.85
4202.12.29	4202.32.93	5702.49.20	6301.90.00
4202.12.40	4202.32.99	5702.50.40	6308.00.00
4202.12.60	4202.91.10	5702.50.59	6504.00.90
4202.12.81	4202.91.90	5702.91.30	6505.00.08
4202.12.89	4202.92.08	5702.91.40	6505.00.15
4202.21.60	4202.92.15	5702.92.90	6505.00.20
4202.21.90	4202.92.20	5702.99.15	6505.00.25
4202.22.15	4202.92.31	5703.10.20	6505.00.30
4202.22.40	4202.92.33	5703.10.80	6505.00.40
4202.22.45	4202.92.39	5703.90.00	6506.00.50
4202.22.60	4202.92.45	5705.00.20	6506.00.60
4202.22.70	4202.92.60	6117.10.60	6505.00.80
4202.22.81	4202.92.91	6117.80.85	6505.00.90
4202.22.89	4202.92.93	6214.10.10	6506.99.30
4202.29.50	4202.92.94	6214.10.20	6506.99.60
4202.29.90	4202.92.97	6214.20.00	
4202.31.60	4202.99.90	6214.40.00	
4202.32.40	4203.29.50	6214.90.00	

ANNEX II

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, and before the close of December 31, 2017, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by striking "December 31, 2016," and by inserting in lieu thereof "December 31, 2017".

2. U.S. note 3 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2017" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "466,000".

3. U.S. note 4 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2017" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,304,000".

4. U.S. note 5 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2017" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,534,000".

5. U.S. note 6 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2017" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "131,000".

6. U.S. note 7 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2017" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "707,000".

ANNEX III

MODIFICATIONS TO THE RULES OF ORIGIN FOR THE U.S.-OMAN FREE TRADE AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of Oman, under the terms of general note 31 of the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after February 1, 2017, or the thirtieth day after the date of publication of this proclamation in the Federal Register, general note 31 to the HTS is modified as follows:

1. Tariff Classification Rule (TCR) 2 to chapter 54 is modified by deleting "5402.43.10" and replacing in lieu thereof ""5402.47.10".

2. TCR 1 to chapter 61 is modified by deleting "6101.10" and replacing in lieu thereof "6101.20".

3. TCR 2 to chapter 61 is deleted and the following new TCR is inserted in lieu thereof:

"2. (A) A change to goods of wool or fine animal hair of subheading 6101.90 from any other chapter, except from heading 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(i) the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Oman or the United States, or both; and

(ii) any visible lining material used in the apparel article satisfies the requirements of chapter rule 1 to chapter 61.

(B) A change to any other good of subheading 6101.90 from any other chapter, except from heading 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or heading 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Oman or the United States, or both."

4. TCRs 5 through 7, inclusive, to chapter 61 are deleted and the following new TCRs are inserted in lieu thereof:

"5. A change to tariff items 6103.10.70 or 6103.10.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through

5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn and otherwise assembled in the territory of Oman or the United States, or both.

6. A change to subheading 6103.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(A) the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Oman or the United States, or both; and

(B) any visible lining material used in the apparel article satisfies the requirements of chapter rule 1 to chapter 61."

5. TCR 8 to chapter 61 is modified by deleting "6103.21" and replacing in lieu thereof "6103.22".

6. TCR 13 to chapter 61 is modified by deleting "subheadings 6104.11 through 6104.13" and replacing in lieu thereof "subheading 6104.13".

7. TCR 16 to chapter 61 is modified by deleting "6104.21" and replacing in lieu thereof "6104.22".

8. TCR 12 to chapter 62 is modified by deleting "6203.21" and replacing in lieu thereof "6203.22".

9. TCR 29 to chapter 62 is deleted.

10. TCR 35 to chapter 62 is modified by deleting "6211.31" and replacing in lieu thereof "6211.32".

11. TCR 2 to chapter 63 is modified by deleting "5402.43.10" and replacing in lieu thereof "5402.47.10".

12. The following new heading rule and TCRs to chapter 96 are inserted in numerical sequence:

"**Heading Rule 1**: For purposes of determining the origin of tariff item 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79, or 9619.00.90, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good.

1. A change to tariff item 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, or 9619.00.68, from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Oman or of the United States, or both.

2. A change to tariff items 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79, or 9619.00.90, from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802, or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Oman or of the United States, or both.

3. A change to tariff items 9619.00.21 or 9619.00.25 from any other chapter, except from heading 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, or chapter 54 through 55."

ANNEX IV

MODIFICATIONS TO THE RULES OF ORIGIN FOR THE U.S.-PANAMA TRADE PROMOTION AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of Panama, under the terms of general note 35 of the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after the date announced by the United States Trade Representative and published in the Federal Register, general note 35 to the HTS is modified as follows:

1. Tariff classification rule (TCR) 1 to chapter 3 is modified by deleting "0307" and inserting in lieu thereof "0308".

2. TCR 2 to chapter 15 is deleted and the following new TCR is inserted in lieu thereof:

"2. A change to heading 1511 from any other chapter, except from palm nuts or kernels of subheading 1207.10."

3. TCR 9 to chapter 20 is modified by deleting "2009.80" at each instance and inserting in lieu thereof "2009.89".

4. TCR 12 to chapter 28 is deleted.

5. TCR 16 to chapter 28 is modified by deleting "2851" and inserting in lieu thereof "2853".

6. TCR 5 to chapter 29 is modified by deleting "2918.90" and inserting in lieu thereof "2918.99".

7. TCR 13 to chapter 29 is deleted and the following new TCRs are inserted in lieu thereof:

"13. A change to subheadings 2936.21 through 2936.29 from any other subheading.

13A. (A) A change to unmixed provitamins of subheading 2936.90 from any other good of subheading 2936.90 or from any other subheading; or

(B) A change to any other good of subheading 2936.90 from unmixed provitamins of subheading 2936.90 or from any other subheading.

13B. A change to subheadings 2937.11 through 2939.99 from any other subheading."

8. TCR 1 to chapter 30 is modified by deleting "3001.10" and inserting in lieu thereof "3001.20".

9. TCR 3 to chapter 30 is modified by deleting "3006.80" and inserting in lieu thereof "3006.92".

10. TCR 1 to chapter 33 is modified by deleting "3301.11" and inserting in lieu thereof "3301.12".

11. TCR 5 to chapter 34 is modified by deleting "3404.10" and inserting in lieu thereof "3404.20".

12. TCR 2 to chapter 38 is deleted and the following new TCR is inserted in lieu thereof:

"2. A change to subheadings 3808.50 through 3808.99 from any other subheading provided that not less than 50 percent by weight of the total active ingredient or ingredients is originating."

13. New TCR 5 to chapter 38 is inserted in numerical sequence:

"5. A change to heading 3826 from any other heading."

14. TCR 4 to chapter 39 is deleted and the following new TCR is inserted in lieu thereof:

"4. (A) A change to subheading 3920.10 through 3920.99 from any other subheading; or

(B) A change to vulcanized fiber of subheading 3920.79 from any other good of subheading 3920.79 or from any other subheading; or

(C) No change in tariff classification is required, provided that there is a regional value content of not less than:

(1) 25 percent under the build-up method, or

(2) 30 percent under the build-down method."

15. TCR 17 to chapter 42 is modified by deleting "4204" and inserting in lieu thereof "4205".

16. TCR 7 to chapter 48 is modified by deleting "4818.40" and inserting in lieu thereof "4818.50".

17. TCR 2 to chapter 54 is modified by deleting "5402.43.10" and inserting in lieu thereof "5402.47.10".

18. TCR 1 to chapter 61 is modified by deleting "6101.10" and inserting in lieu thereof "6101.20".

19. TCR 2 to chapter 61 is deleted and the following new TCR is inserted in lieu thereof:

"2. A change to goods of wool or fine animal hair of subheading 6101.90 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that:

(A) the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Panama or the United States, or both, and

(B) any visible lining material contained in the apparel article satisfies the requirements of chapter rule 1 for chapter 61; or

2A. A change to any other good of subheading 6101.90 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Panama or the United States, or both."

20. TCR 6 to chapter 61 is modified by deleting "6103.19.60 or 6103.19.90" and inserting in lieu thereof "6103.10.70 or 6103.10.90".

21. TCR 7 to chapter 61 is modified by deleting "6103.19" and inserting in lieu thereof "6103.10".

22. TCR 8 to chapter 61 is modified by deleting "6103.21" and inserting in lieu thereof "6103.22".

23. TCR 13 to chapter 61 is modified by deleting "subheadings 6104.11 through 6104.13" and inserting in lieu thereof "subheading 6104.13".

24. TCR 16 to chapter 61 is modified by deleting "6104.21" and inserting in lieu thereof "6104.22".

25. TCR 12 to chapter 62 is modified by deleting "6203.21" and inserting in lieu thereof "6203.22".

26. TCR 33 to chapter 62 is deleted and the following new TCR is inserted in lieu thereof:

"33. A change to pajamas and nightwear of subheadings 6207.21 or 6207.22, tariff items 6207.91.3010 or 6207.99.8510, subheadings 6208.21 or 6208.22 or tariff items 6208.91.30, 6208.92.00 or 6208.99.20 from any other chapter, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Panama or of the United States, or both."

27. TCR 38 to chapter 62 is modified by deleting "6211.31" and inserting in lieu thereof "6211.32".

28. TCR 1 to chapter 64 is deleted and the following new TCR is inserted in lieu thereof:

"1. A change to subheading 6401.10 or tariff items 6401.92.90, 6401.99.10, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.70, 6402.91.10, 6402.91.20, 6402.91.26, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.08, 6402.99.16, 6402.99.19, 6402.99.33, 6402.99.80, 6402.99.90, 6404.11.90 or 6404.19.20 from any other heading outside headings 6401 through 6405, except from subheading 6406.10, provided that there is a regional value content of not less than 55 percent under the build-up method."

29. TCR 2 to chapter 65 is deleted and the following new TCR is inserted in lieu thereof:

"2. A change to headings 6504 through 6506 from any other heading, except from headings 6504 through 6507."

30. TCRs 2 through 4, inclusive, to chapter 68 are deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to subheadings 6812.80 through 6812.91from any other subheading.

3. A change to subheadings 6812.92 through 6812.93 from any other subheading outside that group.

4. A change to subheading 6812.99 from any other heading."

31. TCR 11 to chapter 70 is deleted and the following new TCR is inserted in lieu thereof:

"11. A change to headings 7011 through 7018 from any other heading outside that group, except from glass inners for vacuum flasks or other vacuum vessels of heading 7020, or headings 7007 through 7008."

32. TCR 13 to chapter 73 is modified by deleting "7321.83" at each instance and inserting in lieu thereof "7321.89".

33. TCR 2 to chapter 78 is deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to heading 7804 from any other heading.

3. (A) A change to lead bars, rods, profiles or wire of heading 7806 from any other good of heading 7806 or any other heading; or

(B) A change to lead tubes, pipes or tube or pipe fittings of heading 7806 from any other good of heading 7806 or any other heading; or

(C) A change to any other good of heading 7806 from lead bars, rods, profiles, or wire of heading 7806, or from lead tubes, pipes or tube or pipe fittings of heading 7806 or any other heading."

34. TCR 4 to chapter 79 is modified by deleting "7907" and inserting in lieu thereof "7905".

35. The following new TCR for chapter 79 is inserted immediately below TCR 4:

"5. (A) A change to zinc tubes, pipes or tube or pipe fittings of heading 7907 from any other good of heading 7907 or any other heading; or

(B) A change to any other good of heading 7907 from zinc tubes, pipes or tube or pipe fittings of heading 7907 or any other heading."

36. TCRs 2 through 4, inclusive, to chapter 80 are deleted and the following new TCRS are inserted in lieu thereof:

"2. A change to heading 8003 from any other heading.

3. (A) A change to tin plates, sheets or strip, of a thickness exceeding 0.2 mm, of heading 8007 from any other good of heading 8007 or any other heading; or

(B) A change to tin foil, of a thickness not exceeding 0.2 mm, tin powders or flakes of heading 8007 from any other good of heading 8007, except from tin plates, sheets or strip, of a thickness exceeding 0.2 mm of heading 8007, or any other heading; or

(C) A change to tin tubes, pipes and tube or pipe fittings of heading

8007 from any other good of heading 8007 or any other heading; or

(D) A change to any other good of heading 8007 from tin plates, sheets or strip, of thickness exceeding 0.2 mm, tin foil of thickness not exceeding 0.2 mm, tin powders or flakes, tin tubes, pipes or tube or pipe fittings of heading 8007 or any other heading."

37. TCR 2 to chapter 81 is deleted.

38. TCR 3 to chapter 81 is deleted and the following new TCR is inserted in lieu thereof:

"3. A change to subheading 8101.96 from any other subheading, except from bars and rods (other than those obtained simply by sintering), profiles, plates, sheets, strip and foil of subheading 8101.99."

39. TCR 5 to chapter 81 is deleted and the following new TCR is inserted in lieu thereof:

"5. (A) A change to bars, rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading 8101.99 from any other good of subheading 8101.99 or any other subheading; or

(B) A change to any other good of subheading 8101.99 from bars, rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading 8101.99 or any other subheading."

40. TCRs 29 and 30 to chapter 81 are deleted and the following new TCRs are inserted in lieu thereof:

"29. (A) A change to unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92 from any other chapter; or

(B) No change in tariff classification is required for articles of unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92, provided that there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method; or

(C) A change to other goods of subheading 8112.92 from any other chapter.

30. (A) A change to articles of vanadium or germanium of subheading 8112.99 from any other chapter; or

(B) No change in tariff classification is required for articles of germanium or vanadium, provided that there is a regional value content of not less than

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method; or

(C) A change to other goods of subheading 8112.99 from articles of germanium or vanadium of subheading 8112.99 or from any other subheading."

41. TCR 61 to chapter 84 is deleted and the following new TCR is inserted in lieu thereof:

"61. A change to subheading 8442.30 from any other subheading."

42. TCRs 63 through 65, inclusive, to chapter 84 are deleted and the following new TCRs are inserted in lieu thereof:

"63. (A) A change to subheadings 8443.11 through 8443.39 from any other subheading outside that group, except from subheadings 8443.91 through 8443.99; or

(B) A change to subheadings 8443.11 through 8443.39 from subheading 8443.91 through 8443.99, provided that there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method.

64. (A) A change to machines for uses ancillary to printing of subheading 8443.91 from any other good of subheading 8443.91 or from any other subheading except from subheadings 8443.11 through 8443.39; or

(B) A change to any other good of subheading 8443.91 from any other heading.

65. (A) A change to subheading 8443.99 from any other heading; or

(B) No change in tariff classification required, provided that there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method."

43. TCR 76 to chapter 84 is deleted and the following new TCR is inserted in lieu thereof:

"76. A change to subheading 8452.30 from any other subheading."

44. TCRs 91 and 92 to chapter 84 are deleted and the following new TCR is inserted in lieu thereof:

"91. A change to heading 8469 from any other heading."

45. TCR 118 to chapter 84 is deleted and the following new TCR is inserted in lieu thereof:

"118. (A) A change to subheadings 8486.10 through 8486.40 from any other subheading outside that group; or

(B) No change in tariff classification required provided there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method."

46. The following new TCRs to chapter 84 are inserted in numerical sequence:

"119. (A) A change to subheading 8486.90 from any other heading; or

(B) No change of tariff classification required provided there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method.

120. A change to heading 8487 from any other heading."

47. TCR 8 to chapter 85 is modified by deleting "8505.30" and inserting in lieu thereof "8505.20".

48. TCR 9 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"9. (A) A change to electromagnetic lifting heads of subheading 8505.90 from any other subheading, or from any other good of subheading 8505.90; or

(B) A change to any other good of subheading 8505.90 from any other heading."

49. TCR 16 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"16. (A) A change to subheadings 8508.11 through 8508.60 from any other heading; or

(B) A change to subheadings 8508.11 through 8508.60 from any other subheading, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method.

16A. A change to subheading 8508.70 from any other heading.

16B. (A) A change to subheadings 8509.40 through 8509.80 from any other heading; or

(B) A change to subheadings 8509.40 through 8509.80 from any other subheading; whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method."

50. TCR 38 to chapter 85 is modified by deleting "8517.80" and inserting in lieu thereof "8517.69".

51. TCR 39 to chapter 85 is modified by deleting "8517.90" and inserting in lieu thereof "8517.70".

52. TCR 44 to chapter 85 is modified by deleting "8519.10 through 8519.40" and inserting in lieu thereof "8519.20 through 8519.89".

53. TCRs 45 through 56, inclusive, to chapter 85 are deleted, and the following new TCRs are inserted in lieu thereof:

"45. (A) A change to subheadings 8521.10 through 8523.80 from any other subheading; or

(B) A change to recorded media of subheadings 8523.21 through 8523.80 from unrecorded media of subheadings 8523.21 through 8523.80."

46. A change to subheading 8525.50 from any other subheading, except from subheading 8525.60.

47. A change to subheading 8525.60 from any other subheading, except from subheading 8525.50.

48. A change to subheading 8525.80 from any other subheading.

49. A change to subheadings 8526.10 through 8527.99 from any other subheading.

50. A change to subheading 8528.41 from any other subheading.

51. (A) A change to color monitors of subheading 8528.49 from any other good of subheading 8528.49 or from any other subheading, except from subheadings 7011.20, 8540.11 or 8540.91; or

(B) A change to any other good of subheading 8528.49 from any other subheading.

52. A change to subheadings 8528.51 through 8528.71 from any other subheading.

53. A change to subheading 8528.72 from any other subheading, except from subheadings 7011.20, 8528.73, 8540.11 or 8540.91.

54. A change to subheading 8528.73 from any other subheading."

54. TCR 79 to chapter 85 is deleted, and the following new TCR is inserted in lieu thereof:

"79. A change to subheading 8543.10 from any other subheading except from ion implanters for doping semiconductor materials of subheading 8486.20."

55. TCR 81 to chapter 85 is deleted, and the following new TCR is inserted in lieu thereof:

"81. A change to subheading 8543.70 from any other subheading."

56. TCR 87 to chapter 85 is modified by deleting "8544.41" and inserting in lieu thereof "8544.42".

57. TCR 88 to chapter 85 is deleted.

58. TCR 1 to chapter 88 is deleted, and the following new TCRs are inserted in lieu thereof:

"1. (A) A change to gliders or hang gliders of heading 8801 from any other good of heading 8801 or any other heading; or

(B) A change to any other good of heading 88.01 from gliders or hang gliders of heading 8801 or any other heading.

1A. A change to subheading 8802.11 through 8803.90 from any other subheading."

59. TCR 13 to chapter 90 is modified by deleting "9007.11" and inserting in lieu thereof "9007.10".

60. TCR 15 to chapter 90 is modified by deleting "subheadings 9008.10 through 9008.40" and inserting in lieu thereof "subheading 9008.50".

61. TCRs 17 through 21, inclusive, to chapter 90 are deleted.

62. TCR 2 to chapter 91 is deleted.

63. TCRs 1 through 3, inclusive, to chapter 95 are deleted and the following new TCRs are inserted in lieu thereof:

1. A change to heading 9503 from any other heading.

2. (A) A change to headings 9504 through 9508 from any other chapter; or

(B) A change to subheading 9506.31 from subheading 9506.39, whether or not there is also a change from any other chapter, provided that there is a regional value content of not less than:

(1) 35 percent under the build-up method, or

(2) 45 percent under the build-down method."

64. TCR 8 to chapter 96 is modified by deleting "9608.31" and inserting in lieu thereof "9608.30".

65. TCRs 18 and 19 to chapter 96 are deleted, and the following new TCR is inserted in lieu thereof:

"18. A change to heading 9614 from any other heading."

66. The following new heading rules are inserted to chapter 96 immediately below TCR 24 to such chapter:

"**Heading rule 1:** For the purposes of determining the origin of a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the change of tariff classification requirements set out in the rule for that good.

Heading rule 2: Notwithstanding heading rule 1 to this chapter, a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90 containing fabrics of subheading 5806.20 or heading 6002 shall be considered originating only if such fabrics are both formed from yarn and finished in the territory of Panama or of the United States, or both.

Heading rule 3: Notwithstanding heading rule 1 to this chapter, a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90 containing sewing thread of headings 5204, 5401 or 5508 shall be considered originating only if such sewing thread is both formed and finished in the territory of Panama or of the United States, or both."

67. The following new TCR to chapter 96 is inserted in numerical sequence:

"25. (A) A change to sanitary towels (pads) and tampons and similar articles of textile wadding of heading 9619 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311 or chapter 54 through 55; or

(B) A change to a tariff item 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, or 9619.00.68 from any other chapter, except from heading 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516

or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Panama or of the United States, or both; or

(C) A change to a tariff item 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79, or 9619.00.90 from any other chapter, except from heading 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Panama or of the United States, or both; or

(D) A change to any other good of heading 9619 from any other heading."

ANNEX V

MODIFICATIONS TO THE RULES OF ORIGIN FOR THE UNITED STATES – CENTRAL AMERICAN-DOMINICAN REPUBLIC FREE TRADE AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of a party to the Agreement specified in general note 29(a) to the tariff schedule that are entered, or withdrawn from warehouse for consumption, on or after the date announced by the United States Trade Representative and published in the Federal Register, general note 29(n) to the Harmonized Tariff Schedule of the United States is modified as provided herein:

1. TCR 1 to chapter 3 is deleted and the following new TCRs are inserted in lieu thereof:

"1. A change to headings 0301 through 0305 from any other chapter.

2. (A) A change to smoked goods of headings 0306 through 0308 from goods that are not smoked of headings 0306 through 0308; or

(B) A change to any other good of headings 0306 through 0308 from any other chapter."

2. TCR 4 to chapter 9 is deleted and the following new TCR is inserted in lieu thereof:

"4. (A) A change to crushed, ground, or powdered spices put up for retail sale of subheadings 0904.11 through 0910.99 from spices that are not crushed, ground, or powdered of subheadings 0904.11 through 0910.99, or from any other subheading, except from subheadings 0910.11 through 0910.12; or

(B) A change to mixtures of spices or any good of subheading 0904.11 through 0910.99 other than crushed, ground, or powdered spices put up for retail sale from any other subheading, except from subheadings 0910.11 through 0910.12."

3. TCR 8 to chapter 20 is modified by deleting "2005.90" and inserting in lieu thereof "2005.99".

4. TCR 21 to chapter 20 is deleted and the following new TCR is inserted in lieu thereof:

"21. A change to subheadings 2008.93 through 2008.97 from any other chapter, except that cranberries or a mixture that has been prepared by packing (including canning) in water, brine, or natural juices (including processing incidental to packing) shall be treated as originating only if the

fresh good was wholly obtained or produced entirely in the territory of one or more of the parties to the Agreement."

5. TCR 25 to chapter 20 is modified by deleting "2009.80" at each instance and inserting in lieu thereof "2009.89".

6. TCR 16 to chapter 28 is modified by deleting "2811.23" and inserting in lieu thereof "2811.29".

7. TCR 36 to chapter 28 is modified by deleting "2826.11" and inserting in lieu thereof "2826.12".

8. TCR 46 to chapter 28 is deleted.

9. TCR 51 to chapter 28 is deleted.

10. TCR 54 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"54. (A) A change to commercial ammonium carbonate or other ammonium carbonates of subheading 2836.99 from any other subheading; or

(B) A change to bismuth carbonate of subheading 2836.99 from any other subheading, except from subheading 2617.90; or

(C) A change to lead carbonates of subheading 2836.99 from any other subheading, except from heading 2607; or

(D) A change to other goods of subheading 2836.99 from any other subheading, provided that the good classified in subheading 2836.99 results from a chemical reaction."

11. TCR 56 to chapter 28 is deleted.

12. TCR 58 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"58. A change to subheading 2839.90 from any other subheading."

13. TCRs 61 and 62 to chapter 28 are deleted and the following new TCRs are inserted in lieu thereof:

"61. A change to subheading 2841.30 from any other subheading.

62. (A) A change to chromates of zinc or lead of subheading 2841.50 from any other subheading; or

(B) A change to potassium dichromate of subheading 2841.50 from any other good of subheading 2841.50 or any other subheading; or

(C) A change to other chromates, dichromates or peroxochromates of subheading 2841.50 from potassium dichromate of subheading 2841.50 or any other subheading, except from heading 2610."

14. TCR 66 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"66. (A) A change to aluminates of subheading 2841.90 from any other subheading; or

(B) A change to any other good of subheading 2841.90 from aluminates of subheading 2841.90 or from any other subheading, provided that the good classified in subheading 2841.90 results from a chemical reaction."

15. TCR 68 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"68. (A) A change to fulminates, cyanates or thiocyanates of subheading 2842.90 from any other subheading; or

(B) A change to any other good of subheading 2842.90 from any other subheading, provided that the good classified in subheading 2842.90 results from a chemical reaction."

16. TCR 80 to chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"80. A change to heading 2850 from any other heading."

17. New TCRs 81 and 82 to chapter 28 are inserted in numerical sequence:

"81. A change to heading 2852 from any other heading.

82. A change to heading 2853 from any other heading."

18. TCR 10 to chapter 29 is modified by deleting "2903.30" and inserting in lieu thereof "2903.39".

19. TCR 11 to chapter 29 is modified by deleting "2903.41 through 2903.49" and inserting in lieu thereof "2903.71 through 2903.79".

20. TCR 12 to chapter 29 is modified by deleting "2903.51" and inserting in lieu thereof "2903.81".

21. TCR 20 to chapter 29 is deleted.

22. TCR 21 to chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"21. (A) A change to terpineols of subheading 2906.19 from any other good, except from heading 3805; or

(B) A change to any other good of subheading 2906.19 from pine oils of subheading 3805.90 or any other subheading, except from subheading 3301.90 or any other goods of subheading 3805.90."

23. TCR 34 to chapter 29 is modified by deleting "2912.13" and inserting in lieu thereof "2912.12".

24. TCR 39 to chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"31. A change to subheading 2914.22 from any other subheading."

25. TCR 41 to chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"41. (A) A change to camphor of subheading 2914.29 from any other subheading; or

(B) A change to any other good of subheading 2914.29 from any other subheading, except from subheading 3301.90 or 3805.90."

26. TCR 44 to chapter 29 is modified by deleting "2915.35" and inserting in lieu thereof "2915.33".

27. TCR 45 to chapter 29 is deleted and the following new TCRs are inserted in lieu thereof:

"45. A change to subheading 2915.36 from any other subheading, except from subheading 3301.90.

45A. (A) A change to isobutyl acetate or 2-ethoxyethyl acetate of subheading 2915.39 from any other subheading; or

(B) A change to any other good of subheading 2915.39 from any other subheading except from subheading 3301.10."

28. TCR 53 to chapter 29 is modified by deleting "subheading 2918.90" and inserting in lieu thereof "subheadings 2918.91 through 2918.99".

29. TCR 55 to chapter 29 is modified by deleting "2920.10" and inserting in lieu thereof "2920.11".

30. TCR 62 to chapter 29 is modified by deleting "2936.10" and inserting in lieu thereof "2936.21".

31. TCR 63 to chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"63. (A) A change to unmixed provitamins of subheading 2936.90 from any other good of subheading 2936.90 or from any other subheading; or

(B) A change to any other good of subheading 2936.90 from any other subheading, except from subheadings 2936.21 through 2936.29."

32. TCR 1 to chapter 30 is modified by deleting "3001.10" and inserting in lieu thereof "3001.20".

33. TCR 4 to chapter 30 is modified by deleting "subheading 3006.80" and inserting in lieu thereof "subheadings 3006.91 through 3006.92".

34. TCR 2 to subheading 31 is deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to subheadings 3102.10 through 3102.80 from any other subheading.

3. (A) A change to calcium cyanamide of subheading 3102.90 from any other good of subheading 3102.90 or any other subheading; or

(B) A change to any other good of subheading 3102.90 from calcium cyanamide of subheading 3102.90 or any other subheading.

4. A change to subheading 3103.10 from any other subheading.

5. (A) A change to basic slag of subheading 3103.90 from any other good of subheading 3103.90 or any other subheading; or

(B) A change to any other good of subheading 3103.90 from basic slag of subheading 3103.90 or any other subheading.

6. A change to subheadings 3104.20 through 3104.30 from any other subheading.

7. (A) A change to carnallite, sylvite or other crude natural potassium salts of subheading 3104.90 from any other good of subheading 3104.90 or any other subheading; or

(B) A change to any other good of subheading 3104.90 from carnallite, sylvite or other crude natural potassium salts of subheading 3104.90 or any other subheading.

8. A change to subheadings 3105.10 through 3105.90 from any other subheading."

35. TCR 7 to chapter 32 is modified by deleting "3206.43" and inserting in lieu thereof "3206.42".

36. TCR 8 to chapter 32 is deleted and the following new TCR is inserted in lieu thereof:

"8. (A) A change to concentrated dispersions of pigments in plastics materials of subheading 3206.49 from any other chapter; or

(B) A change to pigments or preparations based on cadmium compounds of subheading 3206.49 from any other good, except from pigments or preparations based on hexacyanoferrates of subheading 3206.49 or subheadings 3206.11 through 3206.42; or

(C) A change to pigments or preparations based on hexacyanoferrates of subheading 3206.49 from any other good, except from pigments and preparations based on cadmium compounds of subheading 3206.49 or subheadings 3206.11 through 3206.42; or

(D) A change to any other good of subheading 3206.49 from any other subheading."

37. TCR 1 to chapter 33 is deleted and the following new TCRs are inserted in lieu thereof:

"1. A change to subheadings 3301.12 through 3301.13 from any other subheading.

1A. (A) A change to essential oils of bergamot or lime of subheading 3301.19 from any other good of subheading 3301.19; or

(B) A change to any other good of subheading 3301.19 from essential oils of bergamot or lime of subheading 3301.19 or from any other subheading.

1B. A change to subheadings 3301.24 through 3301.25 from any other subheading.

1C. (A) A change to essential oils of geranium, jasmine, lavender, lavandin or vetiver of subheading 3301.29 from any other good of subheading 3301.29; or

(B) A change to any other good of subheading 3301.29 from essential oils of geranium, of jasmine, of lavender, of lavandin, or of vetiver of subheading 3301.29 or from any other subheading.

1D. A change to subheadings 3301.30 through 3301.90 from any other subheading."

38. TCR 8 to chapter 34 is deleted and the following new TCRs are inserted in lieu thereof:

"8. A change to subheading 3404.20 from any other subheading.

8A. (A) A change to artificial waxes or prepared waxes of chemically modified lignite of subheading 3404.90 from any other good of subheading 3404.90 or from any other subheading; or

(B) A change to any other good of subheading 3404.90 from any other subheading.

8B. A change to subheadings 3405.10 through 3505.90 from any other subheading."

39. TCR 9 to chapter 38 is modified by deleting "3808.10 through 3808.90" and inserting in lieu thereof "3808.50 through 3808.99".

40. TCR 22 to chapter 38 is modified by deleting "subheadings 3824.10 through 3824.20" and inserting in lieu thereof "subheading 3824.10".

41. New TCR 27 to chapter 38 is inserted in numerical sequence:

"27. A change to heading 3826 from any other heading."

42. TCR 13 to chapter 42 is deleted and the following new TCRs are inserted in lieu thereof:

"13. (A) A change to articles of leather or of composition leather, of a kind used in machinery or mechanical appliances or for other technical uses of heading 4205 from any other good of heading 4205 or from any other heading; or

(B) A change to any other good of heading 4205 from articles of leather or of composition leather, of a kind used in machinery or mechanical appliances or for other technical uses of heading 4205 or from any other heading.

14. A change to heading 4206 from any other heading."

43. TCR 7 to chapter 48 is modified by deleting "4818.40" and inserting in lieu thereof "4818.50".

44. TCR 9 to chapter 48 is deleted and the following new TCRs are inserted in lieu thereof:

"9. (A) A change to floor coverings on a base of paper or of paperboard, whether or not cut to size, of subheading 4823.90 from any other good of heading 4823 or any other heading, except from headings 4812 through 4817; or

(B) A change to any other good of heading 4823 from floor coverings on a base of paper or of paperboard, whether or not cut to size, of subheading 4823.90; or

(C) A change to any other good of heading 4823 from any other heading."

45. TCR 2 to chapter 54 is modified by deleting "5402.43.10" and inserting in lieu thereof "5402.47.10".

45. Chapter rule 3 to chapter 61 is deleted and the following new chapter rule 3 is inserted in lieu thereof:

"Chapter rule 3: Notwithstanding chapter rule 2 to this chapter, a good of this chapter, other than a good of subheading 6102.20, tariff item 6102.90.90 (for goods subject to cotton restraints), 6104.13.20, 6104.19.15, 6104.19.60 (for jackets imported as parts of suits), 6104.19.80 (for jackets imported as parts of suits and subject to cotton restraints), 6104.19.80 (for goods subject to man-made fiber restraints), 6104.22.00 (for garments described in heading 6102 or jackets and blazers described in heading 6104), 6104.29.20 (for garments described in heading 6102 or jackets and blazers described in heading 6104, the foregoing subject to cotton restraints), subheading 6104.32, tariff item 6104.39.20 (for goods subject to cotton restraints), 6112.11.00 (for women's or girls' garments

described in headings 6101 or 6102), 6113.00.90 (for coats and jackets of cotton, for women or girls) or 6117.90.90 (for coats and jackets of cotton), containing fabrics of subheading 5806.20 or heading 6002 shall be considered originating only if such fabrics are both formed from yarn and finished in the territory of one or more of the parties to the Agreement."

46. Chapter rule 4 to chapter 61 is deleted and the following new chapter rule 4 is inserted in lieu thereof:

> **"Chapter rule 4**: Notwithstanding chapter rule 2 to this chapter, a good of this chapter, other than a good of subheading 6102.20, tariff item 6102.90.90 (for goods subject to cotton restraints), 6104.13.20, 6104.19.15, 6104.19.60 (for jackets imported as parts of suits), 6104.19.80 (for jackets imported as parts of suits and subject to cotton restraints or for goods subject to man-made fiber restraints), 6104.22.00 (for garments described in heading 6102 or jackets and blazers described in heading 6104), 6104.29.20 (for garments described in heading 6102 or jackets and blazers described in heading 6104, the foregoing subject to cotton restraints), subheading 6104.32, tariff item 6104.39.20 (for goods subject to cotton restraints), 6112.11.00 (for women's or girls' garments described in headings 6101 or 6102), 6113.00.90 (for coats and jackets of cotton, for women or girls) or 6117.90.90 (for coats and jackets of cotton), containing sewing thread of heading 5204, 5401 or 5508 or yarn of heading 5402 used as sewing thread, shall be considered originating only if such sewing thread or yarn is both formed and finished in the territory of one or more of the parties to the Agreement."

47. Chapter rule 5 to chapter 61 is modified by deleting "6104.12.00 (for jackets imported as parts of suits), 6104.13.20, 6104.19.15, 6104.19.80 (for jackets imported as parts of suits and subject to cotton restraints or for goods subject to man-made fiber restraints)" and inserting in lieu thereof "6104.13.20, 6104.19.15, 6104.19.60 (for jackets imported as parts of suits), 6104.19.80 (for jackets imported as parts of suits and subject to cotton restraints or for goods subject to man-made fiber restraints)".

48. TCR 1 to chapter 61 is modified by deleting "6101.10" and inserting in lieu thereof "6101.20".

49. TCR 2 to chapter 61 is deleted and the following new TCR is inserted in lieu thereof:

> "2. (A) A change to goods of wool or fine animal hair of subheading 6101.90 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that:
>
> (i) the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement, and

(ii) any visible lining material contained in the apparel article must satisfy the requirements of chapter rule 1 for chapter 61; or

(B) A change to any other good of subheading 6101.90 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement.

50. TCR 5 to chapter 61 is deleted and the following new TCR is inserted in lieu thereof:

"5. (A) A change to tariff items 6103.10.70 or 6103.10.90 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement.

(B) A change to any other tariff item of subheading 6103.10 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, heading 5508 through 5516 or 6001 through 6006, provided that:

(1) the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement, and

(2) any visible lining material contained in the apparel article must satisfy the requirements of chapter rule 1 for chapter 61."

51. TCRs 6 and 7 to chapter 61 are deleted.

52. TCR 8 to chapter 61 is modified by deleting "6103.21" and inserting in lieu thereof "6103.22".

53. TCRs 13, 13A, and 13B to chapter 61 are deleted.

54. TCR 14A to chapter 61 is modified by deleting "6104.19.15 or 6104.19.80" and inserting in lieu thereof "6104.19.15, 6104.19.60 or 6104.19.80".

55. TCR 16 to chapter 61 is deleted.

56. Chapter rule 1 to chapter 62 is modified by deleting "6211.41" and inserting in lieu thereof "6211.49".

57. Chapter rule 3 to chapter 62 is modified (a) in subdivision (a) of such chapter rule, by deleting "6202.91.20" and inserting in lieu thereof "6202.91.15 or 6202.91.60"; deleting "6202.92.15" and inserting in numerical sequence"6202.92.05," and "6202.92.30,"; deleting "6202.92.20" and inserting in lieu thereof "6202.92.12or 6202.92.90"; deleting 6202.99.90 and inserting in numerical sequence "6202.99.15," and "6202.99.80,"; deleting "6210.50.90" and inserting in numerical sequence "6210.50.22," and "6210.50.80,"; deleting "6211.41.00" and inserting in numerical sequence "6211.49.15," and 6211.49.60," "; deleting "6211.42.00" and inserting in lieu thereof "6211.42.05 or 6211.42.10"; and (b) in subdivision (b) of such chapter rule, by deleting "6211.41" and inserting in lieu thereof "6211.49".

58. Chapter rule 4 to chapter 62 is modified (a) in subdivision (a) of such chapter rule, by deleting "6202.91.20" and inserting in lieu thereof "6202.91.15 or 6202.91.60"; deleting "6202.92.15" and inserting in numerical sequence "6202.92.05," and "6202.92.30,"; deleting "6202.92.20" and inserting in lieu thereof "6202.92.12 or 6202.92.90"; deleting "6202.99.90" and inserting in numerical sequence "6202.99.15," and "6202.99.80,"; deleting "6210.50.90" and inserting in numerical sequence "6210.50.22," and "6210.50.80,"; deleting "6211.41.00" and inserting in lieu thereof "6211.49.15 or 6211.49.60" ; deleting "6211.42.00" and inserting in lieu thereof "6211.42.05 or 6211.42.10"; " and (b) in subdivision (b) of such chapter rule, by deleting "6211.41" and inserting in lieu thereof "6211.49".

59. Chapter rule 5 to chapter 62 is modified (a) in subdivision (a) of such chapter rule, by deleting "6202.91.20" and inserting in lieu thereof "6202.91.15 or 6202.91.60"; deleting "6202.92.15" and inserting in numerical sequence "6202.92.05," and "6202.92.30,"; deleting "6202.92.20" and inserting in lieu thereof "6202.92.12 or 6202.92.90"; deleting 6202.99.90 and inserting in numerical sequence "6202.99.15," and "6202.99.80,"; deleting "6210.50.90" and inserting in numerical sequence "6210.50.22," and "6210.50.80,"; deleting "6211.41.00" and inserting in lieu thereof " 6211.49.15 or 6211.49.60"; deleting "6211.42.00" and inserting in lieu thereof "6211.42.05 or 6211.42.10"; and (b) in subdivision (b) of such chapter rule, by deleting "6211.41" and inserting in lieu thereof "6211.49".

60. TCR 7 to chapter 62 is modified by deleting "6202.91.20" and inserting in lieu thereof "6202.91.15 or 6202.91.60".

61. TCR 7B to chapter 62 is modified by deleting "6202.92.15 or 6202.92.20" and inserting in lieu thereof "6202.92.05, 6202.92.12, 6202.92.30 or 6202.92.90".

62. TCR 8 to chapter 62 is modified by deleting "6202.99.90" and inserting in lieu thereof "6202.99.15 or 6202.99.80".

63. TCR 11 to chapter 62 is modified by deleting "6203.21" and inserting in lieu thereof "6203.22".

64. TCR 30 to chapter 62 is deleted.

65. TCR 33 to chapter 62 is modified by deleting "6207.92.40" and inserting in lieu thereof "6207.99.85".

66. TCR 38 to chapter 62 is modified by deleting "6211.31" and inserting in lieu thereof "6211.32".

67. TCRs 38A and 38B to chapter 62 are deleted.

68. TCR 38E to chapter 62 is deleted and the following new TCRs are inserted in lieu thereof:

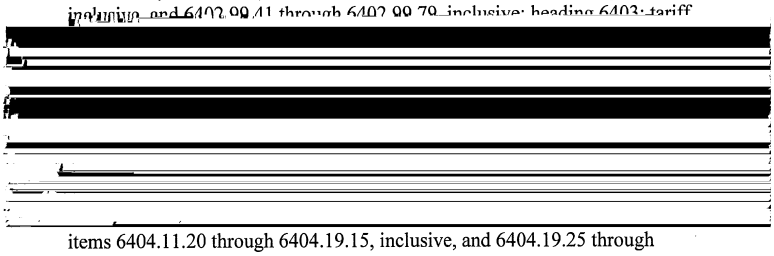
"38E. A change to tariff item 6211.49.41 (for jackets and jacket-type garments excluded from heading 6202) from any other chapter, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the Parties.

38F. A change to any other tariff item of subheadings 6211.43 through 6211.49 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement."

69. TCR 2 to chapter 63 is modified by deleting "5402.43.10" and inserting in lieu thereof "5402.47.10".

70. Chapter rule 1 to chapter 64 is modified by deleting the text following "6402.12.00 through" and inserting in lieu thereof the following:

"6402.91.05, inclusive, 6402.91.16, 6402.91.30, 6402.91.40, 6402.91.60, 6402.91.70, 6402.99.04, 6402.99.12, 6402.99.21, 6402.99.23 through 6402.99.31, inclusive, and 6402.99.41 through 6402.99.79, inclusive; heading 6403; tariff



items 6404.11.20 through 6404.19.15, inclusive, and 6404.19.25 through 6404.20.60, inclusive; and headings 6405 and 6406."

6404.19.20 from any other heading outside headings 6401 through 6405, except from subheading 6406.10, provided that there is a regional value content of not less than 55 percent under the build-up method."

72. TCR 2 to chapter 65 is modified by deleting "6503" at each instance and inserting in lieu thereof "6504".

73. TCRs 2 through 4, inclusive, to chapter 68 are deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to subheading 6812.80 from any other subheading.

3. A change to subheading 6812.91 from any other subheading.

4. A change to subheading 6812.92 through 6812.93 from any other subheading outside that group.

4A. A change to subheading 6812.99 from any other heading.

74. TCR 8 to chapter 70 is deleted and the following new TCR is inserted in lieu thereof:

"8. A change to headings 7009 through 7018 from any other heading outside that group, except from headings 7007 through 7008 or glass inners for vacuum flasks or other vacuum vessels of heading 7020."

75. TCR 13 to chapter 73 is modified by deleting "7321.83" at each instance and inserting in lieu thereof "7321.89".

76. TCR 2 to chapter 78 is deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to heading 7804 from any other heading.

3. (A) A change to lead bars, rods, profiles and wire of heading 7806 from any other good of heading 7806 or any other heading; or

(B) A change to lead tubes or pipes of heading 7806 and fittings for tubes or pipes (for example, couplings, elbows, sleeves) of heading 7806 from any other good of heading 7806 or from any other heading; or

(C) A change to any other good of heading 7806 from lead bars, rods, profiles, wire and pipes of heading 7806; or from fittings for tubes or pipes (for example, couplings, elbows, sleeves) of heading 7806 or any other heading."

77. TCR 4 to chapter 79 is deleted and the following new TCRs are inserted in lieu thereof:

"4. A change to headings 7904 through 7905 from any other heading.

5. (A) A change to zinc tubes of heading 7907, or pipes and fittings for tubes or pipes (for example, couplings, elbows, sleeves) of heading 7907, from any other good of heading 7907 or from any other heading; or

(B) A change to any other good of heading 7907 from zinc tubes or pipes of heading 7907; or fittings for tubes or pipes (for example, couplings, elbows, sleeves) of heading 7907 or any other heading."

78. TCRs 2 through 4, inclusive, to chapter 80 are deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to heading 8003 from any other heading.

3. (A) A change to heading 8007 from any other heading; or

(B) A change to plates, sheets and strip, of a thickness exceeding 0.2 mm, of heading 8007 from any other good of heading 8007; or

(C) A change to tin foil and strip, thin (printed or even fixed on paper, cardboard, plastic or similar supports), of thickness not exceeding 0.2 mm (without including the support); or to tin powders and flakes of heading 8007 from any other good of heading 8007, except from plates, sheets and strip, of a thickness exceeding 0.2 mm, of heading 8007; or

(D) A change to tin tubes or pipes and fittings for tubes and pipes (for example, couplings, elbows, sleeves) of heading 8007 from any other good of heading 8007."

79. TCRs 2 and 3 to chapter 81 are deleted and the following new TCR is inserted in lieu thereof:

"2. A change to subheading 8101.96 from any other subheading, except from bars, rods, profiles, plates, sheets and strip of subheading 8101.99."

80. TCR 5 to chapter 81 is deleted and the following new TCR is inserted in lieu thereof:

"5. (A) A change to bars or rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading

8101.99 from any other good of subheading 8101.99 or any other subheading; or

(B) A change to any other good of subheading 8109.99 from bars or rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading 8101.99 or any other subheading."

81. TCRs 35 and 36 to chapter 81 are deleted and the following new TCRs are inserted in lieu thereof:

"35. (A) A change to unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92 from any other chapter; or

(B) No change in tariff classification is required for articles of unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to other goods of subheading 8112.92 from any other chapter.

36. (A) A change to articles of vanadium or germanium of subheading 8112.99 from any other chapter; or

(B) No change in tariff classification is required for articles of germanium or vanadium, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to other goods of subheading 8112.99 from articles of germanium or vanadium of subheading 8112.99 or from any other subheading."

82. TCR 69 to chapter 84 is deleted and the following new TCR is inserted in lieu thereof:

"69. A change to subheading 8442.30 from any other subheading."

83. TCRs 71 through 73, inclusive, to chapter 84 are deleted and the following new TCRs are inserted in lieu thereof:

"71. (A) A change to subheading 8443.11 through 8443.19 from any other subheading outside that group, except from machines for uses ancillary to printing of subheading 8443.91; or

(B) A change to subheading 8443.11 through 8443.19 from machines for uses ancillary to printing of subheading 8443.91, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

72. A change to subheading 8443.31 from any other subheading.

73. (A) A change to subheading 8443.32 from any other subheading, except from machines for uses ancillary to printing of subheading 8443.91; or

(B) A change to subheading 8443.32 from machines for uses ancillary to printing of subheading 8443.91, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

73A. A change to subheading 8443.39 from any other subheading.

73B. (A) A change to machines for uses ancillary to printing of subheading 8443.91 from any other good of subheading 8443.91 or from any other subheading, except from subheadings 8443.11 through 8443.39; or

(B) A change to any other good of subheading 8443.91 from any other heading.

73C. (A) A change to subheading 8443.99 from any other subheading; or

(B) No change in tariff classification required, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

84. TCRs 84 and 85 to chapter 84 are deleted and the following new TCRs are inserted in lieu thereof:

"84. A change to subheading 8452.30 from any other subheading.

85. (A) A change to furniture, bases and covers for sewing machines and parts thereof of subheading 8452.90 from any other good of subheading 8452.90 or from any other subheading; or

(B) A change to any other good of subheading 8452.90 from any other heading."

85. TCRs 99 and 100 to chapter 84 are deleted and the following new TCR is inserted in lieu thereof:

"99. A change to heading 8469 from any other heading."

86. TCR 128 to chapter 84 is deleted and the following new TCRs are inserted in lieu thereof:

"128. (A) A change to subheading 8486.10 from any other subheading; or

(B) No change in tariff classification required provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

129. (A) A change to subheading 8486.20 from any other subheading, except from particle accelerators of subheading 8543.10; or

(B) No change in tariff classification required, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

130. (A) A change to subheading 8486.30 through 8486.40 from any other subheading; or

(B) No change in tariff classification required, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

131. (A) A change to subheading 8486.90 from any other heading; or

(B) No change of tariff classification required, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

132. A change to heading 8487 from any other heading."

87. TCR 8 to chapter 85 is modified by deleting "8505.30" and inserting in lieu thereof "8505.20".

88. TCR 9 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"9. (A) A change to electromagnetic lifting heads of subheading 8505.90 from any other subheading, or from any other good of subheading 8505.90; or

(B) A change to any other good of subheading 8505.90 from any other heading."

89. The following new TCRs to chapter 85 are inserted in numerical sequence:

"15A. (A) A change to subheadings 8508.11 through 8508.60 from any other heading; or

(B) A change to subheadings 8508.11 through 8508.60 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

15B. A change to subheading 8508.70 from any other heading."

90. TCR 16 to chapter 85 is modified by deleting "8509.10" at each instance and inserting in lieu thereof "8509.40".

91. TCR 38 to chapter 85 is modified by deleting "8517.80" and inserting in lieu thereof "8517.69".

92. TCR 39 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"39. (A) A change to parts of electrical apparatus for telephony or telegraphy or parts of videophones of subheading 8517.70 from any other subheading; or

(B) No change in tariff classification is required to parts of electrical apparatus for telephony or telegraphy or parts of videophones of subheading 8517.70 provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to any other good of subheading 8517.70 from any other subheading."

93. TCR 44 to chapter 85 is modified by deleting "8519.10 through 8519.40" and inserting in lieu thereof "8519.20 through 8519.89".

94. TCRs 45 and 46 to chapter 85 are deleted.

95. TCR 51 to chapter 85 is deleted and the following new TCRs are inserted in lieu thereof:

"51. A change to subheadings 8522.10 through 8522.90 from any other subheading.

51A. (A) A change to subheadings 8523.21 through 8523.80 from any other subheading; or

(B) A change to recorded media of subheadings 8523.21 through 8523.80 from unrecorded media of subheadings 8523.21 through 8523.80."

96. TCRs 52 and 53 to chapter 85 are deleted and the following new TCRs are inserted in lieu thereof:

"52. A change to subheading 8525.50 from any other subheading, except from subheading 8525.60.

53. A change to subheading 8525.60 from any other subheading, except from subheading 8525.50.

53A. A change to subheading 8525.80 from any other subheading."

97. TCR 55 to chapter 85 is modified by deleting "8527.90" and inserting in lieu thereof "8527.99".

98. TCRs 56 through 59, inclusive, to chapter 85 are deleted and the following new TCRs are inserted in lieu thereof:

"56. A change to subheading 8528.41 from any other subheading.

57. (A) A change to color video monitors of subheading 8528.49 from any other good of subheading 8528.49 or from any other subheading, except from subheadings 7011.20, 8540.11 or 8540.91; or

(B) A change to any other good of subheading 8528.49 from any other subheading.

58. A change to subheading 8528.51 from any other subheading.

59. A change to subheading 8528.59 from any other subheading.

59A. A change to subheading 8528.61 from any other subheading.

59B. A change to subheading 8528.69 from any other subheading.

59C. A change to subheading 8528.71 from any other subheading.

59D. A change to subheading 8528.72 from any other subheading, except from subheading 7011.20, 8540.11 or 8540.91.

59E. A change to subheading 8528.73 from any other subheading."

99. TCR 81 to chapter 85 is modified by deleting "semiconductor devices, integrated circuits, or microassemblies" and inserting in lieu thereof "semiconductor devices or integrated circuits".

100. TCR 82 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"82. A change to subheading 8543.10 from any other subheading, except from ion implanters for doping semiconductor materials of subheading 8486.20."

101. TCR 84 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"84. A change to subheading 8543.70 from any other subheading."

102. TCR 85 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"85. (A) A change to subheading 8543.90 from any other heading; or

(B) A change to electronic microassemblies of subheading 8543.90 from any other subheading; or

(C) No change in tariff classification to electronic microassemblies of subheading 8543.90 is required, provided there is a regional value content of not less than:

(i) 30 percent when the build-up method is used, or

(ii) 35 percent when the build-down method is used."

103. TCR 90 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"90. (A) A change to electric conductors, for a voltage exceeding 80 V but not exceeding 1000 V fitted with connectors, from any other heading; or

(B) A change to any other good of subheading 8544.42 from electric conductors, for a voltage exceeding 80 V but not exceeding 1000 V fitted with connectors, or from any other subheading, provided there is also a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

104. TCR 91 to chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"91. (A) A change to electric conductors, for a voltage exceeding 80 V but not exceeding 1000 V not fitted with connectors, from any other heading; or

(B) A change to any other good of subheading 8544.49 from electric conductors, for a voltage exceeding 80 V but not exceeding 1000 V not fitted with connectors, or from any other subheading, provided there is also a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

105. TCR 1 to chapter 88 is deleted and the following new TCR is inserted in lieu thereof:

"1. (A) A change to gliders and hang gliders of heading 8801 from any other good of heading 8801 or any other heading; or

(B) A change to any other good of heading 8801 from gliders and hang gliders of heading 8801 or any other heading.

1A. A change to subheading 8802.11 through 8803.90 from any other subheading."

106. TCR 21 to chapter 90 is modified by deleting "9007.11" at each instance and inserting in lieu thereof "9007.10".

107. TCR 23 to chapter 90 is deleted.

108. TCR 24 to chapter 90 is modified by deleting "subheadings 9008.20 through 9008.40" at each instance and inserting in lieu thereof "subheading 9008.50".

109. TCRs 26 through 30, inclusive, to chapter 90 are deleted.

110. TCR 32 to chapter 90 is modified by deleting "subheadings 9010.41 through 9010.50" at each instance and inserting in lieu thereof "subheading 9010.50".

111. TCRs 1 through 3, inclusive, to chapter 95 are deleted and the following new TCRs are inserted in lieu thereof:

"1. (A) A change to heading 9503 from any other chapter; or

(B) A change to dolls representing only human beings of heading 9503 from any other heading.

2. A change to subheadings 9504.20 through 9506.29 from any other chapter.

3. A change to subheading 9506.31 from subheading 9506.39, whether or not there is a change from another chapter, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

4. A change to subheadings 9506.32 through 9508.90 from any other chapter."

112. TCRs 18 and 19 to chapter 96 are deleted and the following new TCRs are inserted in lieu thereof:

"18. A change to heading 9614 from any other heading."

113. The following new heading rules are inserted to chapter 96 immediately below TCR 24 to such chapter:

"**Heading rule 1:** For the purposes of determining the origin of a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the change of tariff classification requirements set out in the rule for that good.

Heading rule 2: Notwithstanding heading rule 1 to this chapter, a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90, containing fabrics of subheading 5806.20 or heading 6002 shall be considered originating only if such fabrics are both formed from yarn and finished in the territory of one or more of the parties to the Agreement.

Heading rule 3: Notwithstanding heading rule 1 to this chapter, a good of tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64, 9619.00.68, 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90, containing sewing thread of headings 5204, 5401 or 5508 or yarn of heading 5402 used as sewing thread, shall be considered originating only if such sewing thread is both formed and finished in the territory of one or more of the parties to the Agreement."

114. The following new TCR to chapter 96 is inserted in numerical sequence:

"25. (A) A change to sanitary towels (pads) and tampons and similar articles of textile wadding of heading 9619 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311 or chapter 54 through 55; or

(B) A change to a tariff items 9619.00.31, 9619.00.41, 9619.00.43, 9619.00.46, 9619.00.61, 9619.00.64 or 9619.00.68 from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement; or

(C) A change to a tariff items 9619.00.33, 9619.00.48, 9619.00.71, 9619.00.74, 9619.00.78, 9619.00.79 or 9619.00.90, from any other chapter, except from headings 5111 through 5113, 5204 through 5212, 5310 through 5311, chapter 54, headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement; or

(D) A change to any other good of heading 9619 from any other heading."

Proclamation 9556 of December 16, 2016

Returning the Flag of the United States to Full-Staff

By the President of the United States of America
A Proclamation

By the authority vested in me by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at full-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions beginning at sunset, December 17, 2016. I also direct that the flag shall be flown at full-staff on such day at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9557 of December 16, 2016

Wright Brothers Day, 2016

By the President of the United States of America
A Proclamation

On December 17, 1903, two brothers from Dayton, Ohio successfully flew the world's first powered aircraft. The plane remained airborne for only 12 seconds, but Orville and Wilbur Wright's innovative legacy has endured for generations—unleashing unparalleled possibilities and forever transforming our way of life. On Wright Brothers Day, we celebrate the determination and ingenuity that drove their pursuit and recommit to shaping the future through our ideas and discoveries.

As self-taught mechanics, the Wright brothers devoted years to research and experimentation before taking their talents and creativity to the strong winds above Kitty Hawk, North Carolina, where they completed the monumental first flight. Their mother, Susan, spent considerable time in her youth designing and building mechanical appliances; she guided her children whenever she could and always encouraged them to chase their curiosities. As Orville and Wilbur grew, they followed their entrepreneurial instincts, launching a newspaper and later opening a bicycle shop to sell their designs. Their resilience through early failed attempts at flight, and their resolve to dream big in the face of that which had never been done before, still serves as an inspiration.

Our capacity to harness new inventions and technologies to tackle our greatest challenges has allowed our Nation to lead the world in innovation. From sending people into the skies and outer space to finding ways to instantly communicate with others across the globe, the cre-

ativity inherent in our DNA and our commitment to science have sparked our progress and set us apart. The same American spirit of innovation that led the Wright brothers to test their theories again and again—finding ways to make things work and then make them even better—is still reflected in the imagination and tenacity that move inventors and explorers to push the frontiers of what is known and achieve groundbreaking feats that were once unimaginable.

In upholding this legacy, we must resolve to help all young Americans understand that they can have a place in advancing science and technology—regardless of their race, gender, or circumstances. Brilliant ideas can come from anyone and anywhere, and it is our obligation to increase the availability of science, technology, engineering, and math (STEM) training and encourage the next generation to pursue STEM careers. This commitment to science and innovation can revitalize our communities and economies and reignite our shared sense of optimism and opportunity.

Today, we reflect on the century of flight the Wright brothers helped make possible. Their story reminds us not just of where we have been, but where we still can go when we foster ingenuity and discovery and refuse to accept the sky as the limit. With the right investments and the perseverance of dreamers and doers who see a challenge and yearn to find a solution, there is nothing we cannot achieve.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day'' and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 17, 2016, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9558 of December 28, 2016

Establishment of the Bears Ears National Monument

By the President of the United States of America

A Proclamation

Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyagatu Nukavachi, Ansh An Lashokdiwe, or ''Bears Ears.'' For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cul-

tural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.

The area's human history is as vibrant and diverse as the ruggedly beautiful landscape. From the earliest occupation, native peoples left traces of their presence. Clovis people hunted among the cliffs and canyons of Cedar Mesa as early as 13,000 years ago, leaving behind tools and projectile points in places like the Lime Ridge Clovis Site, one of the oldest known archaeological sites in Utah. Archaeologists believe that these early people hunted mammoths, ground sloths, and other now-extinct megafauna, a narrative echoed by native creation stories. Hunters and gatherers continued to live in this region in the Archaic Period, with sites dating as far back as 8,500 years ago.

Ancestral Puebloans followed, beginning to occupy the area at least 2,500 years ago, leaving behind items from their daily life such as baskets, pottery, and weapons. These early farmers of Basketmaker II and III and builders of Pueblo I, II, and III left their marks on the land. The remains of single family dwellings, granaries, kivas, towers, and large villages and roads linking them together reveal a complex cultural history. ''Moki steps,'' hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people's ingenuity and perseverance and are still used today to access dwellings along cliff walls. Other, distinct cultures have thrived here as well—the Fremont People, Numic- and Athabaskan-speaking hunter-gatherers, and Utes and Navajos. Resources such as the Doll House Ruin in Dark Canyon Wilderness Area and the Moon House Ruin on Cedar Mesa allow visitors to marvel at artistry and architecture that have withstood thousands of seasons in this harsh climate.

The landscape is a milieu of the accessible and observable together with the inaccessible and hidden. The area's petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists. The Indian Creek area contains spectacular rock art, including hundreds of petroglyphs at Newspaper Rock. Visitors to Bears Ears can also discover more recent rock art left by the Ute, Navajo, and Paiute peoples. It is also the less visible sites, however—those that supported the food gathering, subsistence and ceremony of daily life—that tell the story of the people who lived here. Historic remnants of Native American sheep-herding and farming are scattered throughout the area, and pottery and Navajo hogans record the lifeways of native peoples in the 19th and 20th centuries.

For thousands of years, humans have occupied and stewarded this land. With respect to most of these people, their contribution to the historical record is unknown, but some have played a more public role. Famed Navajo headman K'aayélii was born around 1800 near the twin Bears Ears buttes. His band used the area's remote canyons to elude capture by the U.S. Army and avoid the fate that befell many other Navajo bands: surrender, the Long Walk, and forced relocation to

Bosque Redondo. Another renowned 19th century Navajo leader, ''Hastiin Ch'ihaajin'' Manuelito, was also born near the Bears Ears.

The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.

Euro-Americans first explored the Bears Ears area during the 18th century, and Mormon settlers followed in the late 19th century. The San Juan Mission expedition traversed this rugged country in 1880 on their journey to establish a new settlement in what is now Bluff, Utah. To ease the passage of wagons over the slick rock slopes and through the canyonlands, the settlers smoothed sections of the rock surface and constructed dugways and other features still visible along their route, known as the Hole-in-the-Rock Trail. Cabins, corrals, trails, and carved inscriptions in the rock reveal the lives of ranchers, prospectors, and early archaeologists. Cattle rustlers and other outlaws created a convoluted trail network known as the Outlaw Trail, said to be used by Butch Cassidy and the Sundance Kid. These outlaws took advantage of the area's network of canyons, including the aptly-named Hideout Canyon, to avoid detection.

The area's stunning geology, from sharp pinnacles to broad mesas, labyrinthine canyons to solitary hoodoos, and verdant hanging gardens to bare stone arches and natural bridges, provides vital insights to geologists. In the east, the Abajo Mountains tower, reaching elevations of more than 11,000 feet. A long geologic history is documented in the colorful rock layers visible in the area's canyons.

For long periods over 300 million years ago, these lands were inundated by tropical seas and hosted thriving coral reefs. These seas infused the area's black rock shale with salts as they receded. Later, the lands were bucked upwards multiple times by the Monument Upwarp, and near-volcanoes punched up through the rock, leaving their marks on the landscape without reaching the surface. In the sandstone of Cedar Mesa, fossil evidence has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, in the Late Triassic Period more than 200 million years ago, seasonal monsoons flooded an ancient river system that fed a vast desert here.

The paleontological resources in the Bears Ears area are among the richest and most significant in the United States, and protection of this area will provide important opportunities for further archaeological

and paleontological study. Many sites, such as Arch Canyon, are teeming with fossils, and research conducted in the Bears Ears area is revealing new insights into the transition of vertebrate life from reptiles to mammals and from sea to land. Numerous ray-finned fish fossils from the Permian Period have been discovered, along with other late Paleozoic Era fossils, including giant amphibians, synapsid reptiles, and important plant fossils. Fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles have been found in Indian Creek's Chinle Formation, dating to the Triassic Period, and phytosaur and dinosaur fossils from the same period have been found along Comb Ridge. Paleontologists have identified new species of plant-eating crocodile-like reptiles and mass graves of lumbering sauropods, along with metoposaurus, crocodiles, and other dinosaur fossils. Fossilized trackways of early tetrapods can be seen in the Valley of the Gods and in Indian Creek, where paleontologists have also discovered exceptional examples of fossilized ferns, horsetails, and cycads. The Chinle Formation and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition in the world, crucial to understanding how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. In Pleistocene Epoch sediments, scientists have found traces of mammoths, short-faced bears, ground sloths, primates, and camels.

From earth to sky, the region is unsurpassed in wonders. The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence.

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as ''Nahodishgish,'' or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters. Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia. Ranchers have relied on the forests and grasslands of the region for ages, and hunters come from across the globe for a chance at a bull elk or other big game. Today, ecological restoration through the careful use of wildfire and management of grazing and timber is working to restore and maintain the health of these vital watersheds and grasslands.

The diversity of the soils and microenvironments in the Bears Ears area provide habitat for a wide variety of vegetation. The highest elevations, in the Elk Ridge area of the Manti-La Sal National Forest, contain pockets of ancient Engelmann spruce, ponderosa pine, aspen, and subalpine fir. Mesa tops include pinyon-juniper woodlands along with big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah serviceberry, western chokecherry, hackberry, barberry, cliff rose, and greasewood. Canyons contain diverse vegetation ranging from yucca and cacti such as prickly pear, claret cup, and Whipple's fishhook to mountain mahogany, ponderosa pine, alder, sagebrush, birch, dogwood, and Gambel's oak, along with

occasional stands of aspen. Grasses and herbaceous species such as bluegrass, bluestem, giant ryegrass, ricegrass, needle and thread, yarrow, common mallow, balsamroot, low larkspur, horsetail, and peppergrass also grow here, as well as pinnate spring parsley, Navajo penstemon, Canyonlands lomatium, and the Abajo daisy.

Tucked into winding canyons are vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder. Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species such as Douglas fir. A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area's canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape. Wildflowers such as beardtongue, evening primrose, aster, Indian paintbrush, yellow and purple beeflower, straight bladderpod, Durango tumble mustard, scarlet gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, hedgehog cactus, and columbine, bring bursts of color to the landscape.

The diverse vegetation and topography of the Bears Ears area, in turn, support a variety of wildlife species. Mule deer and elk range on the mesas and near canyon heads, which provide crucial habitat for both species. The Cedar Mesa landscape is home to bighorn sheep which were once abundant but still live in Indian Creek, and in the canyons north of the San Juan River. Small mammals such as desert cottontail, black-tailed jackrabbit, prairie dog, Botta's pocket gopher, white-tailed antelope squirrel, Colorado chipmunk, canyon mouse, deer mouse, pinyon mouse, and desert woodrat, as well as Utah's only population of Abert's tassel-eared squirrels, find shelter and sustenance in the landscape's canyons and uplands. Rare shrews, including a variant of Merriam's shrew and the dwarf shrew can be found in this area.

Carnivores, including badger, coyote, striped skunk, ringtail, gray fox, bobcat, and the occasional mountain lion, all hunt here, while porcupines use their sharp quills and climbing abilities to escape these predators. Oral histories from the Ute describe the historic presence of bison, antelope, and abundant bighorn sheep, which are also depicted in ancient rock art. Black bear pass through the area but are rarely seen, though they are common in the oral histories and legends of this region, including those of the Navajo.

Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog. Even the most sharp-eyed visitors probably will not catch a glimpse of the secretive Utah night lizard. Other reptiles in the area include the sagebrush lizard, eastern fence lizard, tree lizard, side-blotched lizard, plateau striped whiptail, western rattlesnake, night snake, striped whipsnake, and gopher snake.

Raptors such as the golden eagle, peregrine falcon, bald eagle, northern harrier, northern goshawk, red-tailed hawk, ferruginous hawk, American kestrel, flammulated owl, and great horned owl hunt their prey on the mesa tops with deadly speed and accuracy. The largest contig-

uous critical habitat for the threatened Mexican spotted owl is on the Manti-La Sal National Forest. Other bird species found in the area include Merriam's turkey, Williamson's sapsucker, common nighthawk, white-throated swift, ash-throated flycatcher, violet-green swallow, cliff swallow, mourning dove, pinyon jay, sagebrush sparrow, canyon towhee, rock wren, sage thrasher, and the endangered southwestern willow flycatcher.

As the skies darken in the evenings, visitors may catch a glimpse of some the area's at least 15 species of bats, including the big free-tailed bat, pallid bat, Townsend's big-eared bat, spotted bat, and silver-haired bat. Tinajas, rock depressions filled with rainwater, provide habitat for many specialized aquatic species, including pothole beetles and freshwater shrimp. *Eucosma navajoensis*, an endemic moth that has only been described near Valley of the Gods, is unique to this area.

Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. The area contains numerous objects of historic and of scientific interest, and it provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Bears Ears lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.35 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of

entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commis-

sion) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land currently owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. The Secretary of the Interior shall report to the President by January 19, 2017, regarding the potential for such an exchange.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

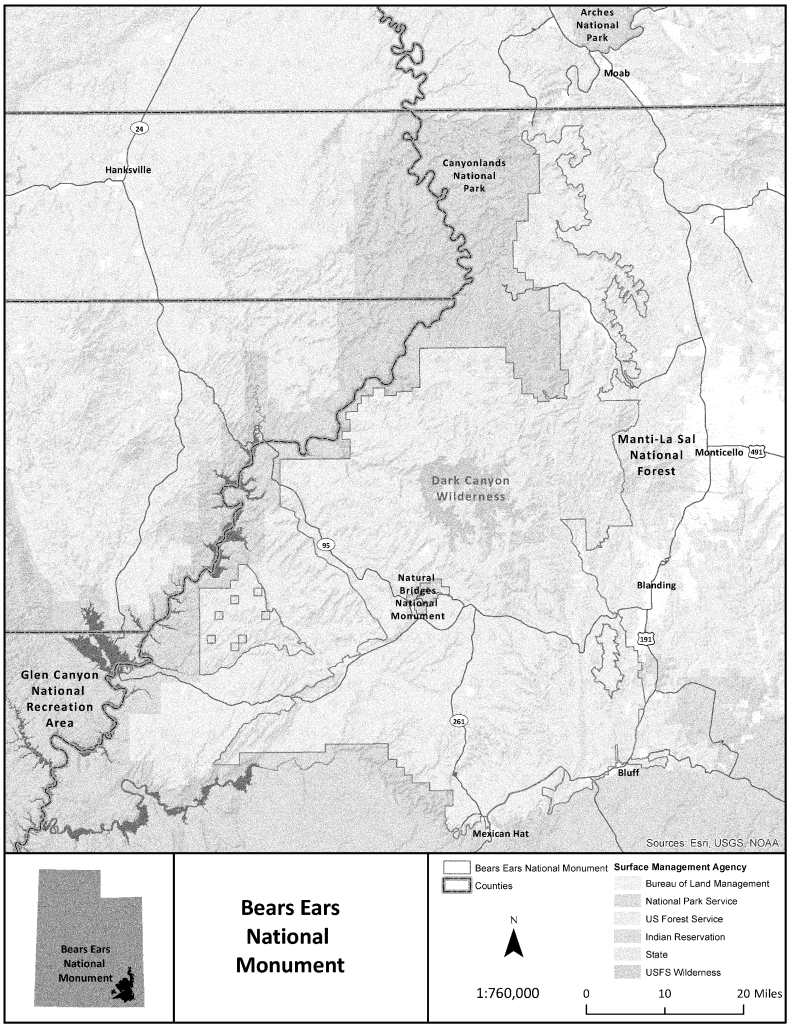
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA



Proclamation 9559 of December 28, 2016

Establishment of the Gold Butte National Monument

By the President of the United States of America
A Proclamation

In southeast Nevada lies a landscape of contrast and transition, where dramatically chiseled red sandstone, twisting canyons, and tree-clad mountains punctuate flat stretches of the Mojave Desert. This remote and rugged desert landscape is known as Gold Butte.

The Gold Butte area contains an extraordinary variety of diverse and irreplaceable scientific, historic, and prehistoric resources, including vital plant and wildlife habitat, significant geological formations, rare fossils, important sites from the history of Native Americans, and remnants of our Western mining and ranching heritage. The landscape reveals a story of thousands of years of human interaction with this harsh environment and provides a rare glimpse into the lives of Nevada's first inhabitants, the rich and varied indigenous cultures that followed, and the eventual arrival of Euro-American settlers. Canyons and intricate rock formations are a stunning backdrop to the area's famously beautiful rock art, and the desert provides critical habitat for the threatened Mojave desert tortoise.

Gold Butte's dynamic environment has provided food and shelter to humans for at least 12,000 years. Remnants of massive agave roasting pits, charred remains of goosefoot and pinyon pine nuts, bone fragments, and projectile points used to hunt big horn sheep and smaller game serve as evidence of the remarkable abilities of indigenous communities to eke out sustenance from this unforgiving landscape. Visitors to Gold Butte can still see ancient rock shelters and hearth remnants concealed in the area's dramatic Aztec Sandstone formations. This brightly hued sandstone is the canvas for the area's spectacular array of rock art, depicting human figures, animals, and swirling abstract designs at locations like the famed Falling Man petroglyph site and Kohta Circus. Pottery sherds and other archaeological artifacts scattered throughout the landscape reveal the area's role as a corridor for the interregional trade of pottery, salt, and rare minerals. These world-renowned archaeological sites and objects are helping scientists to better understand interactions between ancient cultural groups.

By the time Spanish explorers arrived in the region in the late eighteenth century, the Gold Butte area was home to the Southern Paiute people, who to this day, retain a spiritual and cultural connection with the land and use it for traditional purposes such as ceremonies and plant harvesting. Hunters and settlers of European descent followed the explorers, and, by 1865, Mormon pioneers had built settlements in the region.

These newcomers grazed livestock and explored Gold Butte's unique geology in pursuit of mining riches. Their activities left behind historic sites and objects that tell the story of the American West, including the Gold Butte townsite, a mining boomtown established in the early 1900s, but mostly abandoned by 1910. Several building foundations and arrastas—large flat rocks used for crushing ore—remain at the townsite today. Settlers built corrals out of wood or stone, some of which are still standing in the Gold Butte area, including one near the Gold Butte townsite and one at Horse Springs, along the Gold Butte Scenic Byway. In the 1930s, the Civilian Conservation Corps was put to work in the area, leaving behind a variety of historic features including a dam and remnants of a camp in the Whitney Pockets area, in the northeastern region of Gold Butte.

The Gold Butte landscape that visitors experience today is the product of millions of years of heat and pressure as well as the eroding forces of water and wind that molded this vast and surreal desert terrain. Rising up from the Virgin River to an elevation of almost 8,000 feet, the Virgin Mountains delineate the area's northeast corner and provide a stunning backdrop for the rugged gray and red desert of the lower ele-

vations. Faulted carbonate and silicate rock form the ridges and peaks of this range, which are regularly snow-covered in winter and spring, while the southern region of Gold Butte is laced with a series of wide granitic ridges and narrow canyons. These broad landscape features are dotted with fantastical geologic formations, including vividly hued Aztec Sandstone twisted into otherworldly shapes by wind and water, as well as pale, desolate granitic domes. An actively-expanding 1,200 square-meter sinkhole known as the Devil's Throat has been the subject of multiple scientific studies that have enhanced our understanding of sinkhole formation.

The Gold Butte landscape is a mosaic of braided and shallow washes that flow into the Virgin River to the north and directly into Lake Mead on the south and west. Several natural springs provide important water sources for the plants and animals living here. The arid eastern Mojave Desert landscape that dominates the area is characterized by the creosote bush and white bursage vegetative community that covers large, open expanses scattered with low shrubs. Blackbrush scrub, a slow-growing species that can live up to 400 years, is abundant in middle elevations. Both creosote-bursage and blackbrush scrub vegetation communities can take decades or even centuries to recover from disturbances due to the long-lived nature of the plant species in these vegetative communities and the area's low rainfall. These vegetation communities are impacted by human uses, invasive species, wildfires, and changing climates. Gypsum deposits are a distinctive aspect of the Mojave Desert ecosystem and result in soil that contains physical and chemical properties that stress many plants, but also support endemic and rare species. For example, the sticky ringstem, Las Vegas buckwheat, and Las Vegas bearpoppy are unique plants that rely on gypsum soil; the populations in Gold Butte are some of only a handful of isolated populations of these species left in the world. Other rare plants in Gold Butte include the threecorner milkvetch and sticky wild buckwheat, which are sand-dependent species, as well as the Rosy two-tone beardtongue and the Mokiak milkvetch. Scattered stands of Joshua trees, an emblem of the Mojave Desert, dot the landscape along with Mojave yucca, cacti species, and chaparral species, among others.

The often snowcapped peaks of the Virgin Mountains in the northeastern corner of Gold Butte stand in stark contrast to the desolate desert landscapes found elsewhere in the area. Due to their elevation of almost 8,000 feet, these mountains exhibit a transition between ecosystems in the southwest. At the highest points of the Virgin Mountains, visitors can hike through Ponderosa pine and white fir forests, and visit the southernmost stand of Douglas fir in Nevada. In this area, visitors are also treated to a rare sight: the Silver State's only stand of the Arizona cypress. The lower to middle elevations of the area are home to stands of pinyon pine, Utah juniper, sagebrush, and acacia woodlands, along with occasional mesquite stands. By adding structural complexity to a shrub-dominated landscape, these woodlands provide important breeding, foraging, and resting places for a variety of creatures, including birds and insects, and support a number of plant species.

Gold Butte also provides habitat for a number of wildlife species. It has been designated as critical habitat for the Mojave desert tortoise, which is listed as threatened under the Endangered Species Act. These slow-footed symbols of the American Southwest rely on the creosote-bursage

ecosystem that is widespread here. A generally reclusive reptile, the Mojave desert tortoise uses the protective cover of underground burrows to escape extreme desert conditions and as shelter from predators.

Other amphibians and reptiles also make their homes in Gold Butte. For example, once considered extinct and now a candidate species for listing under the Endangered Species Act, the relict leopard frog has been released into spring sites in the area in a collaborative effort by local, State, and Federal entities to help revive this still very small population. The banded Gila monster, the only venomous lizard in the United States, has also been recorded in Gold Butte. Many other reptile species—including the banded gecko, California kingsnake, desert iguana, desert night lizard, glossy snake, Great Basin collared lizard, Mojave green rattlesnake, sidewinder, Sonoran lyre snake, southern desert horned lizard, speckled rattlesnake, western leaf-nosed snake, western long-nosed snake, and western red-tailed skink—also have populations or potential habitats in the area.

The Gold Butte area serves as an effective corridor between Lake Mead and the Virgin Mountains for large mammals, including desert bighorn sheep and mountain lions. Smaller mammals in Gold Butte include white-tailed antelope squirrel, desert kangaroo rat, and the desert pocket mouse. Several species of bat, including the Pallid bat, Allen's big-eared bat, western pipistrelle bat, and the Brazilian free-tailed bat, are also found here, as well as the northern Mojave blue butterfly.

Bald and golden eagles, red-tailed and Cooper's hawks, peregrine falcons, and white-throated swifts soar above Gold Butte. Closer to the ground, one can spot a variety of birds, including the western burrowing owl, common poorwill, Costa's hummingbird, pinyon jay, Bendire's thrasher, Virginia's warbler, Lucy's warbler, black-chinned sparrow, and gray vireo. Migratory birds, including the Calliope hummingbird, gray flycatcher, sage sparrow, lesser nighthawk, ash-throated flycatcher, and the Brewer's sparrow, also make stop-overs in the area. These birds, and a variety of other avian species, use the diversity of habitats in the area to meet many of their seasonal, migratory, or year-round life cycle needs.

In addition to providing homes to modern species of plants and wildlife, the area shows great potential for continued paleontological research, with resources such as recently discovered dinosaur tracks dating back to the Jurassic Period. These fossil trackways were found in Gold Butte's distinctive Aztec Sandstone and also include prints from squirrel-sized reptilian ancestors of mammals.

The protection of the Gold Butte area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the historic and scientific values of this area, and its many objects of historic and of scientific interest, remain for the benefit of all Americans.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to

the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Gold Butte lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Gold Butte National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 296,937 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government subsequently acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument pursuant to applicable legal authorities, which may include the provisions of section 603 of the Federal Land Policy and Management Act (43 U.S.C. 1782) governing the management of wilderness study areas, to protect the objects identified above. Of the approximately 296,937 acres of Federal lands and interests in lands reserved by this proclamation, approximately 285,158 acres are currently managed by the Secretary through the Bureau of Land Management (BLM) and approximately 11,779 are currently managed by the Secretary through the Bureau of Reclamation (BOR). After issuance of this proclamation, the Secretary shall, consistent with applicable legal authorities, transfer administrative jurisdiction of the BOR lands within the boundaries of the monument to the BLM. The Secretary, through the BLM, shall manage lands within the monument that are subject to the administrative jurisdiction of the BLM as a unit of the National Landscape Conservation System.

For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument and shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with State, tribal, and local governments.

The Secretary shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice regarding development of the land use plan and management of the monument.

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads designated as open to such use as of the date of this proclamation, unless the Secretary decides to reroute roads for public safety purposes or to enhance protection of the objects identified above. Non-motorized mechanized vehicle use shall be permitted only on roads and trails, consistent with the care and management of the objects identified above.

Consistent with the care and management of the objects identified above, nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation, maintenance, replacement, modification, or upgrade within the physical authorization boundary of existing flood control, pipeline, and telecommunications facilities, or other water infrastructure, including wildlife water catchments or water district facilities, that are located within the monument. Except as necessary for the care and management of the objects identified above, no new rights-of-way shall be authorized within the monument.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretary shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide for access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Livestock grazing has not been permitted in the monument area since 1998 and the Secretary shall not issue any new grazing permits or leases on lands within the monument.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Nevada, including its jurisdiction and authority with respect to fish and wildlife management, including hunting and fishing.

Nothing in this proclamation shall be construed to preclude the traditional tribal collection of seeds, natural materials, salt, or materials for stone tools in the monument for personal noncommercial use consistent with the care and management of the objects identified above.

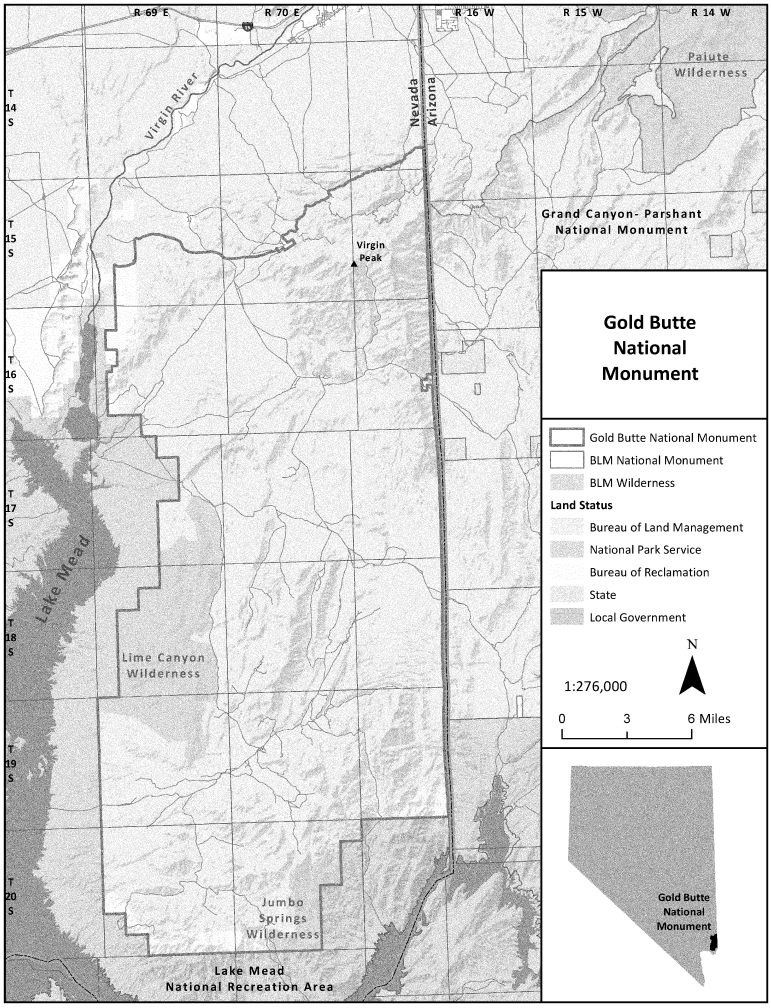
Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above. Nothing in this proclamation shall preclude air or ground access to existing or new electronic tracking communications sites associated with the special use airspace and military training routes, consistent with the care and management of such objects.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA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Proclamation 9560 of December 28, 2016

National Mentoring Month, 2017

By the President of the United States of America
A Proclamation

With every generation, our Nation has expanded the essential idea that no matter who you are or where you come from, America is a place where—with hard work and perseverance—you can make it if you try. Although obstacles and challenges along the way can be discouraging, the mentorship and support of others have always motivated our people to persevere—even in the toughest of times. At the start of each new year, we observe National Mentoring Month to honor the parents, families, teachers, coaches, and mentors who pour their time and their love into lifting up America's daughters and sons.

Nobody succeeds on their own: each young person's strength and resilience is fostered by those who have taught them they can do anything they put their mind to. Whether helping mentees study for a test, learn a new skill, or lift their heads up after a setback, mentors provide them the chance they need to move forward and set their sights even higher. And in helping mentees achieve their goals, mentors can inspire them to reach back and provide the same support to someone else in need of a mentor. To learn how you can mentor others and make a lasting difference, visit www.Serve.gov/Mentor.

In too many communities, many children still have the odds stacked against them, which is why my Administration has striven to increase mentorship opportunities across our country. Among other steps we have taken, we established the My Brother's Keeper initiative, which has inspired private organizations and communities in every State to address opportunity gaps and encourage mentorship as a tool for helping all young people reach their full potential. At the White House, we started our own mentee program and regularly met with local youth to provide leadership and guidance. And our efforts to bring higher education within reach for more Americans and expand apprenticeship initiatives have helped ensure more students can access the educational and career opportunities they need to thrive.

This month, we reflect on the transformative role mentorship can play and acknowledge the many ways that mentors have helped our next generation of leaders and innovators grow. As a Nation, we are stronger when every individual has the opportunity to contribute to our American story. By working to give each person a better chance at success, we can unlock their potential and empower them to serve others in the same way.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2017 as National Mentoring Month. I call upon public officials, business and community leaders, educators, and Americans across the country to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen,

and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9561 of December 28, 2016

National Slavery and Human Trafficking Prevention Month, 2017

By the President of the United States of America

A Proclamation

Our Nation wrestled with the issue of slavery in a way that nearly tore us apart—its fundamental notion in direct contradiction with our founding premise that we are all created equal. The courageous individuals who rejected such cruelty helped us overcome one of the most painful chapters in our history as we worked to realize the promise of equality and justice for all. But today, in too many places around the world—including right here in the United States—the injustice of modern slavery and human trafficking still tears at our social fabric. During National Slavery and Human Trafficking Prevention Month, we resolve to shine a light on every dark corner where human trafficking still threatens the basic rights and freedoms of others.

From factories and brothels to farms and mines, millions of men, women, and children in the United States and around the world are exploited for their bodies and their labor. Whether through violence, deceit, or the promises of a better life, some of the most vulnerable populations among us—including migrants and refugees fleeing conflict or disaster, homeless LGBT youth, Alaska Native and American Indian women and girls, and children in poverty—are preyed upon by human traffickers. In order to rid the world of modern slavery we must do everything in our power to combat these violations of human decency.

The United States has pursued efforts to address these crimes and lift up individuals who have suffered unspeakable abuse at the hands of traffickers. Through the Interagency Task Force to Monitor and Combat Trafficking in Persons, we have joined with the private sector, faith communities, law enforcement, and advocates to coordinate efforts to prevent trafficking and protect victims. Focusing on an agenda that prioritizes victim services, the rule of law, procurement of supplies, and increasing public awareness, the Task Force has strengthened Federal efforts to end human trafficking. In 2012, I issued an Executive Order to strengthen protections against human trafficking in Federal contracting, and nearly a year ago, I signed legislation that strengthened our ability to prevent products made with forced labor, including child labor, from entering American markets.

We must address the consequences of human trafficking and work to tackle its root causes. This past fiscal year, the Department of Health and Human Services and the Department of Justice provided more than $60 million to community-based organizations and task forces to assist human trafficking victims, and since the beginning of my Administration, we have nearly tripled the number of victims connected to serv-

ices. The Department of Homeland Security has also taken steps to streamline immigration procedures for trafficking victims and ensure their regulations are consistent with existing law. And through new Victims of Crime Act regulations, Federal funds can now be used to help human trafficking victims with their housing. Through the White House Council on Women and Girls, we have worked to address the sexual abuse-to-prison pipeline that disproportionately affects those especially vulnerable to sex trafficking—including young women and girls of color. And the U.S. Advisory Council on Human Trafficking—comprised of 11 human trafficking survivors of diverse backgrounds and experiences—recently released its first set of recommendations for combating human trafficking while keeping survivor perspectives in mind.

Every action we take at home, from the clothing we wear to the food we eat, is connected to what happens around the world. As a Nation, we have worked to address the problem of forced labor in our supply chains, and as individuals, we must strive to be conscientious consumers. Working with our friends and allies, we have made this issue an international priority. Just this year we used multilateral fora, including the North American Leaders Summit, the East Asia Summit, and the United Nations, to raise awareness and work with partners around the globe. In addition to urging other countries to develop and expand their anti-trafficking laws and services for victims, we are also stepping up our foreign assistance in this area. Working alongside the international community, we have seen significant increases in trafficking prosecutions and convictions, and we have made great strides in supporting victims.

As leaders in the global undertaking to end the exploitation of human beings for profit, we must always remember that our freedom is bound to the freedom of others. This month, let us find inspiration in America's progress toward justice, opportunity, and prosperity for all and reaffirm our pledge to continue fighting for human rights around the world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2017 as National Slavery and Human Trafficking Prevention Month, culminating in the annual celebration of National Freedom Day on February 1. I call upon businesses, national and community organizations, families, and all Americans to recognize the vital role we must play in ending all forms of slavery and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9562 of December 28, 2016

National Stalking Awareness Month, 2017

By the President of the United States of America
A Proclamation

Every year, stalkers deny too many people the comfort and safety they deserve, violating our basic expectation of dignity and respect for all. Posing risks to both the physical and emotional health of victims, stalking is recognized as a crime across our Nation. This month, we join together in support of victims to raise awareness of this threat and reaffirm the importance of ensuring every person can live free from fear of violence, harassment, and any form of stalking.

Approximately 1 in 6 women and 1 in 19 men will be victims of stalking. Perpetrators of stalking seek power and control by following, harassing, or pursuing victims in unwanted or repeated ways. Stalking can occur digitally—through cell phones and on social media platforms—as well as in person through repeated threats or acts of physical violence. And whether committed by acquaintances, former partners, or strangers, stalking can cause anxiety, depression, and feelings of helplessness, as well as a wide variety of general health and sleeping problems. Stalking victims live with the fear of not knowing what will happen next, and many are often forced to change their daily activities, move to a different location, or take time off from school or work.

Along with combating domestic violence, dating violence, and sexual assault, confronting stalking and supporting victims is an important part of my Administration's efforts to end violence against women. And to ensure that violence against women, including stalking, is never tolerated, Vice President Biden has also led efforts to help change this culture. In 2013, I signed the reauthorization of the Violence Against Women Act, which identifies stalking as a key focus area in which we can improve support for victims. Because of an Executive Order I signed in 2015, victims employed by Federal contractors can now use paid sick leave for absences related to stalking, and in the past year, many Federal agencies have also increased their support for victims as part of ongoing work to address the effects of domestic violence in the workplace. The Department of Housing and Urban Development recently finalized a new rule that strengthens housing protections for stalking victims, helping to secure their basic right to a safe living environment. And through a new Government-wide training tool designed to educate Federal employees on how to recognize and respond to stalking—and how to support colleagues who may be victims—we have worked to enhance policies that support affected employees.

Nobody should ever feel unsafe in their homes and communities, which is why we must work to lift up victims and survivors who know the distress and anxiety of being stalked. Throughout National Stalking Awareness Month, let us reaffirm the value of privacy and security for all as we continue striving to ensure offenders are held accountable. If we pursue such progress and change with the passion and empathy that victims of stalking deserve, we can build a future where all people are free to live out their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2017 as National Stalking Awareness Month. I call upon all Americans to learn the signs of stalking, acknowledge stalking as a serious crime, and urge those affected not to be afraid to speak out or ask for help. Let us also resolve to support victims and survivors, and to create communities that are secure and supportive for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA